

**Planning Commission Meeting**  
**Monday, March 7, 2022 7:00 PM**  
**Crete City Hall**  
**243 E 13th Street**  
**Crete, NE 68333**

**1. Open Meeting**

In accordance with Nebraska law, a copy of the Open Meetings Act can be found in the back of the council chambers. Items listed on the agenda may be considered in any order.

**2. Roll Call**

Attendance of Planning Commission members will be recorded to determine the presence of a quorum for official actions.

**3. Items of Business**

The Planning Commission may take action to hear testimony in favor of or in opposition to, discuss/limit discussion and take action to approve or disapprove a recommendation to the City Council on any matter presented under this title.

3.A. Approve Planning Commission Minutes

3.B. Discuss Comprehensive Plan updates.

3.C. Provide a recommendation to the City Council on amending code sections relating to nonconforming structures and uses.

**4. Officers' Reports**

Reports may be given by Department Heads, other Committees and Commission members concerning current operations of the City. Questions may be asked and answered. No action can be taken by the Planning Commission on matters presented under this title except to answer any question posed and to refer the matter for further action.

**5. Adjournment**

The Planning Commission will review the above matters and take such actions as they deem appropriate. The Planning Commission may enter into closed session to discuss any matter on this agenda when it is determined by the Commission that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of an individual and if such and individual has not requested a public meeting, or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session.

The City of Crete assures that no person shall on the grounds of race, color, national origin, age, disability, handicap or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the City receiving Federal financial assistance. To report discrimination, contact the City Clerk's office.

**Disclaimers & Notices**

- The Council may enter into closed session to discuss any matter on this agenda when it is determined that a closed session is clearly necessary for the protection of the public interest or the prevention of needless injury to the reputation of an individual (if such individual has not requested a public meeting) or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, then immediately prior to the closed session the Mayor shall restate on the record the limitation of the subject matter of the closed session.

- The City of Crete assures that no person shall on the grounds of race, color, national origin, age, disability, handicap or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the City receiving Federal financial assistance. To report discrimination, contact the City Clerk's office.
- The complete agenda with attachments is available at [www.crete.ne.gov](http://www.crete.ne.gov).



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## CRETE PLANNING COMMISSION MEETING

January 24, 2022 at 7:00 PM  
Crete City Hall, 243 East 13<sup>th</sup> Street

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### MINUTES

Notice of the meeting was given by posting and publishing in the Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the board members. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The board may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

#### 1. Open Meeting

#### 2. Roll Call

Scott Kunch:	Absent
Drew Rische:	Absent
Sharon Scusa:	Absent
Anthony Fitzgerald:	Present
Ryan Jindra:	Present
Dave Jurena:	Present
Justin Kozisek:	Present
Jennifer Robison:	Present

Present: 5, Absent: 3.

#### 3. Items of Business

##### 3.A. Approve Planning Commission Minutes

Approve the 11/22/2021 Planning Commission minutes as presented. Carried with a motion by Ryan Jindra and a second by Jennifer Robison.

Anthony Fitzgerald: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Jennifer Robison: Aye

Aye: 5, No: 0

### **3.B. Review 1 Year Street Improvement Plan.**

City Administer Tom Ourada presented and explained 10 potential gap paving projects on the north side of town for the 1 Year Street Improvement Plan. Throughout the presentation, the necessity of each project and the reasoning behind the project were discussed. Ourada also explained that statute changes by the Legislature eliminated the need for the Planning Commission to hold a public hearing on the plans or a recommendation to the City Council, however, the City Council would be interested in the Planning Commission's thoughts on the plans.

Recommend to the City Council to make gap paving projects 1, 2, 3, 5, 6, and 7 as higher priority projects and 4, 8, 9, and 10 as less priority projects. Carried with a motion by Jennifer Robison and a second by Ryan Jindra.

Anthony Fitzgerald: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Jennifer Robison: Aye

Aye: 5, No: 0

### **3.C. Provide a recommendation to the City Council on amending code sections relating to nonconforming structures and uses.**

City Administrator Tom Ourada reviewed the proposed amendments to code sections regarding nonconforming structures and uses. There was much discussion about clarifying what is or is not a nonconforming structure and when said structure could or could not be repaired. It was suggested to table this item until it could be looked into more closely.

Table this item to provide more time to look at the code amendment. Carried with a motion by Ryan Jindra and a second by Jennifer Robison.

Anthony Fitzgerald: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Jennifer Robison: Aye

Aye: 5, No: 0

### **4. Officers' Reports**

City Administrator Tom Ourada reported that a meeting with Ron Sack and Ron Dittmer was scheduled last week to discuss neighborhood design standards but was rescheduled. Ourada suggested having a comprehensive planner involved as an objective third party, but the developers may want some type of action before that can happen.

