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**§11-501 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS.**

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such manner as materially to impede vision between height of two and a half (0.76 meters) and ten feet (3.05 meters) above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty feet (15.24 meters) from the point of the intersection.

*(Ord. 1142 (1991))*

**§11-502 FENCES, WALLS, AND HEDGES.**

- (1) Notwithstanding other sections or provisions of the City Code, fences, walls, and hedges are permitted in any required yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be erected over four feet (1.21 meters) in height and all fences in the front yard must be of an open weave or see-through design. Hedges and walls up to four feet (1.21 meters) in height will be allowed in the front yard only upon application for a special permit and approval by the City.
- (2) The following regulations shall apply to the construction of all fences:
  - (a) All fences constructed in the City of Crete shall comply with this section and a building permit must be obtained.
  - (b) All fences shall conform to the construction standards of the Building Code and all other applicable ordinances and resolutions.
  - (c) No fence shall be constructed closer to the street than the property line, and no fence shall be closer than eighteen inches to the sidewalk. The good side of the fence shall face the outside of the property.
  - (d) No fence erected in a required front yard shall materially obstruct public view. Permitted types of fences for use in front yards shall include split rail, chain link, or other similar open-spaced or see-through material. No component of a front yard fence shall exceed four feet in height, nor shall any structural member exceed three feet in cross-sectional area.
  - (e) No fence shall be constructed which will constitute a traffic hazard as identified in the site triangle of a corner lot.

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- (f) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals by intent of its construction or by inadequate maintenance.
- (g) No fence shall be constructed within a designated floodway.
- (h) No component of a fence within Residential Districts, except fences erected upon public or parochial school grounds or in public parks and playgrounds, shall be constructed of a height greater than six feet.
- (i) In Commercial and Industrial Districts, the maximum height of fences shall be eight feet;. however, when industry standards for certain types of businesses recommend fences of greater heights, the City may allow greater heights upon application for and approval of a special permit.

(Ord. 1142 (1991); Ord. 1261 (1995); Ord. 1926 (2015); Ord. 2106 (2020))

**§11-503    ACCESSORY BUILDINGS.**

Accessory buildings located within the Corporate Limits of the City of Crete, that are not attached to a structure must comply with the following provisions:

- (1) *Accessory buildings as part of principal buildings.* Any accessory building attached to a principal building shall be considered part of the principal building, and the total structure shall adhere to the yard requirement for the principal building within the Zoning District that it is located.
- (2) *Accessory buildings not to be constructed prior to principal building.* No construction permit shall be issued for the construction of an accessory building prior to the issuance of a construction permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide with the construction of the accessory building, the Zoning Administrator shall revoke the construction permit for the accessory building until construction of the main building has been substantially completed.
- (3) *Distance between adjacent buildings.* The minimum distance between an accessory building and any other buildings on the same lot shall be five (5) feet.

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- (4) *Height of accessory buildings.* There shall be a maximum of one (1) 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 (2) accessory storage buildings not to exceed 10' x 12' in size.
- (5) *Location.* An accessory building may be erected in the rear yard only and shall be set back from side and rear lot lines by a minimum of three (3) feet, except that, if erected on a corner lot, the accessory building 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.
- (6) *Accessory buildings on corner lot.* Accessory buildings on corner lots shall not be erected closer to the street line than the front yard required on the adjacent lot.
- (7) An accessory building shall not be located on a lot unless a principal building is also located on that same lot.
- (8) The design of accessory buildings shall be consistent with the residential character of the neighborhood and the exterior materials shall match those of the principal building as much as possible.
- (9) 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.

*(Ord. 1142 (1991); Ord. 1926 (2015))*

**§11-504 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE PER LOT.**

Where a lot or tract is used for business, commercial or industrial use, more than one main building may be located upon the lot or tract, provided that yard and other requirements of this Article shall be met for each building. In the event a lot is to be occupied by a group of two or more buildings to be used as a unit for any combination of two-family dwellings or multiple family dwellings, there may be more than one main building on the lot, provided the open space between buildings shall have a minimum distance of ten feet (3.05 meters) and yard and other requirements of this Article shall be met for each building.

*(Ord. 1142 (1991))*

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**§11-505 HEIGHT REGULATIONS; EXCEPTIONS.**

- (1) The height limitations contained in the Schedule of District Regulations shall apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, electrical generators, wind propelled devices, and/or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, except as provided for herein. Application for special exception use, under Crete City Ordinance §11-230, and approval of the City Council, shall be required before any such structure is constructed that will exceed the height limitations established by the Schedule of District Regulations, zoning regulation and/or Crete City Ordinance, regardless of whether the structure to be constructed is attached to another structure or is free standing.
- (2) Nothing in this section shall be construed to prohibit the placement of direct broadcast satellite, broadband radio service, and/or television broadcast antennas, without permit, as allowed under the "Over-the-Air Reception Devices" (OTARD), Federal Communications Commission Rule (47 C.F.R. Section 1.4000) as now exists or as may be amended.

*(Ord. 1142 (1991); Ord. 1757 (2010))*

**§11-506 YARD REQUIREMENTS EXCEPTIONS.**

- (1) For the purposes of computing yard dimensions, the following architectural features shall be disregarded: cornices, canopies, eaves extending not more than three feet (0.91 meters); fire escapes or uncovered outside stairs extending not more than three feet (0.91 meters); landing planes and uncovered porches having floor levels not higher than the entrance floors of the respective buildings and extending not more than six feet (1.83 meters) into a front or rear yard, nor more than three feet (0.91 meters) high around such landings or porches and fences.
- (2) *FRONT YARDS.* The front yards heretofore established shall be adjusted in the following cases:
  - (a) Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed and the buildings on this side of a block have observed a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the

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existing buildings provided that no building shall be required to have a front yard setback of more than fifty (50) feet.

- (b) Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have a front yard less than the required, new buildings shall not be erected closer to the street than the nearest building on the block.

*(Ord. 1142 (1991); Ord. 1926 (2015))*

**§11-507 STRUCTURES TO HAVE ACCESS.**

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

*(Ord. 1142 (1991))*

**§11-508 OFF-STREET PARKING AND LOADING REQUIREMENTS.**

- (1) The following off-street parking 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. Such requirements shall be and constitutes 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.

<b>Uses and Structures</b>	<b>Minimum Off-Street Parking Requirements (Applicable in all zoning districts to the uses or structures indicated)</b>	<b>Minimum Off-Street Loading Requirements (Applicable in all districts to the uses or structures indicated)</b>
Residential Structures (including mobile home dwellings and multiple-family dwellings)	2 spaces per single-family dwelling unit; 2 spaces for multiple-family dwellings per dwelling unit. A garage stall is considered a parking space, but the driveway in front of the garage stall is not considered a parking space.	None required.

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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 reposing 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.

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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) *General Conditions.* The following general conditions shall apply, except as otherwise noted in this Chapter.

- (a) Parking spaces are permitted in the required front or rear yards of all districts upon gravel or hard surfaced driveways, 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) No parking space is permitted in the required side yard.
- (d) All required parking spaces shall be provided on the same lot as the use for which they are required.
- (e) Any parking requirement resulting in a partial parking space shall be rounded up to the next whole number.

*(Ord. 1142 (1991); Ord. 1813 (2011); Ord. 1926 (2015); Ord. 2027 (2017))*

**§11-509 OFF-STREET PARKING AND LOADING; BUILDING PERMITS.**

No building permit for new structures shall be granted unless the minimum parking and minimum loading requirements as set forth in Section 11-508 of this ordinance are met and provided for in the plan or plans and specifications for the construction of the structure for which the building permit is applied.

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The Council may require additional parking and loading requirements set forth are insufficient for the structure for which the building permit is applied for and may require that the plan or plans and specifications for each new structure provide for such additional off-street parking and loading requirements set forth in Section 11-508 of this ordinance. All parking spaces shall conform to the City of Crete parking lot design standards.

*(Ord. 1142 (1991))*

**§11-510 OFF-STREET PARKING; MULTIPLE-DWELLING UNITS.**

Multiple-dwelling units containing three (3) family units or more constructed within the C-1 Central Commercial District may be granted a parking variance with City approval. The Council may require additional parking requirements if the minimum off-street parking requirement is insufficient for the structure for which the building permit is applied.

*(Ord. 1142 (1991))*

**§11-511 PARKING LOTS.**

Parking lots consisting of six (6) or more parking spaces located in any zoning district except for nonpermanent lots that are allowed for no more than a period of two years, and lots for the purpose of sale, resale or servicing of vehicles shall be constructed in accordance with the following requirements:

- A. Design Standards: All parking lots authorized by this chapter shall be constructed pursuant to and in conformance with the design standards adopted by the City and on file with the Building Inspector.
- B. Entrances and Exits: The location and design of all entrances and exits shall be subject to the approval of the City.
- C. Lighting: If lighting is used to illuminate parking lots, it shall be so arranged as to reflect lighting away from the adjacent properties and Public Street.
- D. Signs: Only one sign, not to exceed three (3) square feet in area and not located on public right-of-way, is permitted at each entrance and/or exit designating that entrance or exit and may state conditions of use of the parking lot. No other signs except as otherwise permitted in the zoning district shall be permitted except for signs for parking spaces for the handicapped.



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- E. Waiver of Surfacing Requirement: Upon application to the City Council, the owner of a parking lot may be relieved of the surfacing requirements of this section if the Council finds:
- (1) The parking lot is (a) to be used in conjunction with nonprofit, religious, educational or philanthropic institution; (b) in excess of the parking required by the provisions of this ordinance and not paid parking; or used for employee parking and located wholly within an industrial district; and
  - (2) Alternative materials or techniques shall be utilized which provide reasonable control of dust, runoffs and safe circulation; and
  - (3) The location of the parking lot is a sufficient distance from surrounding uses that it will not adversely affect the surrounding uses or the frequency of use of the parking lot is so low that compliance with the resurfacing requirement would cause undue hardship upon the owner as compared with minimal impact upon surrounding uses.

