

CITY OF CRETE, NEBRASKA
CITY COUNCIL REGULAR MEETING

December 15, 2020

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 Mayor and City Council. 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 City 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.

Those in attendance pledged allegiance to the flag.

1. Open Meeting

Committee Chair Ryan Hinz called the meeting to order at 5:32pm.

2. Roll Call

Kyle Frans: Present

Ryan Hinz: Present

Jack

Oelschlager: Present

Present: 3.

3. Items of Business

A. Discuss enacting an ordinance imposing an occupation tax on video gaming machines.

Committee members discussed several items including what types of amusement devices were and weren't included in the existing ordinance (pinball machines, pool tables, etc), whether the invoicing could be included as part of the business registration process, and who would assess locations having the devices (code enforcement officer potentially).

B. Discuss updating the Comprehensive Plan.

City Administrator Tom Ourada described the need for the update and when this might begin.

C. Discuss a bid letting date for the Keno Operator Request for Proposal.

The committee will begin looking at the evaluation criteria in February.

D. Discuss and provide a recommendation to the City Council on adopting an external social media policy for the Crete Public Library.

Committee members asked how this new policy differs from the existing city-wide media policy. This will be researched and brought back to the committee.

E. Discuss enacting Ordinance 2118: An ordinance relating to accessory buildings and home occupations.

Recommend City Council introduce Ordinance 2118 and approve for its first reading. Carried with a motion by Jack Oelschlager and a second by Kyle Frans.

Kyle Frans: Aye, Ryan Hinz: Aye, Jack Oelschlager: Aye
Aye: 3, No: 0

F. Briefing on City Council Agenda.

By consensus this item will be deferred to the next committee meeting.

4. Officers' Reports

5. Adjournment

The meeting was adjourned at 6:03pm.

6. Briefing on City Council Agenda.

Mayor

(SEAL)

City Clerk

I, Judi Meyer, City Clerk for the City of Crete, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council. I hereby certify that a copy of the Open Meetings Act was posted in the back of the Council Chambers. I certify that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk. I certify that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting and that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public. I certify that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of the City Council. I certify that all news media requesting notification concerning meetings of the City Council were provided with advance notification of the time and place of said meeting and the subjects to be discussed.

City Clerk

(S E A L)

SOCIAL MEDIA POLICY

Purpose

The mission of Crete Public Library (CPL) is to "...provide enrichment, enjoyment and education for all. We celebrate intellectual freedom and foster creativity and life-long learning." The use of social media can further that mission. Therefore, CPL has adopted this Social Media Policy to establish acceptable behavior for the public interacting with library social media accounts.

CPL has created social media accounts to inform the general public about its services, programs, events, and materials available. The social media accounts are not intended to be a general exchange of ideas or viewpoints but a forum for communication related to the library's mission.

The primary goals of CPL's use of social media is to:

- Promote the library's programs, materials, and services
- Call for library advocacy
- Share relevant community resources

When necessary, social media will also be used by CPL to share emergency communications, public service announcements, and other service-related information.

The primary audience is the CPL community.

For the purposes of this policy, "social media" refers to any social media site, blog, network, and communication tools that exist now and in the future that allow public feedback and sharing on the internet including Facebook, Instagram, YouTube, and Twitter.

Acceptable Behavior

In order to provide a safe and appropriate online environment, CPL expects comments, postings, images, videos, hyperlinks, and other content shared by community members to be respectful, tolerant, and related to the mission of the library. Abusive and hurtful language are not allowed. The following content is prohibited and will be removed by CPL from its social media accounts:

- Selling, solicitation, commercial interests, and spam
- Copyright violations
- Obscenity

- Pornography
- Defamatory and libelous comments
- Imminent or true threats against CPL, staff, Board of Trustees, the City of Crete or community members
- Other speech or content not protected by the First Amendment

Moderation

CPL will regularly monitor its social media accounts and reserves the right to close comments at any time. These sites are not considered public forums and are monitored and managed by Library staff. Comments, posts, and messages are allowed on the Library's social networking sites as long as they conform to the Library's social media policy. All interactions will be regularly monitored and reviewed for content and relevancy. The Library reserves the right to refrain from posting user submissions or comments, or to remove or edit them at any time. By commenting and posting on CPL-hosted social media sites, users agree to CPL's social media policy. All content posted to sites maintained by the Library is subject to CPL's Code of Conduct.

Privacy

CPL's social media accounts will not be used to collect information about library patrons or community members by its staff or its Board of Trustees. However, social media is a public forum, and users should have no expectation of privacy when posting, commenting, or interacting on social media sites.