Ourada has reached out to a planner for a meeting with the Planning Commission about updating the comprehensive plan.

### **5. Adjournment**

Recorded by City Clerk-Treasurer Jerry Wilcox

# SCOPE

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Our approach is focused on document creation through community involvement. While there are standard requirements and best practices to meet in a comprehensive plan, Crete's plan should focus on the city's key challenges and its strengths.

Ultimately, the city's comprehensive plan should be designed and drafted to provide guidance and inspire the community. Many great things set Crete up for continued success, and these should be marketed to new and existing residents. To achieve this our approach is broken down into three core elements:

- Where are we now?
- Where do we want to go?
- How do we get there?

We propose confirming the detailed work program at the start to meet milestones, create expectations, and advance the project on time.

## TASK 1: PUBLIC ENGAGEMENT & AWARENESS CAMPAIGN

Our overriding approach with any planning process is listening: Listening to the desires of residents and making those come to life in a plan residents can own. But we also understand that change is sometimes hard for long-time residents. Therefore, we need to listen to their priorities and then project those into a plan that inspires both them and the next generation.

### PUBLIC ENGAGEMENT PLAN

RDG will develop a Public Engagement Plan with City staff and our graphics design team at the start of the process. This will directly feed into the implementation of the plan. Our team will tailor engagement to meet identified goals for the comprehensive plan and include both on-site and online opportunities, using hybrid approaches as necessary to adapt to fluctuating public health situations.

### PROJECT MANAGEMENT & STEERING COMMITTEE

The day-to-day work of the plan will be completed in close partnership with the City with the understanding that staff has limited capacity. We see the need for bi-weekly meetings with City staff at the beginning of the process, transitioning to an as-needed basis. The coordination meetings with staff (held by video conference) allow the team to plan upcoming events, ensure data

collection, review meeting output, and develop content.

The Steering Committee should bring a broad representation to the planning process and include representation from City Council, the Planning Commission, advisory bodies and economic development along with major employers, human service providers, and even youth. The Steering Committee will meet most months to provide direction, course correction, and review deliverables. The meeting schedule is set at the beginning of the process to establish involvement expectations and allow members to plan schedules accordingly.

### AWARENESS CAMPAIGN

Awareness of the process is continual and ensures new audiences are welcomed and engaged at any point. To do this, the campaign will include many elements that share information and interact with residents. These include:

- **Project Website.** Our team will develop a project website to post updates. This will be through Social Pinpoint which allows us to tailor engagement and branding to Crete. Social Pinpoint includes a traditional landing page and interactive opportunities such as surveys, forums, maps, idea walls, and spending privatizations. Its fun design attracts people to engage and provide meaningful input and feedback