*(Ord. 1142 (1991))*

**§11-512 HOME OCCUPATIONS.**

A home occupation may be carried on within a dwelling unit under the following conditions:

- A. No person other than members of the family residing on the premises shall be engaged in such 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 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 or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet (0.19 sq. meters) in area, non-illuminated, and mounted flat against the wall of the principal building;
- D. No home occupation shall be conducted in an accessory building;

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- 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 off the street and other than in a required front yard; and
- F. No equipment or process shall be used in such home occupation 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 creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

*(Ord. 1142 (1991))*

**§11-513 [Repealed. Ordinance 1860 (2013).]**

**§11-514 [Repealed. Ordinance 1860 (2013).]**

**§11-515 MOBILE HOME PARKS.**

- (1) Mobile home parks may be developed in those districts where this use is permitted. The expansion of an existing mobile home park may be allowed by a Special Exception Permit. Mobile home parks must comply with the following requirements:
- (a) The park has a minimum site area of two acres (0.81 hectares).
  - (b) The park complies with all licensing procedures, health, zoning, plumbing, electrical, building, fire prevention, and all other applicable ordinances and regulations of the City.
  - (c) A minimum distance of twenty-five feet (25') shall be maintained between mobile homes in all horizontal directions.
  - (d) No mobile home shall be located closer than fifty feet (50') to any exterior property line.
  - (e) The request for this use shall specify the location and legal description of such proposed mobile home park and a plan of the park to include property dimensions, interior

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roads, proposed mobile home sites, sanitary utility lines, and other improvements.

- (f) The park is properly landscaped, in the opinion of the Planning Commission, so as not to constitute a nuisance to other residents.
- (g) Individual mobile home lots shall have an area of not less than four thousand (4,000) square feet per single wide mobile home and six thousand (6,000) square feet for double wide mobile homes, and the total number of lots per gross acre shall not exceed six (6).
- (h) Mobile homes shall be set back at least fifteen feet (15') from the nearest service road. Enclosed additions shall be considered a part of the mobile home in measuring required yard distance. The required area for each mobile home space shall not include area required for access or service roads, service buildings, recreation areas, office, and other similar mobile home park needs.
- (i) The mobile home park shall have direct access to a public street or highway by a right-of-way at least fifty feet (50') in width and a minimum length of one hundred feet (100') to permit the easy entrance and exit from the mobile home park. Service roads shall be provided to each mobile home space. Each service road shall provide for continuous forward movement, shall connect with a street or highway, and shall have a minimum clear width of twenty feet (20') paved with a suitable dustless material.
- (j) Walks and Lighting. Walkways not less than four feet (4') wide shall be provided from mobile home spaces to the service buildings. All walkways within the park shall be hard surfaced and lighted at night with a minimum illumination of twenty-five (25) watt lamps spaced at intervals of not more than one hundred feet (100').
- (k) Off-Street Parking. Two off-street parking spaces for each mobile home space shall be provided at each mobile home space or in group parking. Each off-street parking space shall be at least three hundred (300) square feet.
- (l) The area of the mobile home stand shall be improved to provide an adequate and approved foundation for the placement and tie-down of the mobile home, thereby securing the super-structure against uplift, sliding, rotation, or overturning. The mobile home or trailer stand shall be on incombustible materials and shall not shift or

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settle unevenly under the weight of the mobile home or trailer due to frost action, inadequate drainage, vibration or other forces acting upon the super-structure. The mobile home or trailer stand may be provided by means of a solid concrete footer block (16" x 16" x 4" minimum) placed on solid uniform soil with at least two (2) standard concrete blocks with cells placed vertically beside each other on the footer block. A solid 4" concrete cap covering the two (2) concrete blocks shall be provided as the bearing area to be positioned directly beneath the steel frame of the mobile home or trailer. Such blocking shall be provided along the full length of the mobile home or trailer unit, spaced not more than ten feet (10') apart and not more than five feet (5') from the ends of the unit.

- (m) The mobile home or trailer stand shall be provided with anchors and the tie downs such as cast-in-lace concrete, "dead men", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home or trailer. The tie-down devices shall be compatible with the foundation system provided for the mobile home or trailer such that the tie-downs are designated to resist the action of frost in the same manner as the foundation system.
  - (n) The skirting of all mobile homes and trailers is required. Such skirting shall not attach a mobile home or trailer permanently to the ground but shall be sufficient to withstand wind load requirements and shall not provide a harborage for junk or rodents, nor create a fire hazard. Such skirting shall be provided with removable access panels sufficient to provide easy access to all utility connection points of the mobile home or trailer and its subsequent connection to the utility raisers if they are located within the skirted area.
- (2) **Permit the Creation of Mobile Home Parks in Which the Individual Mobile Home Lots Are Available For Sale.** Wherever a mobile home park is permitted by this Ordinance to be created through the granting of Special Exception uses, or otherwise, said mobile home park may be designed to permit the sale of the individual mobile home lots within said park. A proposed mobile home park in which the individual mobile home lots will be offered for sale must meet all of the following requirements:

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- (a) The individual mobile home lots shall, for the district within which such mobile home park is located, meet the minimum lot requirements, minimum yard requirements, maximum lot coverage, and maximum height requirements of such districts.
- (b) Each such mobile home lot shall be individually serviced with all utilities and shall be individually metered for all utilities and treated in all respects by the City as a separate user of utilities.
- (c) The developer of such mobile home park shall be required to secure a preliminary and final plat as per the subdivision process outlined in the City of Crete Subdivision Regulations.
- (d) At the time of an application for a special use permit, or at the time of the application for subdivision in a mobile home park where the lots are to be offered for sale, the developer shall submit all legal documents necessary for the creation of an association having the purpose of maintaining, controlling, and covering all expenses, taxes, and costs incurred on common areas within the mobile home park. Such association shall require that all property owners within the mobile home park be members thereof and pledge the lots owned within the mobile home park as security for the association performing such obligations. Covenants shall be placed on the property by the developer and owners thereof so as to ensure this obligation. These documents shall be submitted by the proper officials to the City Council for its approval and no subdivision permit or special use permit may be issued without the approval of these documents by the City Council.

*(Ord. 1142 (1991); Ord. 1926 (2015))*

**§11-516 COMMUNITY UNIT PLAN.**

- (1) In order to permit and to encourage the creative design of new living areas, as distinguished from subdivisions of standard lot sizes and standard street systems, and in order to permit safety and general welfare of existing and future residents of surrounding neighborhoods, the owner or owners of any tract of land which is one (1) acre or more in area may submit to the City Council a plan for the use and development thereof for residential purposes or for the repair and alteration of any existing development; provided, however, that the City Council

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shall apply the following standards in considering all applications for community unit plans upon tracts of land which are one (1) acre (0.40 hectares) or more but less than ten (10) acres (4.05 hectares) in area, including existing public rights-of-way:

- (a) A community unit plan shall be permitted on a tract of land which is less than ten (10) acres (4.05 hectares) but more than five (5) acres (2.02 hectares) in area only under circumstances which such tract of land is of such shape or is so topographically unusual that it would present peculiar and unusual problems if normal residential subdivisions would be proposed and where such tract of land is either totally or partially bounded by artificial or natural boundaries such as streams, major roads, railroad tracks, or urban uses of a substantially different nature. The strictness in application of the provisions of this subparagraph shall be proportionally increased with direct relation to the degree of the difference in size of a particular tract from the maximum acreage prescribed herein.
- (b) A community unit plan shall be permitted on a tract of land which is not more than five (5) acres (2.02 hectares) but more than one (1) acre (0.40 hectares) in area only where it can be shown that such tract cannot be reasonably developed for the purposes allowed in the zoning district in which the tract is located and in the manner required by the subdivision ordinance. The strictness in application of the provisions of this subparagraph shall be proportionally increased with direct relation to the degree of the difference in size of a particular tract from the maximum acreage prescribed herein.
- (c) Notwithstanding the provisions of (a) and (b) above, a community unit plan may be permitted on a tract of land having less than ten (10) acres (4.05 hectares) in area where it appears that such tract is bounded on at least two (2) sides by an existing community unit plan, that such tract relates to the adjacent existing community unit plan, that such tract relates to the adjacent existing community unit plan more than it does to adjacent areas being developed under a conventional lot and block subdivision, and that the proposed community unit development on such tract shall otherwise meet all requirements of this Section, except acreage.

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- (2) An application and plans for development of a community unit plan shall be referred to the City Planning Commission, which shall, within a period of sixty (60) days hold a public hearing upon such application and plans and make a report to the City Council regarding the effect of the proposed community unit plan upon the surrounding neighborhood and other matters pertaining to the public health, safety, and general welfare. No action shall be taken on any application for a community unit plan until and unless a report of the Planning Commission has been filed with the City Council; provided, however, that if no report is received from the Planning Commission within said sixty (60) day period, it shall be presumed that approval of the application has been given by the Commission and the Council may proceed to take action upon the same.
- (3) The report of the Planning Commission provided for in subsection (2) above shall include reasons for recommending approval or denial of any application, and if approval is recommended, shall further include specific evidence and facts showing that the proposed community unit plan meets the following conditions:
  - (a) That land surrounding the tract for the proposed community unit plan will not be adversely affected;
  - (b) That the proposed community unit plan is consistent with the intent and purpose of this Chapter to promote the public health, safety, morals, and general welfare;
  - (c) That the buildings and land in the proposed community unit plan shall be used only for single-family dwellings, two-family dwellings, row houses or multiple-dwellings, and the usual accessory uses, such as garages, storage space, private recreational uses, and any other uses permitted in the zoning district in which the land is located;
  - (d) That the average lot area per family with the proposed community unit plan will not be less than the area per family required in the zoning district or districts in which the tract for the proposed community unit plan is located.
- (4) Upon approval of a community unit plan by the City Council, building permits and certificates of occupancy shall be issued upon compliance with community unit plan as approved regardless of any regulations to the contrary with regard to the height and location of buildings, yard requirements, open space requirements, and the fronting of lots upon public

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streets set forth elsewhere in this Chapter and applying to the zoning district or districts in which the community plan is to be located.

*(Ord. 1142 (1991))*

**§11-517 PATIO DECKS AND SLABS.**

Notwithstanding other provisions of this article, patio decks and concrete slabs on grade may be permitted in the following required yard areas in all residential zones:

- A. In required side and rear yards, concrete slabs on grade may be extended to property lines.
- B. In required side and rear yards, patio decks may extend into but not exceed two-fifths (2/5) of the required side and/or rear yard.
- C. In required front yards, patio decks, and/or concrete slabs on grade may extend into but not exceed one-third (1/3) of the required front yard.