Disclaimer

CPL is not responsible or liable for the content of postings by third parties on any library social media account, and such postings do not reflect the opinions or positions of the library, staff, Board of Trustees or the City of Crete.

ORDINANCE NO. 2118

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO ZONING AND LAND USE; TO AMEND SECTIONS 11-211, 11-503, 11-512, 11-521, AND 11-522 OF THE CRETE MUNICIPAL CODE; TO REDEFINE CERTAIN TERMS; TO RESTRICT THE USE, DESIGN, AND PLACEMENT OF ACCESSORY USES AND STRUCTURES; TO PROVIDE RESTRICTIONS ON HOME OCCUPATIONS AND REQUIRE LICENSING; TO AMEND RESIDENTIAL AND COMMERCIAL DESIGN STANDARDS; AND TO ENACT A NEW SECTION TO CHAPTER 11, ARTICLE 5 TO ESTABLISH NEIGHBORHOOD DESIGN STANDARDS.

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 shall be amended as follows:

§11-211 DEFINITIONS.

For the purposes of this Chapter, unless the context otherwise requires, certain terms or words used herein shall be interpreted as follows the following definitions shall apply:

~~The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.~~

~~The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.~~

~~The word “shall” is mandatory.~~

~~The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”~~

~~The word “lot” includes the words “plot” or “parcel”.~~

Accessory Use, Building, or Structure. A use, building, or structure on the same lot premises with, and of a nature customarily incidental and subordinate to, the a principal use, building, or structure. An accessory use is one that is incidental to the principal use of the premises. An accessory building or structure is a subordinate building or structure, or a portion of the principal building or structure, the use of which is incidental to that of the principal building or structure or the principal use of the premises.

[. . .]

Alteration. Repair, reconstruction, renovation, addition, expansion, or enlargement of buildings or structures which have been destroyed or damaged to the extent of fifty percent (50%) or more of the its current fair market value and the modification of any structure in size or shape which would materially affect flood flows.

[. . .]

~~Building Accessory. Any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.~~

[. . .]

~~Building. An enclosed structure, or part of a structure, that (i) is anchored to a permanent foundation, and having (ii) has exterior or party walls and a roof, and (iii) is designed or intended for the enclosure, shelter, or protection of persons, animals, or property. A structure may contain one or more buildings divided by party walls. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed one building. The term "building" includes "structure".~~

[. . .]

Dwelling. Any building or structure, or portion thereof, that is designed, intended, and used for residential purposes. Dwelling does not include accessory buildings or structures, whether attached or detached, or portions of principal buildings that are designed or intended for accessory uses, such as cellars, garages, and sheds.

~~Dwelling, Farm and Ranch. Residential Dwellings, including mobile homes dwellings, appurtenant to agricultural operations, including living quarters for persons employed on the premises (but not including labor camps or dwellings for transient labor), guest houses not rented or otherwise conducted as a business, and private garages, stables, and barns.~~

~~Dwelling, Multiple-Family. A residential building designed for or occupied by, altered, or reconstructed to have three or more dwelling units families, with the number of families in residence not exceeding the number of dwelling units provided.~~

~~Dwelling, Single-Family. A detached residential building, dwelling unit other than a mobile home, designed, altered, or reconstructed to have one dwelling unit for and to have accommodations for and be occupied exclusively by one family only.~~

~~Dwelling, Townhome. One of a group or row of not less than two nor more than twelve attached, single-family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.~~

~~Dwelling, Two-Family. A residential building designed, altered, or reconstructed to have two dwelling units and to have having accommodations for and be occupied exclusively by two families.~~

~~Dwelling Unit. One room or more rooms connected together constituting that (i) constitute a separate, independent housekeeping establishment for one family, (ii) contain independent cooking and sleeping facilities, owner occupancy, or rental or lease on a weekly, monthly or longer basis, and (iii) are physically separated from any other rooms or dwelling units which that may be in the same building or structure and containing independent cooking and sleeping facilities. Dwelling units may be owner occupied or rented on a weekly, monthly, or longer basis.~~

[. . .]

Home Occupation. A business, occupation, ~~or profession, or income-generating activity~~ carried on within a residential dwelling unit by ~~the~~ a resident thereof, ~~which that~~ is incidental and secondary to the residential occupancy and does not change the residential character thereof. The regulations pertaining to home occupations are included in section 11-512 ~~of this ordinance.~~

[. . .]

Mixed Use Building. A building ~~or structure designed, altered, or reconstructed to have with~~ two or more primary major uses. ~~The building must contain a~~ All uses must be principal permitted ~~or special exception~~ uses for the district in which it is located, and each floor of the building or structure must be used solely for a single use.