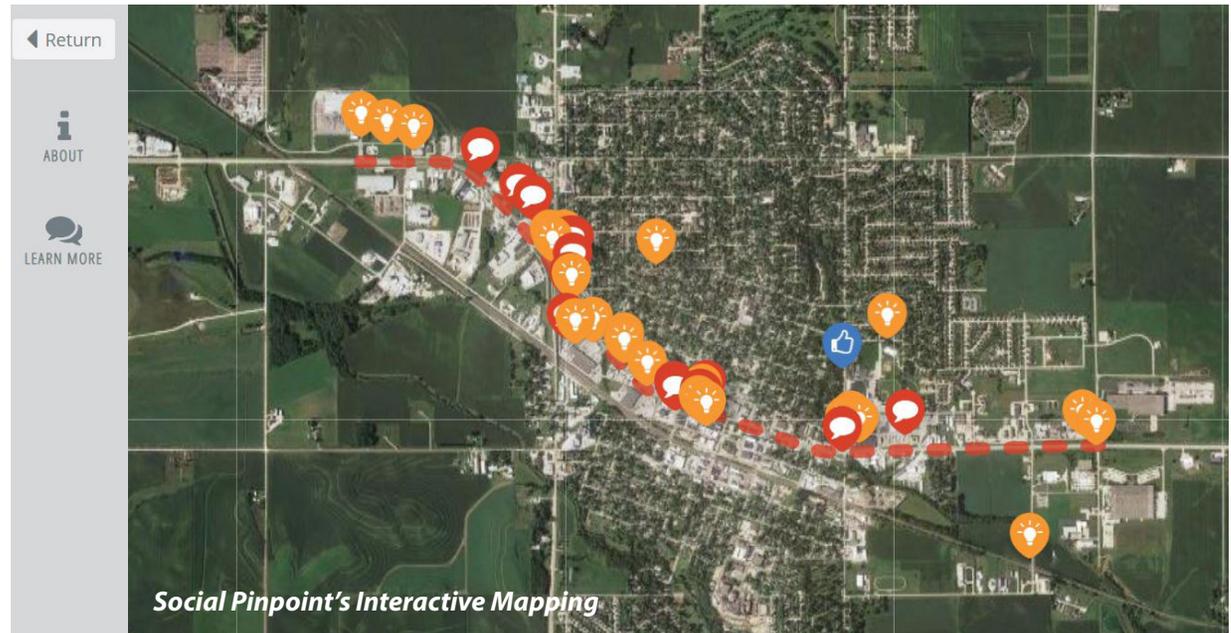


- **Social Media.** The project team will work with the City to schedule and coordinate announcements for social media platforms.
- **Print Material.** Added to this will be traditional print media and promotional materials. This includes fliers, posters, and content for newsletters. Using an established project brand, our team will design, develop, and produce these materials. These materials can also be provided in as many languages as necessary.

## THE PUBLIC ENGAGEMENT ELEMENTS

Our public engagement process is an iterative process that builds on each event to expand understanding, set goals, establish a vision, and create momentum for implementation. These events will be a mix of online and in-person. The following is a description of these events in the order in which they will occur.

- **Survey + Interactive Mapping.** The planning process begins with the development of an online survey or report card. It will explore in further detail the issues and opportunities most important to residents and will be the first soft engagement with the plan.
- **Listening Sessions.** Our team will conduct a two-day program of small group listening sessions to learn more about the community and further explore the opportunities identified in the community survey. Traditionally, these sessions are limited to 10 people each. Some sessions will be offered as Zoom (video conferencing) meetings,



which can allow greater attendance. We will devote several of these sessions to talking with property owners, business owners, development entities doing work surrounding the city, but also youth at the high school and students at the college. Hearing from all perspectives is important to building consensus. We can also bring in translators to engage non-native English speakers.

- **Community Roundtable.** The Community Roundtable offers residents the first larger-scale opportunity to learn more about the importance of the plan and to share insights on the city's opportunities and challenges. We organize participants into small groups and ask them to talk about their goals and aspirations. The results will be posted on the project website to generate further

conversation. On-site translation services can also be provided.

- **Committee Visioning Studio.** Using the information collected from the survey, listening sessions, and community roundtable RDG will work with the committee to identify the goals and priorities that will come to life in the plan elements. This will be a fun and engaging event that will help build excitement for implementation.
- **Committee Land Use Studio.** The first workshop/studio will be conducted with the Steering Committee. During this event, we guide the Committee in developing scenarios for the city's future growth and transportation alternatives. This provides us with an excellent foundation of understanding for the proceeding community workshop.





*Mobile Station for Community Activities*

- **Community Workshop 1.** Our team will advance the ideas heard and developed in the Committee studio to present future land use and transportation alternatives to the public. This is a chance for the public to develop the concepts for further refinement.
- **Community Workshop 2.** Often the first workshop is an opportunity to take a high level view of land use and transportation directions. Out of that specific focus areas may be identified for further attention. In other communities this has include critical community nodes, the downtown, larger redevelopment areas, or community gateways.
- **Plan Elements Polling.** Following the workshops, the plan elements will be developed and presented to staff and Committee over a series of meetings. All

comments from the Committee will be collected for vetting and sharing with RDG. Following review, specific policies and action items will be identified and presented to the public online for feedback.

- **Implementation Workshop.** We will host a workshop with the Committee to review the land use plan, key concepts, and recommendations before the formal approval process begins. The workshop will have an educational and input component.
- **Open House - Celebration.** With a draft comprehensive plan complete, a series of open houses will be held to share results. The open house should be an event that allows people to learn more about the plan, have time with their neighbors, and celebrate the next steps. This means a part of the open house will relate to implementation.

Adjustments to the plan will be made based on discussions with the Committee after the open house.

- **City Council & Planning Commission Briefings and Approval.** With the comprehensive plan process, meetings are built in to provide updates to Council and Commission members and joint meetings where necessary. RDG will present the final plan to the Planning Commission and City Council, as well as other boards or organizations as determined and fitting within the project schedule.
- **Pop-up Events.** Even with a number of planned online and in-person events, often the best approach is to go to people where they are. We want to attend already occurring community events either hosted by the City or other community organizations.
- **Expanded Opportunities.** We pride ourselves on maximizing community involvement throughout the process. Our team will be available to meet with groups via Zoom. Also, we can provide displays for engaging people at community events that can be supported by the Committee or City staff when we cannot attend these events.



## TASK 2: CRETE TODAY - WHERE ARE WE NOW?

This component of the plan identifies existing facts and trends for understanding.