*(Ord. 1260 (1995))*

**§11-518 ZONING REGULATIONS; MANUFACTURED HOMES; STANDARDS.**

- (1) A manufactured home may be used as a residential structure in any zone in which residential uses are permitted if such manufactured home bears an appropriate seal which indicates that it was constructed in accordance with the standards of the Uniform Standard Code for Manufactured Home and Recreational Vehicles, the Nebraska Uniform Standards for Modular Housing Units Act, or the United States Department of Housing and Urban Development.
- (2) Manufactured homes permitted pursuant to this section shall be located and installed according to the following standards which are applicable to site-built, single-family dwellings:
  - (a) The home shall be located and installed on a permanent perimeter foundation;
  - (b) The home shall be installed with permanent utility connections;
  - (c) The home shall comply with all setback and lot requirements of the residential zone in which it is located;



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- (d) The home shall comply with the minimum square footage requirements of the residential zone in which it is located.
- (3) Manufactured homes shall also meet the following standards:
- (a) The home shall have no less than nine hundred (900) square feet of floor area;
  - (b) The home shall have no less than an eighteen foot (18') exterior width;
  - (c) The roof shall be pitched with a minimum vertical rise of two and one-half inches (2 1/2") for each twelve inches (12") of horizontal run;
  - (d) The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
  - (e) The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and,
  - (f) The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.
- (4) Nothing in this section shall be deemed to supersede any valid restrictive covenants of record.
- (5) For purposes of this section, manufactured home shall mean (a) a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development or (b) a modular housing unit as defined in Section 71-1557 RS Neb., bearing the seal in accordance with the Nebraska Uniform Standards for Modular Housing Unit Act.

*(Ord. 1286 (1995); Ord. 1455 (1999))*

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**§11-518.01 MANUFACTURED/MOVED STRUCTURES; PERMANENT FOUNDATION; TIME OF CONSTRUCTION.**

A manufactured home and/or other residential, commercial, and/or different structure of any kind, which is moved onto a site, where it is to be permanently located, after it has been substantially manufactured and/or constructed at another site, shall have a permanent perimeter foundation constructed within thirty (30) days of the structure being moved onto the site where it is to be permanently located. If the foundation is not constructed within the thirty (30) day period, the owner of the structure shall move the structure to a suitable storage location, approved by the City, until the foundation is constructed.

*(Ord. 1712 (2008))*

**§11-519.01 DISTRICT SIGN REGULATIONS.**

- (1) PURPOSE. The Sign Regulations provide standards for communicating information in the environment of the City of Crete and its jurisdiction. The regulations recognize the need to protect public health, safety, and welfare; to maintain the City's attractive appearance; to provide adequate business identification, advertising, and communication of information; and to encourage the fair enforcement of sign regulations.
- (2) DEFINITIONS. The following definitions shall be used for terms contained in this Chapter that are not otherwise defined in the Crete Municipal Code.
  - (a) ABANDONED SIGN: A sign, including sign face and supporting structure, which refers to a discontinued use, business, profession, commodity, service, or other activity formerly occupying the site or which contains no sign copy on all sign faces for a continuous period of six months.
  - (b) ATTACHED SIGN: A sign that is structurally connected to a building or depends upon such building for support.
  - (c) AUXILIARY DESIGN ELEMENTS: Terms that describe secondary characteristics of a sign, including its method of illumination and other such features within the bounds of its basic shape.
  - (d) AWNING AND AWNING SIGN: A permanent or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter. Right-of-Way permits may apply.

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- (e) BANNER: Material with a printed message or graphic secured or mounted from a structure in such a way to allow wind movement.
- (f) BUILDING MARKER: An historic or commemorative plaque or building name or cornerstone carved into a masonry surface.
- (g) BUSINESS CENTER IDENTIFICATION SIGN: A sign that identifies a building or a group of commercial buildings in single ownership or control, sharing parking and access.
- (h) CANOPY (OR ARCADE) SIGN: A sign that is attached or made and integral part of a canopy.
- (i) CLEARANCE: The distance from the bottom of a sign face elevated above grade and the grade below.
- (j) DETACHED SIGN: A sign that is self-supporting and structurally independent from any building.
- (k) DIRECTIONAL SIGN: A sign that serves only to designate the location or direction of any area or place.
- (l) DOUBLE-FACED SIGN: A sign consisting of no more than two parallel or near parallel faces supported by a single structure. The angle created by the two faces of a double-faced sign shall not exceed 15 degrees.
- (m) ELECTRONIC INFORMATION SIGNS: Signs which use an array of electrically illuminated lights, generally controlled by a computer or other electronic programming device, to display information or supporting graphics. Information may include news, events, or information about businesses or attractions. Signs whose information is limited to time and temperature are not considered electronic information signs.
- (n) FLAG SIGN: Signs that are emblazoned on a flag and are intended to be displayed in a free-flowing manner. Flags of the United States, the State of Nebraska, Doane College, and any institution of the University of Nebraska system shall not be considered flag signs for the purpose of this Ordinance.
- (o) FLASHING SIGN: A sign that has a lighting source or lighting element that periodically illuminates or is not maintained stationary or constant in intensity and/or color at all times when the sign is in use, usually in a manner as to draw the attention of the viewer. This

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definition specifically excludes electronic information signs.

- (p) FRONTAGE: The length of a property line of any one premise abutting and parallel to a public street, private way, or court.
- (q) GROUND SIGN: A detached on-premises sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than 3 feet.
- (r) ILLUMINATION: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
- (s) MARQUE: A permanent roofed structure attached to and supported by a building and extending over a public right-of-way.
- (t) MAXIMUM PERMITTED SIGN AREA: The maximum permitted combined area of all signs allowed on a specific property. Portable signs excluded.
- (u) MONUMENT SIGN: An on-premise freestanding sign with the appearance of a solid base.
- (v) MOVING SIGN: A sign which conveys its message through rotating, changing, or animated elements.
- (w) NONCONFORMING SIGN: A sign that was legally erected prior to the adoption of this Chapter but which violates the regulations of this Chapter.
- (x) OBSOLETE SIGNS: Signs that identify a business or occupant that is no longer in operation at the premises.
- (y) OUTDOOR ADVERTISING SIGNS: A panel for the display of information relating to a business, product, event, or other subject of advertising or publicity. Outdoor advertising signs may advertise on-premise or off-premise businesses or products, but are not included in the definition of premise identification signs. Special regulations or permissions apply to outdoor advertising signs in certain geographic locations within the City of Crete and its jurisdiction.
- (z) POLE SIGN: An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than 3 feet.
- (aa) PORTABLE SIGN: Any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place

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to place. Permit required. Exempt from Maximum Permitted Sign Area requirements. Allowed in Commercial and Industrial Zones. Limited to 60 days per year, 30 continuous days at a time. Must meet Temporary Sign Location requirements.

- (bb) PREMISE IDENTIFICATION SIGN: A sign which pertains to the use of premises and which contains information about the owner or operator of that use; the type of business being conducted or the principal brand name of a commodity sold on the premises; and other information relative to the conduct of the use.
- (cc) PREMISES: A tract of one or more lots or sites that are contiguous and under common ownership or control.
- (dd) PROJECTING SIGNS: A sign other than a wall sign that is attached to and projects from a building face.
- (ee) RESIDENTIAL SIGN: A small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.
- (ff) ROOF SIGN: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
- (gg) ROOF SIGN, ABOVE-PEAK: A roof sign positioned above the peak of a roof or above a parapet or cornice.
- (hh) ROOF SIGN, INTEGRAL: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
- (ii) SIGN: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information about a use, product, business, activity, place, person, institution, candidate, or political idea.
- (jj) SIGN TYPE: A functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.
- (kk) STREET FAÇADE: Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way, or court. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street façade.

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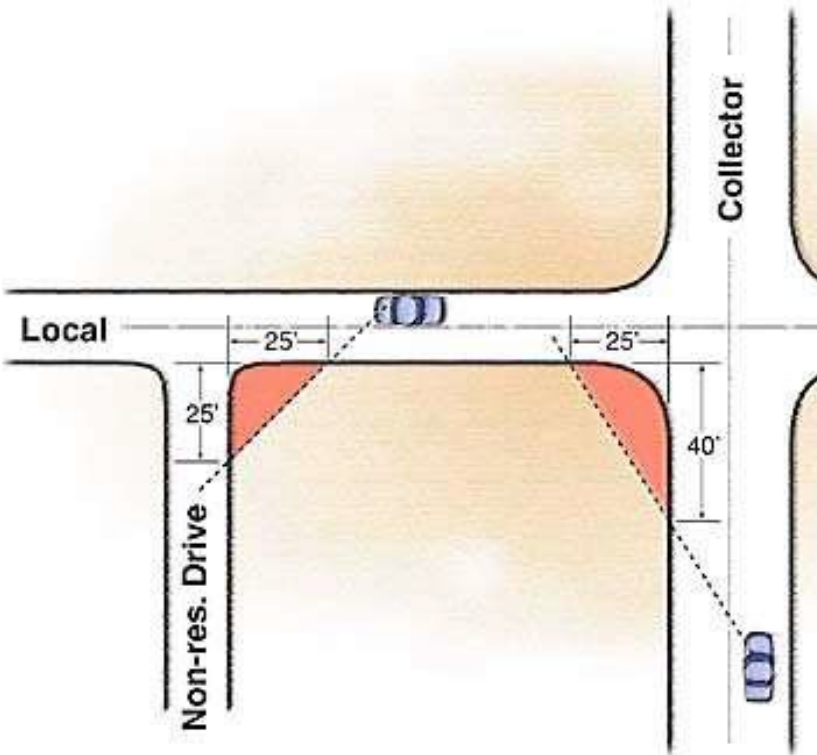
- (ll) TEMPORARY SIGNS: Any sign designed or fabricated of materials that advertise or communicate messages that change frequently or that become outdated; are made of materials of relatively low durability; are intended to be removed or replaced within a period of six months or less. Temporary signs generally fall into two categories: temporary civic signs and temporary commercial signs.
- (mm) VISION CLEARANCE ZONES: The vision clearance zone shall be a triangle defined by:
- (i) 20 feet back from the intersection of curb lines and right-of-way edges of alleys.
  - (ii) 25 feet from the intersection of curb lines of intersecting local streets and non-residential drives.
  - (iii) 40 feet from the intersection of curb lines of collector streets.
  - (iv) 55 feet from the intersection of paving surface edge or curb lines of arterial roadways.
- \*See Figure (1) below.
- (nn) WALL SIGN: A sign attached to and parallel with the side of a building.
- (oo) WINDOW SIGN: A sign painted on or installed inside a window for the purpose of viewing from outside the premises.
- (pp) ZONE LOT: A parcel of land in a single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

Figure (1):

Vision Clearance Triangle

No fence, wall, hedge, shrub, structure, or other obstruction to view shall be erected, placed, or maintained within a triangle formed by the curb line immediately adjacent to a street, road, railroad right-of-way, or non-residential drives as illustrated in the figure below.