[. . .]

Person. An individual, firm, association, organization, partnership, corporation, or any other legal entity.

Premises. An area of land consisting of one platted lot or irregular tract or more than one platted lot or irregular tract if such lots or tracts are under common ownership and contiguous.

[. . .]

Variance. Relief from or variation of the provisions of ~~those~~ certain zoning regulations, other than not including use regulations and distinct from rezoning, as applied to a specific piece of property, ~~as distinct from rezoning,~~ as further set out hereinafter in section 2-401 ~~of this Code relating to the powers and duties of the Board of Adjustment.~~

Section 2. That Chapter 11, Article 5, Section 11-503 of the Crete Municipal Code shall be amended as follows:

§11-503 ACCESSORY BUILDINGS.

Accessory buildings, structures, and parts of buildings or structures located within the corporate limits and extraterritorial jurisdiction of the City of Crete, ~~that are not attached to a structure~~ must comply with the following provisions:

- (1) An accessory building or structure shall not be located on a ~~lot~~ premises unless a principal building or structure is also located on that same premises ~~lot~~.
- (2) ~~Accessory buildings not to be constructed prior to principal building.~~ No construction permit shall be issued for the construction of an accessory building or structure prior to the issuance of a construction permit for the construction of the main principal building or structure upon the same premises. If construction of the main principal building or structure does not precede or coincide with the construction of the accessory building or structure, the ~~City Zoning Administrator~~ shall revoke the construction permit for the accessory building or structure until construction of the main principal building or structure has been substantially completed.
- (3) ~~Accessory buildings as part of principal buildings.~~ Any accessory building or structure attached to a principal building shall be considered part of the principal building for the purpose of height, distance, and yard requirements, and the total building or structure shall adhere to the yard requirements for the principal building ~~within the zoning district that in which~~ it is located.
- (4) The design of accessory buildings and structures shall be consistent with the ~~residential~~ character of the neighborhood and the exterior materials shall match those of the principal building or structure as much as possible.

- (5) ~~Distance between adjacent buildings.~~ The minimum distance between an accessory building or structure and any other buildings or structures on the same ~~lot~~ premises shall be five feet.
- (6) ~~Height of accessory buildings.~~ The cumulative total square footage for all accessory buildings or structures shall not exceed the total square footage of the first floor of the principal building. ~~There shall be a maximum of one primary accessory garage with a maximum of 864 square feet or one-half the area of the first floor of the principal dwelling, whichever is greater and two accessory storage buildings not to exceed 10' x 12' in size.~~
- (7) The maximum height of any detached accessory building or structure is fifteen feet.
- (8) ~~Location.~~ Detached accessory buildings or structures, except for signs, may only be erected in the rear yard ~~only~~ and shall be set back from side and rear lot lines by a minimum of ~~three~~ five feet, except that, if erected on a corner lot, ~~the~~ any detached accessory building or structure shall be set back from the side street to comply with the setback line applying to the principal building for that side street. ~~If the garage entrance is from the alley the garage shall be a minimum of ten (10) feet from the rear property line. No accessory building shall be erected in any required front or side yard.~~
 - (a) Notwithstanding the above, if the access to a detached accessory building or structure used as a garage, carport, or similar structure is from an alley, then it shall be set back from the property line adjacent to the alley a minimum of fifteen feet.
 - (b) The cumulative total square footage of all detached accessory buildings or structures shall not exceed forty percent (40%) of the required rear yard.
- (9) ~~Accessory buildings on corner lot.~~ Accessory buildings or structures on corner lots shall not be located ~~erected~~ closer to the street side property line than the front yard required on the adjacent ~~lot~~ premises.
- (10) ~~An accessory building may be located in the required rear yard, but such accessory building may not occupy more than forty percent (40%) of the required rear yard.~~

Section 3. That Chapter 11, Article 5, Section 11-512 of the Crete Municipal Code shall be amended 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 ~~on the premises~~ 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 (25%) percent of the total square footage ~~floor area~~ 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 ~~an~~ 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 in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by off the off-street parking in the rear yard and other than in a required front yard; and
 - (f) No equipment, ~~or process, or materials~~ shall be used ~~in such home occupation or activity engaged in that~~ which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used ~~which that~~ creates visual or audible interference in to any radio or television receivers outside of the dwelling unit off the premises, 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) 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 4. That Chapter 11, Article 5, Section 11-521 of the Crete Municipal Code shall be amended as follows:

§11-521 RESIDENTIAL DESIGN STANDARDS.