### BACKGROUND DOCUMENT REVIEW

We will review current planning documents. Taking advantage of previous efforts informs our process and provides research and material to make us more efficient.

### ECONOMIC & DEMOGRAPHIC TRENDS

Understanding the population, demographic, and economic factors in a city is essential to understanding where we are going.

Data will be gathered, assembled, and shared in easily communicated ways, including infographics and maps to identify neighborhood trends and opportunities. 2020 Census data will be used along with other sources we access such as BLS, ESRI, and MLS. We strongly believe all planning should be based on market realities, thus we are keen on developing plans that are both visionary and realistic.

### HAZARD MITIGATION & ENVIRONMENTAL CONSTRAINTS

Just as the plan must be based in market reality, it must also recognize the environmental constraints and assets of natural resources. The data we collect will inform an environmental constraints and hazard mitigation map.

- Topography/Slopes
- Wetlands Inventory

- Drainage System and Structures
- Flooding Boundaries and Flood Problem Areas

### LAND USE INVENTORY & URBAN DESIGN

We will complete a land use inventory using existing assessor data and on-site verification for a closer analysis of land uses. This task includes fieldwork by bike and on foot to inventory the city's character, appearance, and identity.

### TRANSPORTATION

This element will assemble information to understand opportunities and issues facing Crete's future.

1. Review traffic volumes per existing data.
2. Define and map existing street system and proposed changes (GIS).
3. Review bike and pedestrian network.
4. Identify opportunities to support energy conservation and sustainable growth.

5. Identify problem areas, including safety hazards and obstacles to transportation.

### PUBLIC FACILITIES & INFRASTRUCTURE

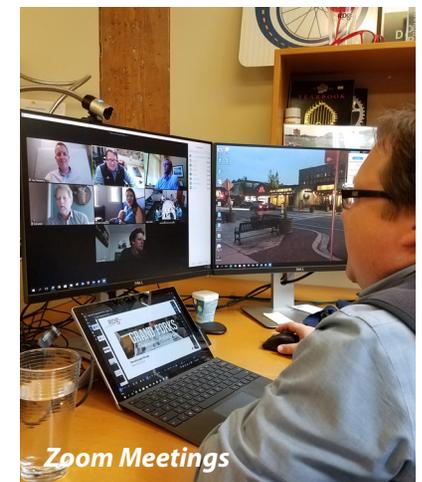
Community services and infrastructure both form and adapt to land use directions and policy. This is especially important for Crete. Facility managers will be interviewed to reveal current deficiencies (real and perceived) and the ability to meet future growth. Our team will also review and analyze existing infrastructure conditions and provide recommendations on improvements needed to continue to support future growth.

#### Deliverables

- Crete Today draft report, with opportunities analysis
- ArcGIS files of existing inventory

#### City Responsibilities

- Data related to building permits, recent



subdivision applications, or other growth related information

- Copies of past studies not listed on public websites
- Provide existing mapping data and aerials (GIS)
- Review draft and provide feedback

### TASK 3: CRETE TOMORROW - Vision & Future Land Use

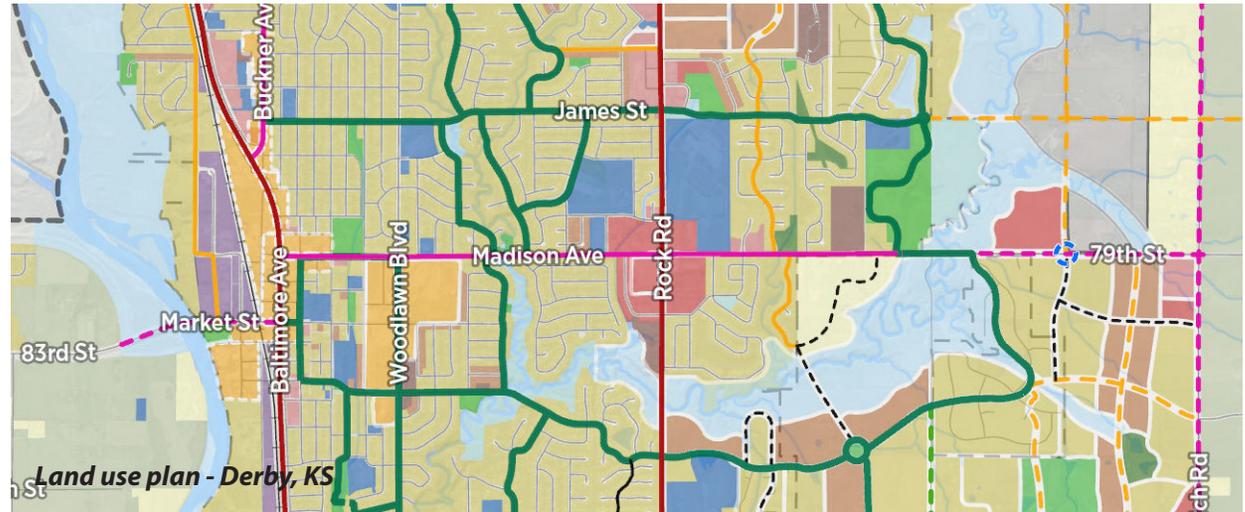
The Land Use Concept process uses the data collected in the Crete Today tasks to determine land use potential and repositioning by type of residential, commercial, industrial, and public land and transportation improvements and alternatives. Combined with the input of residents regarding community issues and quality of life, a unified Land Use Concept for the city is developed through the workshop process outlined in the Public Engagement Elements.