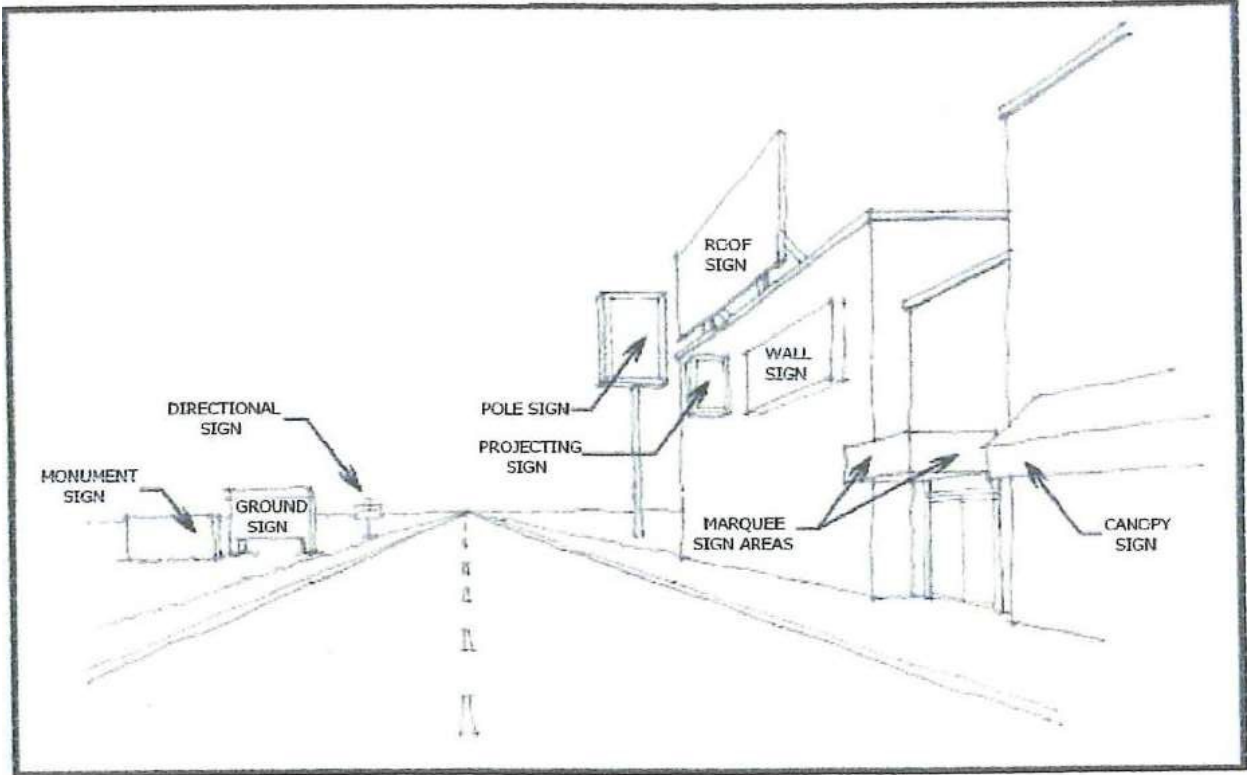
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Distance of Vision Clearance Triangle

Street/Road Classification	Required Distance from Intersection
Alley	20'
Non-residential drive	25'
Local	25'
Collector	40'
Arterial	55'

Figure (2):



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Figure (3):



Figure (4):



Banner/Flag Sign



Banner Sign  
(Commercial)



Building Marker  
Sign



Canopy Sign



Directional/  
Informational  
Sign



Double-faced Sign



Electronic  
Message Sign



Ground Sign



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Marquee Sign



Pole Sign



Projecting Sign



Roof Sign



Roof (integral)  
Sign



Wall Sign



Warning Sign

(Ord. 1977 (2016); Ord. 2028 (2017))

**§11-519.02 GENERAL SIGN AND STREET GRAPHICS REGULATIONS.**

- (1) COMPLIANCE. Each sign or part of a sign erected within the zoning jurisdiction of the City of Crete must comply with the provisions of this Chapter, other relevant provisions of the City of Crete Municipal Code, and applicable building codes.
- (2) RESOLUTION OF CONFLICTING REGULATIONS. This Chapter is not meant to repeal or interfere with enforcement of other sections of the City of Crete's Municipal Code. In cases of conflict between Code section, State or Federal Regulation, the more restrictive regulation shall apply.
- (3) PROHIBITED SIGNS. The following signs are prohibited in all zoning districts.
  - (a) *Obsolete signs.* Signs that advertise an activity, use, business, product, or service no longer conducted on the premises on which the sign is located.
  - (b) Signs or sign structures which resemble, imitate, simulate, or conflict with traffic control signs or devices included in the Manual of Uniform Traffic Control Devices, which otherwise mislead or confuse persons traveling on public streets, which create a traffic hazard, or which violate any of the provisions of Section

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60-6,127 or Section 60-6,128 of Nebraska Rules of the Road or any other applicable State Statutes.

- (c) *Banners, balloons, posters.* Signs which contain or consist of banners, balloons, posters, pennants, ribbons, streamers, spinners, or other similarly moving devices, except as specifically provided in this Section. These devices when not part of any sign shall also be prohibited.
  - (d) Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
  - (e) Off premise signs on public property.
  - (f) *Flashing Signs.* No flashing, blinking, or rotation lights shall be permitted for either permanent or temporary signs.
  - (g) *Painted Wall Signs.* Off-premise signs painted on building walls unless specifically approved as an element of a Historic Neighborhood.
  - (h) Above-peak roof signs.
- (4) EXEMPT SIGNS. The following signs are permitted in any zoning district and are exempt from other provisions of this Chapter.
- (a) *Real Estate Signs.* Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. One non-illuminated sign, not to exceed six square feet in residential districts and 32 square feet in commercial or industrial districts, shall be permitted on each premise. Such signs shall not extend higher than three feet above grade level in residential districts. Such signs shall be removed within seven days after the disposition of the premises.
  - (b) *Construction Signs.* Signs identifying the architect, engineer, contractor, or other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended but not including product advertising. One non-illuminated sign not to exceed fifty square feet shall be permitted per street frontage. Such sign shall not extend higher than ten feet above grade level and meet the front yard requirement for a principal structure unless located on the wall of a building on the premises or on a protective barricade surrounding the

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construction. Such signs shall be removed within one week following completion of construction.

- (c) *Political Campaign Signs.* Signs announcing candidates seeking public political office or pertinent political issues are permitted on private property and shall be removed within one week following the election to which they pertain.
- (d) *Street Banners.* A sign advertising a public event, providing that specific approval is granted under regulations established by the City Council.
- (e) *Seasonal Decorations.* Signs pertaining to recognized national holidays and national observances.
- (f) *Public Signs.* Signs of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating hospitals, libraries, schools, and other institutions or places of public interest or concern.
- (g) *Integral Signs.* Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets, and other similar signs when carved into stone, concrete, or other building material, or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.
- (h) *Window Signs.* Such signs that are displayed inside of a window or within a building provided, however, that neon window signs shall be permitted only in those districts where neon signs are permitted.
- (i) Works of graphic art painted or applied to building walls that contain no advertising or business identification message.
- (j) Residential signs under 6 square feet in size.
- (k) Neighborhood or subdivision identification signs under 50 square feet.
- (l) Signs that are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.

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- (m) Directional signs provided that such signs:
  - (i) Do not exceed 4 square feet in maximum size or three feet in maximum height.
  - (ii) Are limited to one sign at each driveway or access point with a public street and one sign at any critical decision point internal to a development.
- (5) TEMPORARY COMMERCIAL SIGNS. All temporary signs not listed in the preceding section but falling within the definition of temporary signs shall be classified as Temporary Commercial Signs.
  - (a) *Permit Required.* All Temporary Commercial Signs shall obtain a Temporary Sign Permit from the City of Crete prior to any repair, alteration, relocation, or maintenance of such a sign.
  - (b) *Size and Time Limitations of Temporary Signs.* The location of both temporary civic and temporary commercial signs shall comply with the following regulations:
    - (i) The total amount of temporary banner signage permitted on any premise shall be the smallest of 5% of the area of all street facades or 100 square feet. Street facades include any building facades visible from and oriented to public streets.
    - (ii) The maximum size of detached temporary signs or portable signs shall be 50 square feet in area. Temporary commercial signs shall be no smaller than 8 square feet.
    - (iii) A Temporary Sign Permit may be in effect for a period of 30 days on two separate occasions from the date of issuance, as designated on the application. The two 30 periods may be contiguous, but not separated by more than one year.
  - (c) *Location Requirements for Temporary Signs.*
    - (i) Temporary signs shall not be attached to any sign pole or light pole on public or private property or public utility poles or trees in either public or private property.
    - (ii) Temporary Commercial Signs are prohibited in any public right-of-way or property, including streets, sidewalks, parks, and public facilities.
    - (iii) Temporary signs shall not be located within the defined Vision Clearance Triangle.

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- (iv) Temporary signs shall not interfere with any public right of way, driveway, or access way, or any means of egress to any building.
  - (v) Any attached temporary sign shall be attached only to vertical facades of the primary building and shall not be attached to roofs, roof extensions, cornices, overhangs, or other building extensions.
  - (vi) Detached temporary signs cannot be placed on public property.
- (d) *Condition of Temporary Signs.*
- (i) All Temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this section.
  - (ii) The Zoning Administrator shall order the removal of any sign not in compliance with any of the provisions of this section. If the owner of the premise on which such sign is located, or the owner of the sign if unlawfully located on public property, fails to remove such sign, the Zoning Administrator shall be authorized to remove the sign. Any costs of removal of a sign on private property shall be assessed to the owner of the property. Any such removal shall also result in the immediate cancellation of any outstanding temporary sign permit.
- (6) POLITICAL SIGNS. Political signs may be erected or maintained for a period not to exceed sixty (60) days prior to the date of an election to which signs are applicable. Political Signs shall be removed within seven (7) days following said election.

**§11-519.03 MAINTENANCE AND DESIGN ELEMENTS FOR SIGNS.**

- (1) VISION CLEARANCE AREA. No sign may project into or be placed within a vision- clearance area.
- (2) MAINTENANCE. All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.
- (3) WALL SIGNS AND GRAPHICS. Wall signs and graphics are subject to the following general regulations.
  - (a) A wall sign shall not extend more than 18 inches from the wall to which it is attached.