The following design standards shall apply ~~Applicable~~ to all ~~(R-1 to R-4)~~ Residential Districts (R-1 to R-4):

- (1) The primary entrance to the principal building or structure shall face the front lot line. ~~be on the street side, not a side yard.~~
- (2) The cladding of ~~the all~~ exterior walls shall use building materials, textures, and colors that match appropriate to the architectural style of those the buildings and structures generally used found throughout the neighborhood. Allowable materials are brick, stone, or clapboard siding of wood, metal, or vinyl. Synthetic materials manufactured to replicate the ~~fore mentioned~~ listed materials are also allowable upon review by the City Zoning Administrator.
- (3) No dwelling shall be constructed or converted from a pre-fabricated structure, metal building, pole barn, or ~~similar storage~~ other building or structure originally designed or intended for use as an accessory building or structure.
- (4) All ~~homes~~ buildings or structures with a front porch may extend into the required front yard setback up to a maximum of six feet. ~~However, all~~ No portion of a front porch that extends into the required front yard ~~must not~~ may be enclosed by walls, windows, or screens.

Section 5. That Chapter 11, Article 5, Section 11-522 of the Crete Municipal Code shall be amended as follows:

§11-522 COMMERCIAL DESIGN STANDARDS.

~~Compliance with all codes sections and ordinances adopted by the City is required. All property buildings~~

and structures located within the core of downtown Crete, defined as the area between Norman and Linden Avenues from 9th Street to 14th Street, shall meet the following design standards: ~~Street facing facades are limited to the following:~~

- (1) Compliance with all regulations, resolutions, code sections, and ordinances adopted by the City.
- (2) ~~Facade Elements.~~ Materials used for street facing facades ~~building~~ shall be similar to those used on adjacent buildings or structures. Primary construction materials historically used in ~~the~~ downtown areas shall be used similarly in new construction for all alterations, construction, or reconstruction as follows:
 - (a) Brick in ~~varying~~ matching colors, sizes, and textures ~~of brick~~ exhibited in existing buildings or structures.
 - (b) Wood ~~is best~~ may only be utilized for architectural elements such as pilasters, cornices, or decorative raised panels and trim. The use of wood as a general siding material is prohibited ~~discouraged due to maintenance requirements.~~
 - (c) Concrete block ~~is best~~ may only be utilized in combination with other materials such as brick or stone. The use of concrete block as the only building material is prohibited ~~strongly discouraged.~~
 - (d) Metal, painted or exposed, may only be utilized as architectural elements such as “pressed tin” cornices and moldings.
 - (e) Exposed structural pre-formed steel ~~fulfills~~ may only be used for aesthetic purposes at lintels and columns in a manner similar to existing historic structures.
 - (f) Stucco and any materials similar in texture and perception ~~are recommended~~ may only be used as an accent element to a façade. ~~Although stucco is utilized today as an exterior coating, it is not a historically accurate facade exterior. Modern buildings should utilize stucco in combination with other materials.~~
 - (g) The location, placement, and look of windows, doors, and similar design features, such as orientation to the street, opacity/translucency, and materials used, shall match the pattern of half or more of the buildings or structures on the same and facing block fronts.
- (3) All other areas in the C-1 District that are not located within the core of downtown Crete, as specified above, shall have at a minimum a three and one-half (3½) foot high base comprised of non-reflective exterior siding ~~which that~~ is or simulates wood, stucco, or masonry. Non-reflective exterior siding comprised of metal, aluminum, or vinyl siding or preformed panels can be utilized above the base on the exterior of street facing facades. ~~However~~ If used, metal siding shall utilize concealed fasteners to install the siding to the building or structure.

Section 6. That Chapter 11, Article 5 of the Crete Municipal Code shall be amended by enacting a new section to read as follows:

NEIGHBORHOOD DESIGN STANDARDS.

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):

- (1) Buildings or structures shall utilize a roof type and pitch commonly found within the same and facing block front.
- (2) 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 façade 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, if such a pattern exists.

- (3) Front porches are required 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.
- (4) Exterior stairs serving units on upper floors are not allowed on the principal façade facing the front lot line.
- (5) 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.
- (6) 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:
 - (a) 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,
 - (b) 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.
- (7) 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:
 - (a) 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.
- (8) Accessory buildings or structures shall follow the pattern of half or more of the premises on the same and facing block front, such as:
 - (a) 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;
 - (b) if the pattern in an area is that accessory buildings or structures, including attached and detached garages, face the front lot line, 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;
 - (c) 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.

Section 7. That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

Section 8. 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 9. 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 this 5th day of January 2020.

Mayor

ATTEST:

City Clerk