#### Deliverables

- Concepts plans and graphics with supportive narrative
- Future Land Use/Transportation Concept
- Any determined Special Area Concepts for development and redevelopment.

#### City Responsibilities

- Review of materials with consolidated comments



### TASK 4: CRETE TOMORROW – Plan Elements

The plan elements translate to policies that will implement the community vision and achieve the preferred development concept. The goals and principles define the program and design of the city; the specific plan elements are the systems that help the design come to life.

#### LAND USE

The land use plan refines the Future Land Use and Transportation Plan. The plan includes:

- **Policy Areas.** This analysis examines planning and land use issues within the established city and growth areas. These policy areas will offer a big-picture perspective with the goal of balancing neighborhoods and providing quality living environments across the city.
- **Future Land Use Map.** The future land use plan will indicate the city-wide plan and identify any specific area plans necessary

for deployment of residential, commercial, additional industrial/employment, and mixed-use space. The map includes a two-mile area surrounding existing city limits.

- **Opportunity Areas.** In addition to the basic land use plan we can also go into more detail in some specific sites and locations. These would likely be detailed in the plan elements but aspects in the Land Use section might include development layouts and configurations.

#### TRANSPORTATION ELEMENT

We view this as a key formative system that will address the street network and alternative modes, including pedestrian, bicycle, and transit. This will include:

1. Improvements to the existing street system.
2. Proposed additions to the street system in the City Development Framework that provides



continuous access to future residential and commercial areas. The plan will identify missing links within the system and corridors for alternative forms of transportation.

3. Standards and concepts for the design of high-quality streets that serve as public spaces that unite the city.
4. Policies and infrastructure to enhance pedestrian and bicycle travel options. This includes emerging technologies such as autonomous vehicles and drone technology.

## **PARKS, TRAILS, NATURAL AREAS, & GREENWAYS**

We will identify any gaps in the system as related to future growth areas and corridors that can connect destinations around the city.

## **COMMUNITY FACILITIES & PUBLIC INFRASTRUCTURE**

The analysis includes a review of public property and infrastructure by interviewing City staff to define facility adequacy, ability to provide service into the future, and rehabilitation needs. The element builds out a feasible network to service new growth areas.

## **COMMUNITY CHARACTER & DESIGN**

The urban design element is closely related to the other elements. The policies and actions recommended related to urban design will be driven by public input and should speak to the residents' desires for a small town feel. Understanding the local community and incorporating its input is essential to this process.



While there are many national trends around community design, these need to be tested and viewed in the city's values.

## **HOUSING, NEIGHBORHOODS, & COMMUNITY DEVELOPMENT**

For many rural communities, the housing issue has reached a point of crisis. Having adequate housing for current and future residents at all stages of life is essential for maintaining the current population and for growing. The housing element will be paired with the city's land use strategy to identify neighborhood-level housing strategies. We will:

- Review recent and current housing activity.
- Assess neighborhood conditions, including a general review of neighborhood conditions based on perceptions of housing conditions, site maintenance issues, streets, sidewalks, infrastructure, physical design, and appearance.
- Determine needs to achieve overall housing objectives and needs by type and cost.
- Create a tailored housing and neighborhood implementation program for Crete addressing such issues as available sites, mix of housing types, and neighborhood rehabilitation needs.



## Deliverables

- Plan elements including associated maps, narrative, and illustrations to communicate the plan's vision.

## City Responsibilities

- Review of material with consolidated comments.

## TASK 5: IMPLEMENTATION

The implementation strategy begins with the Implementation Workshop outlined in Task 1. During the workshop, the team works with participants to establish criteria for determining the priority of proposed projects. These criteria will be matched with the vision established in the engagement process to recommend phasing.

## IMPLEMENTATION TABLE

The Crete Plan will include an implementation plan presenting the recommendations, sequencing, leaders, partners, and potential funding sources for capital items. Capital items will be presented in zero-to-5-year, 5-to-10-year, and 10-to-20-year increments.