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- (b) A wall sign must be parallel to the wall to which it is attached.
  - (c) A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for attachment.
  - (d) A wall sign may not extend beyond its building's roof line.
  - (e) A wall sign in the C-1 District attached to a building on its front property line may encroach on a public right-of-way by no more than 18 inches. Such a wall sign shall provide minimum clearance of eight feet, six inches. This encroachment is not permitted along state or federal highways in the commercial districts.
  - (f) For the purpose of calculating permitted sign areas pursuant to this Ordinance, signs painted on the walls of buildings shall be considered wall signs.
  - (g) Where permitted, canopy signs are counted as wall signs when calculating total permitted sign area.
- (4) PROJECTING SIGNS AND GRAPHICS. Projecting signs and graphics are subject to the following general regulations.
- (a) The maximum projection of any projecting sign shall be as follows:
    - (i) 3 feet over public sidewalks less than 12 feet wide.
    - (ii) 5 feet over public sidewalks 12 feet wide or more or over private property.
  - (b) Within the C-1 District, a projecting sign may come within five feet of the vertical plane of the inside curb line.
  - (c) Each projecting sign must maintain at least the following vertical clearances:
    - (i) 12 feet over sidewalks; except that a canopy may reduce its vertical clearance to 7 feet 6 inches.
    - (ii) 15 feet outside of parking areas or driveways, but within three feet of such areas, or 50 feet of the right-of-way lines formed by a street intersection.
    - (iii) 15 feet over parking lots.
    - (iv) 18 feet over driveways.
  - (d) No projecting sign extending three feet or more from a property line may be located within 25 feet of any other projecting sign extending three feet or more from a property line.

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- (e) Projecting signs must minimize visible support structure, including guy wires, cables, turnbuckles, angle iron, or other similar external support structure.
- (5) POLE SIGNS. Pole signs, where permitted, are subject to the following general regulations:
- (a) Each pole sign must maintain at least the following vertical clearances:
    - (i) 8 feet 6 inches over sidewalks.
    - (ii) 10 feet outside of parking areas or driveways, but within three feet of such areas, or within 50 feet of the right-of-way lines formed by a street intersection.
    - (iii) 14 feet over parking lots.
    - (iv) 18 feet over driveways.
  - (b) Permitted pole signs may revolve at a rate not to exceed six revolutions per minute.
- (6) AWNING SIGNS. Awning signs, where permitted, are subject to the following regulations:
- (a) The copy area of an awning sign shall not exceed 25% of the total face area of the awning. The combined area of all front-facing awning panels shall not exceed 35% of the total wall area.
  - (b) Awnings shall not extend above the eave or parapet of the building façade and shall be a minimum of seven feet six inches above the sidewalk or grade, whichever is higher. Awnings shall not extend over any area utilized by motor vehicles.
  - (c) Awnings may project no more than nine feet from the façade of the wall to which they are mounted. Any extension beyond six feet shall have plans stamped by a licensed architect or Professional Engineer, certifying the ability of the wall and associated structures to carry all imposed loads.
- (7) ELECTRONIC INFORMATION SIGNS. Electronic information signs, where permitted, are subject to the following regulations:
- (a) Electronic information signs shall be set back a minimum of 25 feet from any right-of-way line and shall not be located within an arc with a 75-foot radius formed by the intersecting right-of-way lines of a corner lot or lots.

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(b) No electronic information sign shall be located within 500 feet of another electronic information line, measured from the points of the two signs nearest each other.

(c) No electronic information sign shall be programmed in a way that suggests or resembles a traffic control device, such as a traffic signal.

(8) GROUND SIGNS. See Definition and Tables A1 through A4.

(9) MONUMENT SIGNS. See Definition and Tables A1 through A4.

**§11-519.04 OTHER DESIGN ELEMENTS.**

(1) ILLUMINATION. Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway.

(2) MARQUEES AND MARQUEE SIGNS. Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.

(3) PERMANENT BANNERS. A banner sign projecting from a building may not exceed the wall height of the building. Maximum projection for any banner is five feet from the building with a minimum clearance of ten feet. Flag signs and banner signs count against the sign area permitted a premise.

(4) CLOCKS. For the purposes of this Chapter, clocks are not considered a moving sign.

**§11-519.05 COMPLIANCE AND AMORTIZATION OF NONCONFORMING SIGNS.**

(1) CONFORMANCE REQUIRED. Except as may be hereinafter specified, no sign shall be erected, placed, maintained, converted, enlarged, reconstructed, or structurally altered which does not comply with all of the regulations established by this title.

(2) MAINTENANCE. All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure and the surface features.

(3) NONCONFORMANCE AND AMORTIZATION OF PREMISE IDENTIFICATION SIGNS. Where a sign exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of



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restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.
- (b) Should such a sign be destroyed by any means to an extent of sixty percent or more of its replacement cost at a time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.
- (c) Within any zoning district, all premise identification signs or other signage that pertains to the premises on which such sign is located, shall comply fully with the provisions of this Ordinance, unless otherwise provided, within fifteen years after the effective date of this Ordinance. This amortization provision does not apply to outdoor advertising signs, provided that such signs remain in continuous use. Any nonconforming outdoor advertising sign that remains unused for a continuous period of 180 days shall forfeit its right to continue as a nonconforming use.

**§11-519.06 GENERAL PERMIT PROCEDURES.**

- (1) APPLICABILITY. A sign permit, approved by the Building Official, shall be required before the erection, construction, alteration, placing, or locating of all signs conforming to this title. A permit shall not be required for repainting without changing permanent wording, composition, or colors or nonstructural repairs.
- (2) PLANS SUBMITTAL. A copy of plans and specifications shall be submitted to the Building Official for each sign regulated by this title. Such plans shall show sufficient details about size of the sign, location, and materials to be used and such other data as may be required for the Building Official to determine compliance with this title. When requested by the Building Official, the applicant shall furnish a certification of the structural integrity of the sign and its installation by a registered Professional Engineer with specialization in structures
- (3) APPEALS. Any person or persons aggrieved by the decision of the Building Official to approve or disapprove a sign permit,

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as provided by this title, may appeal such decision to the Board of Adjustment.

- (4) APPLICATION FEES. Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the City Council from time to time by resolution. The fees shall be assessed for signs as set forth in Ordinance §9-201.

**§11-519.07 METHOD OF MEASUREMENT FOR REGULATORS.**

- (1) MAXIMUM PERMITTED SIGN AREA. Maximum permitted sign area for premises is set forth as a numerical limit or as a function of the frontage of the premises on a street or private way. For properties with frontage on more than one street or private way, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.
- (2) SIGN AREA. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign or architectural elements of the building. The area of double-faced signs is calculated on the largest face only. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the copy area only. In the case of individual letters mounted to a wall, only the total area of the letters themselves is included within the sign area.
- (3) HEIGHT. The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.
- (4) SETBACK. The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.

**§11-519.08 PERMITTED SIGN TYPES BY ZONING DISTRICTS.**

Table A1 sets forth the sign types permitted within each zoning district of the City of Crete.

**§11-519.09 AUXILIARY DESIGN ELEMENTS.**

Table A2 sets forth auxiliary design elements permitted within each zoning district of the City of Crete.

**§11-519.10 MAXIMUM PERMITTED SIGN AREA.**

Table A3 sets forth the maximum sign area permitted within each zoning district of the City of Crete.

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**§11-519.11 PERMITTED SIGNS BY NUMBER, DIMENSIONS, AND LOCATION.**

Table A4 sets forth the maximum permitted numbers of signs per premise, the maximum permitted dimensions of each sign, and the required setbacks for detached signs.

**§11-519.12 OUTDOOR ADVERTISING SIGNS.**

- (1) VARIANCES FROM MAXIMUM DETACHED SIGN SIZE IN SPECIFIC SITUATIONS. Within the total amount of sign area permitted to them, some parcels at specific locations in the C-3, I-1 and I-2 zoning districts may elect to devote a portion of their sign budgets to installation of an outdoor advertising sign, subject to the conditions contained in this section. This provides a variation from the maximum size of an individual detached sign set forth in Table A3.
- (2) LOCATION. Eligible properties must be located within an A-1, C-3, I-1, or I-2 District along Nebraska Highway 33 or Highway 103.
- (3) IMPACT ON BUSINESS IDENTIFICATION AND OTHER SIGNAGE. Utilization of this provision does not entitle any parcel to additional permitted sign area and the area of the sign counts against the total sign areal permitted the parcel. The outdoor advertising sign shall count as a detached sign for the purpose of calculating the total number of permitted detached signs.
- (4) MAXIMUM SIZE AND HEIGHT. The size of an outdoor advertising sign shall not exceed 500 square feet. The maximum height of such a sign shall be 35 feet.
- (5) SEPARATION FACTORS. Where permitted along Nebraska Highway 33, outdoor advertising signs in excess of the maximum size permitted by Table A4 shall be separated by 2000 feet from any other outdoor advertising sign of any size and 300 feet from any other detached sign. Any such outdoor advertising sign shall be separated by 200 feet from any property in a residential zoning district, including R-1 through R-5 Districts.
- (6) OTHER STANDARDS.
  - (a) New installations of stacked signs or other installations of two signs or other installations of two signs facing the same direction on a single structure are prohibited.
  - (b) The area around the base of the sign shall be maintained by the sign owner or property owner in clean condition.



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Canopy	N	N	N	P	P	P	P	P	
Premise Identification	P	C	C	P	P	P	P	P	
Incidental	C	C	C	P	P	P	P	P	
Marquee	N	N	N	P	P	P	P	P	
Projecting	N	N	N	P	P	P	P	P	
Roof, Integral	N	N	N	N	N	N	N	N	
Roof, Above Peak	N	N	N	N	N	N	N	N	
Wall	P	P	P	P	P	P	P	P	
Window	P	P	P	P	P	P	P	P	
<u>Miscellaneous</u>									
Flag Sign	N	N	N	P	P	P	P	P	

P: Permitted for All Uses    C: Permitted for Civic Uses    N: Not Permitted

Table A2: Auxiliary Sign Elements

<b>Design Element</b>	<b>A-1</b>	<b>R-1 R-2</b>	<b>R-3 R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	<b>P</b>
<u>Illumination</u>									
Indirect	C	C	C	P	P	P	P	P	
Direct	N	N	N	N	N	N	N	N	
Internal	C	C	C	P	P	P	P	P	
Neon	N	N	N	P	P	P	P	P	
Flashing	N	N	N	N	N	N	N	N	
Flame	N	N	N	N	N	N	N	N	
Bare Bulb	N	N	N	N	N	N	N	N	
<u>Other</u>									
Electronic Information	N	N	N	P	P	P	P	P	
Moving	N	N	N	N	N	N	N	N	
Rotating	N	N	N	N	N	N	N	N	

P: Permitted for All Uses    C: Permitted for Civic Uses    N: Not Permitted

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Table A3: Permitted Signs by Maximum Permitted Area and District  
*This Maximum Permitted Area for all signs on a premise excluding directional signs, building marker signs, and U.S., State, or College flags shall not exceed the lesser of the following:*

Maximum Permitted Area	A-1	R-1 R-2	R-3 R-4	C-1	C-2	C-3	I-1	I-2	P
Sq. Ft. of Signage per Linear Foot of Frontage	NA	NA	NA	1.5	0.75	3.0	2.0	2.0	
Max. Total Sq. Ft.	Note 1	Note 2	Note 2	400	Note 3	800	800	800	

Note 1: 200 square feet for civic or commercial uses, 3 square feet for residential uses, including home occupations.