## PRESENTATIONS

We will present the final reports to the Planning Commission and City Council.

## Deliverables

- Draft Comprehensive Plan
- Digital version of presentations
- Print posters from events
- GIS files



*Helping people understand the plan and take ownership is a crucial implementation step*

## City Responsibilities

- Review of materials with comments
- Help prepare for Open House events

## TASK 6: ZONING DISCOVERY & DIAGNOSIS

We believe ordinances are where the “rubber hits the road” in kicking off the comprehensive plan vision. For Crete, the code should allow citizens, businesses, and staff to bring the Plan to life without great barriers. The level of our work done on the zoning ordinance can vary from a basic review with recommendations specifically related to the comprehensive plan to a more extensive review and re-write of sections, to a whole new ordinance. The following approach follows the middle path and looks for ways to improve the city's existing ordinance. The final scope can tailor this to the city's needs along with the corresponding fee.

## REGULATORY REVIEW

We will review current policies and ordinances for consistency, noting any conflicts that could be reconciled such as including Public/ Semi-Public Land uses and refining definitions to better address current city needs.

Questions for staff include:

- Are provisions regularly appealed to the Board of Adjustment?
- Are sections of the code subject to different interpretations?
- Is the quality of development an issue?
- Is there a lack of flexibility in accommodating quality development?

These questions help to identify specific areas where current code is deficient as a regulatory tool, irrespective of its consistency with the Comprehensive Plan.



## GIS ANALYSIS

We will perform a GIS analysis of existing lot setbacks, density, and building coverage. The analysis informs whether current regulations align with what is built and how we can reduce non-conformities in the update process.

## COMPARISON TO OTHER JURISDICTIONS

Many regulatory issues are faced by all communities, and we make extensive use of comparisons with other jurisdictions' regulations. We will also draw comparisons with proposed Model Codes by the American Planning Association.

## DISCOVERY & DIAGNOSIS

We will summarize implications from city plans on current regulations in an annotated ordinance document. In this document, existing policies referenced to current ordinances or policies and needed changes are identified. Regulatory changes required to implement the city's plans can be identified and discussed in an organized manner.

### Deliverables:

- Discovery and Diagnosis Document

### City Responsibilities

- Scheduling Meetings and Notices

## Objectives

### 1. Consistency

Align with the Plan, and eliminate conflicts in code implementation.

### 3. Legality

Create a legal tool which meets new state, federal, and case law standards.

### 5. Simplicity

Create codes that are easy for staff to enforce, and for developers and citizens to understand.

### 2. Modernization

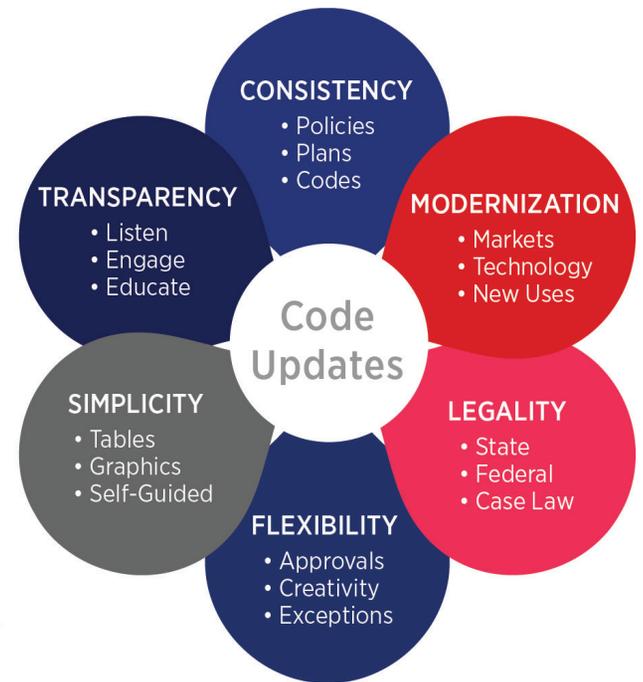
Accommodate current market demands and unforeseen technologies.

### 4. Flexibility

Build in options that allow multiple ways to meet the intent of the code and policies.

### 6. Transparency

Do not create surprises. Use the process as a way to educate and train those involved.



## LANGUAGE DRAFTING

Based on the Discovery and Diagnosis, a draft of ordinance language will be developed. If extensive this will occur in phases delivered to staff for review and comment. Phases allow for a more thorough review and refinement where each phase builds off the previous.