Note 2: 32 square feet for civic uses, 50 square feet for project identification signs for multi-family or mobile home developments and for non-residential uses when permitted, 3 square feet for residential uses, including home occupations.

Note 3: 300 square feet for non-residential premises only. On premises with primary residential use, 50 square feet for project identification signs for multi-family developments, 6 square feet for residential uses, including home occupations.

Table A4: Permitted Signs by Numbers, Dimensions, and Location  
*Each individual sign shall comply with regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:  
NA = Not Applicable*

Numbers, Dimensions, and Location	A-1	R-1 R-2	R-3 R-4	C-1 <sup>4</sup>	C-2	C-3 <sup>2,4</sup>	I-1	I-2 <sup>3,4</sup>	P
<u>Detached Signs</u>									
Number Per Premises	1	1	1	1	1	NA	NA	NA	
Per Feet of Frontage of Property	NA	NA	NA	NA	NA	1 per 200	1 per 300	1 per 300	
Maximum Size (sq. ft.)	100 <sup>4</sup>	NA	NA	150	100	400	400	400	
Maximum Height Above Ground (ft.) <sup>4</sup>	NA	NA	NA	NA	15	35	35	35	
Maximum Height Above Ground (ft.) <sup>4</sup>	15	6	6	15	10	15	15	15	

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for Pole Signs, Monument, or Ground Signs									
Front Yard Setback (ft.)	25	5	5	0	10	5	0	0	
Side Yard Setback (ft.)	10	10	10	0	10	5	0	0	
<u>Attached Signs</u>									
Maximum Size* (sq. ft.)	100	*	*	NA	50	300	300	300	
Maximum Percent of Street Façade	NA	NA	NA	20%	15%	25%	25%	25%	

\* See Table A3 for maximum sign sizes.

Note 1: In addition to its total permitted sign area, each premises used for a business center may have one detached center identification sign, subject to the following conditions:

- (1) The maximum area for a center identification sign shall be 100 square feet.
- (2) No center identification sign shall be within 300 feet of any other center identification sign or within 150 feet of any other detached sign on the same or adjacent premises.
- (3) The sign shall display no more than the name and location of the business center.
- (4) Each sign shall be subject to all other regulations for detached signs or graphics set forth in this Section.

Note 2: Within the total maximum sign allowance permitted by Table A3, properties in certain C-3, I-1, and I-2 districts may elect to locate an outdoor advertising sign in excess of 300 square feet up to a maximum of 500 square feet.

Note 3: One non-illuminated directional sign with a maximum size of 12 square feet is permitted at each major entrance to the development. Such sign shall be a monument or ground sign with a maximum height of four feet.

Note 4: The maximum permitted height for an oversized Outdoor Advertising Sign requiring a Variance shall be 35 feet.

*(Ord. 1508 (2001); Ord. 1835 (2013); Ord. 2028 (2017))*

**§11-520 STORAGE AND/ OR CARPORT STRUCTURES; METAL AND/OR FABRIC MATERIALS; PERMANENT STRUCTURE.**

Any storage and/or carport structure shall be considered a permanent structure, whether fixed and/or attached to ground or other structure or not, and any such structure shall require a building permit prior to construction or placement and shall comply with all provision of Crete City Code and/or City regulation.

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**§11-521 RESIDENTIAL DESIGN STANDARDS.**

Applicable to all (R-1 to R-4) Residential Districts:

(A) Primary entrance shall be on the street side, not a side yard.

(B) The cladding of the exterior walls shall use building materials, textures and colors appropriate to the architectural style of those structures generally used throughout the neighborhood. Allowable materials are brick, stone, or clapboard siding of wood, metal or vinyl. Synthetic materials manufactured to replicate the fore mentioned materials are also allowable upon review by the Zoning Administrator.

(C) No dwelling shall be constructed or converted from a pre-fabricated structure, metal building, pole barn or similar storage building, originally designed for use as an accessory building.

(D) All homes with a front porch may extend into the required front yard setback up to a maximum of six (6) feet. However, all portions of a front porch that extends into the required front yard must not be enclosed by walls, windows or screens.

(Ord. 1926, 05/19/2015)

**§11-522 COMMERCIAL DESIGN STANDARDS.**

Compliance with all codes and ordinances adopted by the City is required. All property 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:

A. Facade Elements: Materials used for street facing facades building shall be similar to those used on adjacent buildings. Primary construction materials historically used in the Downtown shall be used similarly in new construction as follows:

1. Brick - varying colors, sizes and textures of brick exhibited in existing buildings.

2. Wood - best utilized for architectural elements such as pilasters, cornices or decorative raised panels and trim. The use of wood as a general siding material is discouraged due to maintenance requirements.

3. Concrete block - is best utilized in combination



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with other materials such as brick or stone. The use of concrete block as the only building material is strongly discouraged.

4. Metal flashing and Architectural elements - Metal, painted or exposed, utilized as architectural elements such as "pressed tin" cornices and moldings.

5. Structural steel - Exposed structural pre-formed steel fulfills aesthetic purposes at lintels and columns in a manner similar to existing historic structures.

6. Stucco - Any materials similar in texture and perception are recommended only as an accent element to a facade. 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.

B. All other areas in the C-1 District that are not located within the core of Downtown Crete, as above, shall have at a minimum a three and one-half (3 ½) foot high base comprised of non-reflective exterior siding which 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, metal siding shall utilize concealed fasteners to install the siding to the building.

*(Ord. 1926, 05/19/2015)*

**§11-523 SALVAGE OR JUNK YARD.**

Salvage or junkyard operations and related facilities shall only be allowed by special permit in the A-1 and I-2 Zoning Districts under the following conditions:

1. Located on a tract of land at least one-fourth (1/4) mile from a residential or agricultural farm residence.
2. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a visual obscuring fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least eight (8) feet high) and uniform texture and color shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a

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manner as to retain all scrap; junk or other material within the yard and no scrap, junk or other material shall protrude above the fence.

3. No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge fence or wall, or within the public right-of-way.

4. Any other requirement deemed appropriate and necessary by the City Council for the protection of the general health and welfare.

In making any decision granting a special use permit, the City Council shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required protecting adjoining property.

(Ord. 1926, 05/19/2015)

**§11-524 LANDFILLS AND SANITARY LANDFILLS**

Private landfill operations shall only be allowed by special permit in the A-1 Agriculture District upon prior approval of the Nebraska Department of Health and Human Services System and with conformance to the following conditions:

1. Located on a tract of land at least  $\frac{1}{4}$  mile or (1,320) feet from a residential or agricultural farm residence.

2. The operation shall be conducted wholly within an area completely surrounded on all sides by a fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least eight (8) feet high) and uniform texture and color shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all material within the yard and no material shall protrude above the fence.

3. No material shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge fence or wall, or within the public right-of-way.

4. Any other requirement deemed appropriate and

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necessary by the City Council for the protection of the general health and welfare.

5. Special use permits granted under this section shall be subject to annual review and renewal by the City Council.

In making any decision granting a special use permit, the City Council shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required protecting adjoining property.

*(Ord. 1926, 05/19/2015)*

**§11-525 SMALL AND COMMERCIAL WIND ENERGY CONVERSION SYSTEMS.**

Intent: In order to balance the need for clean, renewable energy resources with the protection of the health, safety, and welfare of the residents of Crete, Nebraska, finds these regulations are necessary in order to ensure that all wind energy conversion systems (CWECS) are appropriately designed, sited, and installed.

These regulations pertaining to all wind energy conversion systems are intended to respond to equipment available at the time of adoption. The City of Crete recognizes that this is an emerging technology and that new means of collecting wind energy, including but not limited to vertical axis wind turbine generators are under development. Accordingly, these standards will be reviewed and may be amended as technology advances.

Types of Wind Energy Systems:

A. Small Wind Energy Conversion System - (SWECS) - A wind energy conversion system which has a rated capacity of up to Twenty-Five (25) kilowatts and which is incidental and subordinated to another use of the same parcel. A system is considered a small wind energy system only if it supplies electrical power for site use, except that when a parcel on which the system is installed also received electrical power supplied by a utility company, access electrical power

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generated and not presently needed for onsite use may be sold back to the utility company. (25 Kilowatt limit approved by the Crete Planning Commission to increase to a maximum of 100 Kilowatts with Nebraska State Legislature authorization by future amendment)

B. Commercial Wind Energy Conversion System - (CWECS). A wind energy conversion system under common or aggregated ownership or operating control that includes substations, MET towers, cables/wires and other building accessories, who's main purpose is to supply electricity to off-site customers.

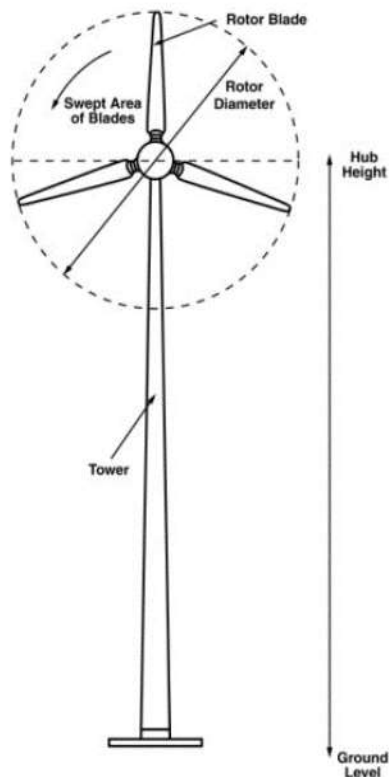
Definitions:

A. Aggregated Project - Those projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual CWECS within a larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

B. Fall Zone - The area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.

C. Feeder Line - Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of the interconnection shall be the substation serving the WECS.

D. Height, hub - The height above grade of the fixed portion of the tower, including the generation unit, measured to the hub or center point of the rotor blade diameter.



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Diagram #1

E. Height, total system - The height above grade of the system, including the generating unit and measured the highest vertical extension of any rotor blades or rotors.

F. Meteorological Tower - For the purposes of wind energy conversion systems, meteorological towers are those which are erected primarily to measure wind speed and direction plus other data relevant to locating a CWECS. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Transportation or other similar applications to monitor weather conditions.

G. Rotor Diameter - The diameter of the circle created by the outer most point of the rotor blades of the windmill. (See Diagram #1)

H. Shadow flicker - Strobe effect that occurs when sun is horizontal to rotor blades, which causes repetitive intermittent shadows that can affect people on adjacent or near-by properties.

I. Substations - Any electrical facility utilized to convert electricity produced by a Commercial Wind Energy Conversion System for interconnection with high voltage transmission lines.

J. Tower - The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

K. Transmission Line - The electrical power lines that are High Voltage Transmission Lines carrying electricity over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

L. Wind Energy Conversion System (WECS) - An aggregation of parts including the base, tower, generator, rotor, blades, supports, and configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g. wind charger, windmill, or wind turbine.

M. Wind Turbine Generator - The component of a wind energy system that transforms mechanical energy from the wind into electrical energy.

(Ord. 1926, 05/19/2015)

**§11-526 SMALL WIND ENERGY CONVERSION SYSTEM**

A Small Wind Energy Conversion System (SWECS) is a facility

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used for the production of a maximum of Twenty-Five (25) kilowatts of electrical energy supplied by the wind. The facility may include wind turbine(s) with total height(s) of one hundred (100) feet or less and any transmission lines. The SWECS is primarily used to generate energy for use by its owner. A small wind energy facility shall be sited and designed to minimize adverse visual impacts on neighboring properties. To be used in conformance with Nebraska State Statutes 70-2001 through 70-2005, regarding Net Metering. (25 Kilowatt limit approved by the Crete Planning Commission to increase to a maximum of 100 Kilowatts with Nebraska State Legislature authorization by future amendment)

A. General Site and Design Standards

1. Located on a lot or parcel of at least three (3) acres.
2. Shall be permitted by an approved Special Exception Use Permit to be issued in the "A-1", "R-1 to R-4", "C1 to C-3", and "I-1 to I-2" Zoning Districts.
3. SWECS shall maintain a minimum setback distance from any property line of one point one (1.1) times the total system height of the windmill for non-participating property owners. Adjoining property owners (second or third additional farm/ranch single dwelling units for the purpose of housing relatives or permanent agriculture workers) participating in the same or Aggregated Project shall have no setback requirements between adjoining properties.
4. SWECS shall maintain a minimum setback distance from any public road, or highway of at least one point one (1.1) times the total system height of the windmill from the public road or highway right-of-way.
5. In no case shall a WECS be located within any required setback or in any front yard area.
6. Turbines and towers shall be of tubular design and if painted or coated, shall be of a non-reflective white, grey, or other neutral color and shall not be used to display advertising.
7. SWECS shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA).
8. All electrical wires associated with a small wind

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energy system other than the wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

9. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.

10. All ground mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within eight (8) feet of the ground that is readily accessible to the public.

11. The owner of a small wind energy facility shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by the facility.

12. Construction access must be re-graded and re-vegetated to minimize environmental impacts.

13. A SWECS application must include an agreement that addresses decommissioning and abandonment of the facility. The agreement must at a minimum provide for reuse or dismantlement of the facility at the owner's expense.

B. Application Requirements

1. A survey map at an appropriate scale identifying:

- Site boundary;
- Adjacent public right-of-ways;
- Existing structures;
- Proposed small wind energy system and accessory structures; Adjacent ownership and existing residences;
- Any overhead utility lines.

2. A report from a licensed engineer containing:

- a. Small wind system specifications including manufacturer and model; rotor diameter, tower height, tower type (freestanding or guyed).
- b. Documentation to establish that the tower has sufficient structural integrity for the proposed use at the proposed location.
- c. Certification that the small wind energy system complies with all applicable state construction and

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electrical codes and the National Electrical Code.

3. Compliance with FAA Regulations, including any Documentation required by the FAA certifying approval of proposed location when located within the three (3) mile Planning Jurisdiction of any airport.

4. Signed letter of Notification from the Electrical Supplier/Purchaser to the property owner, notarized copies submitted to the Saline County Assessor's Office, and City of Crete Zoning Administrator, signifying Net Metering service is approved.

5. Require proof of insurance on application.

(Ord. 1926, 05/19/2015)

**§11-527 COMMERCIAL WIND ENERGY CONVERSION SYSTEM - (CWECS)**

A wind energy conversion system under common or aggregated ownership or operating control that includes substations, MET towers, cables/wires and other building accessories, who's main purpose is to supply electricity to off-site customers.

Commercial Wind Energy Conversion Systems may be included as an aggregated project. Such as those projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the CWECS within a larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity, but are also part of the aggregated project. All individual wind turbine towers of an aggregated project shall be in conformance with Section 11-527 (A) items one through 15.

A. General Site and Design Standards:

1. Located on a lot or parcel of at least ten (10) acres in size.

2. The entire aggregated project shall be permitted by a Special Exception Use Permit in an A-1 District.

3. If an aggregated project, setbacks from multiple entities (turbines) shall be one and one-tenth (1.1) times the height of the total system.

4. Each CWECS location must have a 911 address.

5. CWECS shall be designed and placed in such a manner as to minimize to the greatest extent feasible, adverse visual and noise impacts on adjacent areas. This shall include documentation of:

a) Noise levels conforming to the International



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Electromechanical Commission (IEC) Standard 61400-11 part 11; and

b) Projections of the "shadow flicker" on any existing structures located off the property on which the CWECS will be constructed and the extent and duration of the shadow flicker on these existing structures.

6. CWECS shall maintain a minimum setback distance from any property line of one and one-half (1.5) times the total system height of the windmill for non-participating property owners. Adjoining property owners participating in the same Aggregated Project shall have no setback requirements between adjoining properties.

7. CWECS shall maintain a minimum setback distance from any public road, or highway of at least one point one (1.1) times the total system height of the windmill from the public road or highway right-of-way.

8. In no case shall a WECS be located within any required setback or in any front yard area.

9. Structures for wind turbines shall be self-supporting tubular towers, if painted or coated shall be of a non-reflective neutral color such as white or pale gray. No lattice structure shall be used. No logos or advertisements are allowed on these structures. Each turbine shall be marked with a visible identification number located no higher than fifteen (15) feet above ground level.

10. Colors and surface treatment of the CWECS and supporting structures shall, to the greatest extent possible, minimize disruption of the natural characteristics of the site.

11. Reasonable measures shall be taken to mitigate specific adverse visual impacts such as reflections, shadow flicker, and blade glint affecting residences within or immediately adjacent to the project area.

12. CWECS shall be equipped with air traffic warning lights or other marking lights only if so required by the Federal Aviation Administration and in which event, such light should be positioned or shielded to avoid visual impact on neighboring properties, and shall be a white flashing light from daylight till twilight and a steady red light night time. Light system must be maintained and working at all times.

13. The applicant shall minimize or mitigate any

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interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

14. A Meteorological Tower is permitted by a Special Exception Use Permit for the purposes of the Aggregated Project. Meteorological towers shall meet the same setback requirements of those established for an Aggregated Project. If the tower is non-functional, it shall be removed after a period of two (2) years.

15. CWECS shall have a minimum setback of one-quarter (1/4) mile from any adjacent residence not owned by the owner of the CWECS. However, no setback is required between the adjacent residences of an owner participating in the same Aggregated Project.

B. Application Requirements

The applicant for a Special Exception use permit for construction of a CWECS shall file an application with the City of Crete Zoning Administrator. The application shall include the name(s) of the project applicant(s), the name of the project owner(s), and the legal description and address for the project. The application shall also include the following documents:

1. A survey map illustrating the following:
  - a. Property lines, dimension, acreage and contours with appropriate intervals for site evaluation.
  - b. Location and elevation of all components of the proposed CWECS.
  - c. Location and dimensions of all existing structures and uses on property within three hundred (300) feet of the system.
  - d. Height of any structures over thirty-five (35) feet within a five hundred (500) foot radius on site or offsite of the proposed CWECS.
  - e. Location of any overhead utility lines on the property.
  - f. Location of all known communications towers within two (2) miles of the proposed CWECS.
  - g. Access roads.
  - h. Adjacent ownership, land uses, existing residences, schools, churches, hospitals, public libraries, federal, state, county or local parks, recognized historic or heritage sites, identified

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wildlife preserves, or habitat areas to a distance of 2,640 feet (one-half mile).

i. Provide a copy of the Easement Deed from the Saline County Register of Deeds Office for each property involved in the CWECS.

j. Provide a map illustrating all transmission lines connecting to the Substation.

k. Copy of Agreement or Notification of Compliance Letter between the Crete Airport Authority and the Applicant.

2. Applicant shall identify potential effects in terms of constraints or benefits the wind energy facility may place on current or future use of the land within the project site and the surrounding area. The extent of any limitations due to public health and safety risks shall be specifically addressed, and the effects on the following activities shall also be addressed:

- a. Existing or proposed tourist or recreation activities;
- b. Residential activities;
- c. Industrial activities;
- d. Agricultural activities;
- e. Commercial activities

3. Soil erosion, sediment control, and storm water runoff plan shall address what types of erosion control measures will be used during each phase of the project. It shall identify plans for:

- a. Grading;
- b. Construction and drainage of access roads and turbine pads;
- c. Design features to control dust;
- d. Design features to maintain downstream water quality;
- e. Re-vegetation to ensure slope stability;
- f. Restoring the site after temporary project activities;
- g. Disposal or storage of excavated materials;
- h. Protecting exposed soil;
- i. Stabilizing restored material and removal of silt fences or barriers when the area is stabilized; and
- j. Maintenance of erosion controls throughout the life of the project.

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4. Applicant shall provide information regarding flora and fauna of the proposed project area including:

- a. Officially listed threatened or endangered species;
- b. Critical habitat and habitat conditions;
- c. An avian study based on the US Fish and Wildlife Services "Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines"

5. Standard drawings of the structural components of the CWECS, including structures, tower, base, and footings.

6. Certification by a registered engineer that:

- a. There is a substantial need for the proposed use or CWECS, one hundred (100) kW or greater;
- b. All applicable local, state, and federal building, structural and electrical codes have been followed;
- c. The site is feasible for a CWECS; the CWECS can be successfully operated in the climate conditions found in Saline County;
- d. The rotor and over speed control have been designed for the proposed use on the proposed site;
- e. The design and safety of the proposed tower to withstand winds of ninety (90) miles per hour; and
- f. If the wind turbine were to fall, no building or structure, existing or potential, would be damaged.

C. Construction and Operations

1. All public roads to be used for the purpose of transporting CWECS, substation parts, cement or equipment for construction, operation, or maintenance of the CWECS shall be identified and applicable weight and size permits from the impacted road authority(ies) shall be obtained prior to construction.