This also makes it easier to check cross references to other portions of the Municipal Code. Generally, the drafting phases are divided into:

1. Definitions, Districts, Uses
2. District Regulations
3. Parking and Landscaping
4. Supplemental Uses and Design Standards
5. Signs
6. Non-conformities, Administrative Procedures

## GRAPHIC REPRESENTATIONS

RDG uses graphics and tables in regulatory work to reduce misinterpretation and bring clarity to those who do not use the code regularly. We develop illustrations to match the character of the community. Producing graphics under a base template allows labels to be changed should ordinance regulations change.

## ORDINANCE TESTING

Ordinances are only as good as their interpretation and enforcement procedures. Our team's experience with concept development and ordinance enforcement gives us unique expertise in how seemingly small ordinance regulations can have significant impacts on desired urban design.



## Deliverables

- Draft code review sections and graphics
- Intended results and examples

## City Responsibilities

- Review and comment on drafts

## On-going Support

Our team sees the entire engagement process as a training and educational opportunity. With project team members who have administered ordinances, we understand the complexities of learning new regulations and applying them fairly.

In all zoning review projects, amendments will be needed within the first year of adoption to fine tune regulations to local enforcement. We value the success of our clients and are available at no cost for up to a year to answer questions, assist with interpretation, and help with necessary amendments. This service does not include creating staff reports, attending approval meetings, or other travel commitments.

Example 1: Mixed-Use Commercial

**Building Materials**

- 1 Brick/ architectural concrete (>75%)
- 2 Metal trim (<25%)
- 3 Non-reflective glass

**Architectural Scale**

- 4 Offsets >4 feet
- 5 Covered walkways
- 6 Awnings
- 7 Material change (including brick)
- 8 Planters

**Signs and Lighting**

- 9 Up-lighting
- 10 Hooded lighting
- 11 Wall signs <10% of building wall

**Landscaping and Screening**

- 12 Parking lot landscaping
- 8 Planters



Example 1: Mixed Use Comm

***We use visuals to help people understand what a code can help produce (or prevent)***

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO NONCONFORMING LOTS, STRUCTURES, AND USES; TO AMEND SECTION 11-205 OF THE CRETE MUNICIPAL CODE.**

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

**Section 1.** That Chapter 11, Article 2, Section 11-205 of the Crete Municipal Code shall be amended to read as follows:

**11-205 Zoning; nonconforming lots, structures, and uses.**

Zoning nonconformities are of three types: nonconforming lots of record, nonconforming structures, and nonconforming uses. Any lawful use of land or structure existing at the time of enactment or subsequent amendment of this article, but not in conformity with its provisions, Nonconformities may be continued subject to the following conditions:

- (1) *Nonconforming Lots of Record.* A nonconforming lot of record is a platted lot that, at the time of its creation, met the minimum lot size requirements for the zoning district in which it was located but, because of subsequent changes to the zoning regulations, does not comply with all of the current lot size requirements. The Zoning Administrator may issue a permit certificate of zoning compliance for any nonconforming lot of record provided that:
  - (a) ~~Said~~ The lot is shown by a recorded valid plat or deed to have been owned separately and individually from adjoining tracts of land at a time that was recorded when the creation of a lot of such its size and width at such location would not have been prohibited permitted;
  - (b) ~~Said~~ The lot has continuously remained in separate and individual ownership from adjoining adjacent tracts of land continuously during throughout the entire time that the creation the size of such lot has not been permitted prohibited by the zoning regulation; and
  - (c) ~~Said~~ The use and occupancy of the lot can meet all required yard regulations for the district in which it is located.
  
- (2) *Nonconforming Structures.* A nonconforming structure is any building, structure, or part thereof that is dedicated to a lawful use and occupancy for the zoning district in which it is located but, because of subsequent changes to the zoning regulations, does not comply with all of the current yard, height, or other applicable regulations.
  - (a) Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the use regulations or the applicable yard and height regulations that was lawfully constructed at a time when the construction of such structure would have been permitted may be continued so continue to exist as long as it remains otherwise lawful.
  - (b) Except as provided herein, Any nonconforming structures may shall not be improved, enlarged, maintained, repaired, remodeled, or rebuilt; provided, however, that no such enlargement. Only routine maintenance and repairs, minor interior remodeling, or historic restoration may be performed as long as such maintenance, repairing, or remodeling, or restoration shall does not create any additional nonconformity or increase the degree of existing nonconformity of all or

any part of such structure, ~~unless the property owner receives a special use permit in accordance with the zoning district in which it is located.~~

- (i) Nothing in these regulations shall be deemed to prevent the improving, repairing, or restoring of a building or structure in accordance with an order of a building inspector or other public official in charge of protecting the public safety.
  - (c) In the event any nonconforming structure is damaged or destroyed, ~~by any means, to the extent of:~~
    - (i) If the cost to repair or rebuild will be more than fifty percent of its assessed fair market value, such structure shall not be ~~restored~~ repaired or rebuilt unless it shall thereafter conform to all of the applicable zoning regulations for the zoning district in which it is located.
    - (ii) ~~When a structure is damaged to the extent of~~ If the cost to repair or rebuild will be fifty percent or less of its assessed fair market value, no repairs or ~~restoration~~ rebuilding shall be ~~made~~ done unless a building permit is obtained within six months and ~~restoration~~ is actually begun within one year after the date of such ~~partial destruction~~ the damage and the work is diligently pursued to completion.
  - (d) ~~No~~ Nonconforming structures shall not be moved, in whole or in part, for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to all of the applicable zoning regulations of the zoning district in which it is located after being moved.
  - (e) If the use or occupancy of any nonconforming structure is discontinued or abandoned for a period of twelve consecutive months, such structure shall not thereafter be used or occupied until it is brought into compliance with all applicable zoning regulations.
  - (f) Nonconforming structures that are or become nuisances shall not be entitled to continue as nonconforming structures.
- (3) Nonconforming Uses. A nonconforming use is any use of part or all of a building, structure, or land that was allowed under the zoning regulations that existed at the time the use was established but, because of subsequent changes to the zoning regulations, is no longer a permitted use.
- (a) Any ~~lawfully existing~~ nonconforming use of part or all of a building or structure or any ~~lawfully existing~~ nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, that lawfully existed prior to the enactment or amendment of the zoning regulations may be continued so as long as it remains otherwise lawful.
  - (b) ~~Normal maintenance and incidental repair or replacement, installation, or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring, or plumbing, water, or waste disposal systems may be performed on any structure or system that is devoted in whole or in part to a nonconforming use. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official in charge of protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition.~~
  - (b) A nonconforming use shall not be extended, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to, the extension of such use to any building, structure, or land area, or parts thereof, other than that occupied by such nonconforming use on the effective date of these the zoning regulations or ~~on the effective date of~~ subsequent amendments ~~hereto~~ that cause such use to become nonconforming.
  - (c) Except as provided herein, No buildings, structures, and parcels of land that is devoted are dedicated, in whole or in part, to a nonconforming use shall not be improved, repaired, remodeled,

expanded, enlarged, or added to in any manner unless such buildings, structures, or parcels of land and the use thereof shall thereafter conform to the all applicable zoning regulations of the district in which it is located.

- (i) Normal, routine maintenance and incidental repairs may be performed on any building or structure that is dedicated, in whole or in part, to a nonconforming use.
  - (ii) The replacement, installation, or relocation of nonbearing walls, fixtures, or finishings may be performed within any part of a building or structure that is dedicated to a nonconforming use.
  - (iii) Nothing in these regulations shall be deemed to prevent the improving, repairing, or restoring of a building or structure in accordance with an order of a building inspector or other public official in charge of protecting the public safety.
- ~~(d)~~ In the event that a nonconforming use any building or structure, which is wholly or partly dedicated to a nonconforming use, is damaged or destroyed: to the extent of more than fifty percent of its reasonable replacement value, the property shall conform to the zone in which it is located.
  - (i) If the cost to repair or rebuild will be more than fifty percent of its assessed fair market value, such building or structure shall not be repaired or rebuilt unless the use of it shall thereafter fully conform to all of the applicable zoning regulations.
  - (ii) If the cost to repair or rebuild will be fifty percent or less of its assessed fair market value, no repairs or rebuilding shall be done unless a building permit is obtained within six months after the date of the damage and the work is diligently pursued to completion.
- ~~(e)~~ No structure that is devoted in whole or in part to a Nonconforming uses, or buildings or structures wholly or partly dedicated to nonconforming uses, and nonconforming use of land shall not be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
- ~~(f)~~ If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the governing body after receiving a recommendation from the Planning Commission, by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. More appropriate shall mean creating less traffic, noise, glare, odor, or other characteristics of the proposed use. In permitting such change, the governing body may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.
- ~~(f)~~ When a If any nonconforming use is discontinued or abandoned for a period of twelve consecutive months, such use shall not thereafter be reestablished or resumed, and Any subsequent use or occupancy of such building, structure, or land shall comply with the all applicable zoning regulations of the zoning district in which such land is located. No use which that is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate is discontinued or abandoned.
- ~~(g)~~ No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.
- ~~(g)~~ Nonconforming uses that are or become nuisances shall not be entitled to continue as nonconforming uses.

**Section 2.** That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

**Section 3.** That all ordinances, parts of ordinances, or code provisions 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 4.** 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 5.** That 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 \_\_\_\_\_ 2022.

\_\_\_\_\_  
Mayor

ATTEST:

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