A pre-construction survey must be conducted with the appropriate jurisdictions to determine existing road conditions. Those included are Applicant(s); Land Owner(s); CWECS Owner(s); Township Representative(s), Highway Superintendent and/or Zoning Administrator. The survey shall include photographs and a written agreement to document the conditions of the public roads and facilities. All

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expenses of the survey shall be the Applicant's responsibility.

2. The CWECS owner shall be responsible for immediate repair of damage to public roads and drainage systems stemming from construction, operation, or maintenance of the CWECS

3. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal regulations.

D. Safety Measures

1. Each CWECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.

2. The Planning Commission shall determine the height, color, and type of fencing, if needed, for the CWECS installation. CWECS shall include no sign or advertising of any kind, except for one sign not to exceed two (2) square feet posted at the base of the tower, electrical equipment, and entrances. The sign shall contain the following information:

- a. Warning - high voltage
- b. Manufacturer's name
- c. Operator's name
- d. Emergency phone number
- e. Emergency shutdown procedures

3. Each CWECS shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electric Code.

4. Any CWECS facility shall be equipped with anti-climbing devices. Tower climbing apparatus shall not be located within fifteen (15) feet of the ground. Where the tower is capable of being climbed, a locked, protective fence at least six (6) feet high shall enclose the tower.

5. The CWECS operator shall maintain a current insurance policy which will cover liability, installation, operation, and any possible damage or injury that might result from the failure of a tower or towers or any other part or parts of the generation and transmission facility. The amount of said policy

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shall be established as a condition of approval. The CWECS shall be warranted against any system failures reasonably expected in severe weather operation conditions

E. Discontinuation and Decommissioning.

1. CWECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the City of Crete Zoning Administrator outlining the steps and schedule for returning the CWECS to service. All CWECS and accessory facilities shall be removed four (4) feet below ground level within ninety (90) days of the discontinuation of use. This period may be extended by the Zoning Administrator following a written request by an agent of the owner of the CWECS.

2. Each CWECS shall have a decommissioning plan outlining the anticipated means and costs of removing CWECS at the end of the serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party, such as a profession engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning.

3. At the end of the aggregated project's useful life, the entire site shall be restored in accordance with the requirements of this condition within eighteen (18) months.

F. Noise

No CWECS shall exceed 60 dBA at the nearest structure occupied by humans. In the event of periods of severe weather, as defined by the United State Weather Service, a CWECS may exceed 60 dBA.

(Ord. 1926, 05/19/2015)

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**§11-528 COMMUNICATION TOWERS.**

A. Tower, Communication: Shall mean any structure that is designed, constructed or used for the primary purpose of supporting one or more cellular antennas, including self-supporting lattice towers, guyed towers, monopole towers, or towers designed and intended to visually obscure or conceal the cellular antennas and/or tower. The term encompasses personal wireless service facilities including microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers and alternative tower structures.

B. Communication towers are best suited to be located within rural agricultural areas, beyond the Corporate Limits, within the Two-Mile Planning Jurisdiction of the City, but not in areas that would prohibit, residential, commercial and/or industrial development/growth and/or placement of pertinent public uses. Communication towers are recommended to be included in A-1 Agricultural District as a Special Exception Use. This will provide the Planning Commission and City Council the ability to review and discuss the various issues associated with the potential Communication Tower and, in turn, set specific restrictions for such development.

C. The following are minimum standards for consideration of approving the Special Exception Use in the A-1 Agricultural District and to guide the potential installation of the Communication tower:

1. The maximum height of the tower is limited by the Zoning District in which the tower is located.
2. The tower shall be setback from the property line 1.1 times the total height of the communication tower. This will prevent the tower from falling or collapsing on structures located on adjacent property, or within the right-of-way of an adjacent street, county road or highway.
3. Sites for communication towers shall not be located in areas with predominantly residential uses, environmentally sensitive areas, entryway corridors, landmarks or landmark districts, properties listed or eligible to be listed on the National Register of Historic Places, the Airport Environs and approach paths of run-ways, and other sensitive areas.
4. In any zoning district, a Special Exception Permit may be issued to co-locate additional antennas on an

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existing communication tower, camouflaged facility, water tower or rooftop facility, or facility subject to the following, if the application does not exceed the permitted height in the district, and will have minimal adverse effect on the surrounding property, entryway corridors to the City, landmarks or designated landmark districts, or properties listed or eligible to be listed on the National Register of Historic Places.

(Ord. 1926, 05/19/2015)

**§11-529 ADULT ESTABLISHMENTS**

**A. Purpose and Intent**

It is the purpose of this section to regulate Adult Establishments to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of Adult Establishments within the city's jurisdiction. The provisions of these regulations have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these regulations to condone or legitimize the distribution of obscene material.

**B. Findings and Rationale**

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor*



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Authority v. Bellanca, 452 U.S. 714 (1981); Sewell v. Georgia, 435 U.S. 982 (1978); FW/PBS, Inc. v. City of Dallas, 493 U.S. 215 (1990); City of Dallas v. Stanglin, 490 U.S. 19 (1989); and Farkas v. Miller, 151 F.3d 900 (8th Cir. 1998); Jakes, Ltd. v. City of Coates, 284 F.3d 884 (8th Cir. 2002); BZAPS, Inc. v. City of Mankato, 268 F.3d 603 (8th Cir. 2001); SOB, Inc. v. County of Benton, 317 F.3d 856 (8th Cir. 2003); Scope Pictures v. City of Kansas City, 140 F.3d 1201 (8th Cir. 1998); ILQ Invs. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); City of Lincoln v. ABC Books, Inc., 470 N.W.2d 760 (Neb. 1991); Xiong v. City of Moorhead, 2009 WL 322217 (D. Minn. Feb. 2, 2009); Entm't Prods., Inc. v. Shelby County, 721 F.3d 729 (6th Cir. 2013); Lund v. City of Fall River, 714 F.3d 65 (1st Cir. 2013); Imaginary Images, Inc. v. Evans, 612 F.3d 736 (4th Cir. 2010); LLEH, Inc. v. Wichita County, 289 F.3d 358 (5th Cir. 2002); Ocello v. Koster, 354 S.W.3d 187 (Mo. 2011); 84 Video/Newsstand, Inc. v. Sartini, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); Plaza Group Properties, LLC v. Spencer County Plan Commission, 877 N.E.2d 877 (Ind. Ct. App. 2007); Flanigan's Enters., Inc. v. Fulton County, 596 F.3d 1265 (11th Cir. 2010); East Brooks Books, Inc. v. Shelby County, 588 F.3d 360 (6th Cir. 2009); Entm't Prods., Inc. v. Shelby County, 588 F.3d 372 (6th Cir. 2009); Sensations, Inc. v. City of Grand Rapids, 526 F.3d 291 (6th Cir. 2008); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); Peek-a-Boo Lounge v. Manatee County, 630 F.3d 1346 (11th Cir. 2011); Daytona Grand, Inc. v. City of Daytona Beach, 490 F.3d 860 (11th Cir. 2007); Heideman v. South Salt Lake City, 348 F.3d 1182 (10th Cir. 2003); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007); Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville, 635 F.3d 1266 (11th Cir. 2011); H&A Land Corp. v. City of Kennedale, 480 F.3d 336 (5th Cir. 2007); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir. 1995); Fantasy Ranch, Inc. v. City of Arlington, 459 F.3d 546 (5th Cir. 2006); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Richland Bookmart, Inc. v. Knox County, 555 F.3d 512 (6th Cir. 2009); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 256 F. Supp. 2d 385 (D. Md. 2003); Richland Bookmart, Inc. v. Nichols, 137 F.3d 435 (6th Cir. 1998); Spokane Arcade, Inc. v. City of

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Spokane, 75 F.3d 663 (9th Cir. 1996); DCR, Inc. v. Pierce County, 964 P.2d 380 (Wash. Ct. App. 1998); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999); Taylor v. State, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); Fantasyland Video, Inc. v. County of San Diego, 505 F.3d 996 (9th Cir. 2007); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); Major Liquors, Inc. v. City of Omaha, 188 Neb. 628 (1972); DLH Inc. v. Nebraska Liquor Control Commission, 266 Neb. 361(2003); Village of Winslow v Sheets, 261 Neb.203 (2001), and based upon reports concerning secondary effects occurring in and around adult establishments, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis," Crime & Delinquency (2012) (Louisville, KY); Metropolis, Illinois - 2011-12; Manatee County, Florida - 2007; Hillsborough County, Florida - 2006; Clarksville, Indiana - 2009; El Paso, Texas - 2008; Memphis, Tennessee - 2006; New Albany, Indiana - 2009; Louisville, Kentucky - 2004; Fulton County, GA - 2001; Chattanooga, Tennessee - 1999-2003; Jackson County, Missouri - 2008; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Dallas, Texas - 1997; Houston, Texas - 1997, 1983; Phoenix, Arizona - 1995-98, 1979; Tucson, Arizona - 1990; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Oklahoma City, Oklahoma - 1986; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group On The Regulation Of Adult establishments, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director,

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Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Adult establishments: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA), McCleary and Weinstein; Do "Off-Site Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory and Empirical Evidence, Law and Policy, Vol. 31, No. 2 (April 2009), Adult Business Study: Town and Village of Ellicottville, Cattaraugus County, New York (January 1998), the city finds:

1. Adult Establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Adult Establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.
3. Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing and/or abating. Additionally, the city's interest in regulating Adult Establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the city. The city finds that the cases and documentation relied on in this resolution are reasonably believed to be relevant to said secondary effects.

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The city hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

**C. Definitions**

As used in this section, the following terms shall have the meanings indicated:

**Adult Arcade:** shall mean a commercial establishment to which the public is permitted or invited that maintains booths or rooms smaller than 100 square feet, wherein image-producing devices are regularly maintained, where a fee is charged to access the booths or rooms, and where minors are excluded from the booths or rooms by reason of age.

**Adult Bookstore:** shall mean a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

1. At least 35% of the establishment's displayed merchandise consists of said items, or
2. At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
3. The establishment maintains at least 35% of its floor area for the display, sale, and/or rental of said items; or
4. The establishment maintains at least seven hundred fifty square feet (750 sq. ft.) of its floor area for the display, sale, and/or rental of said items.

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**Adult Establishment:** shall mean an "adult arcade," an "adult bookstore," an "adult motion picture theater," a "semi-nude lounge," or a "sex paraphernalia store."

**Adult Motion Picture Theater:** shall mean a commercial establishment to which the public is permitted or invited that maintains viewing rooms that are 100 square feet or larger wherein films or videos characterized by their emphasis upon "specified sexual activities" or "specified anatomical areas" are regularly shown.

**Characterized By:** shall mean describing the essential character or quality of an item. As applied to adult establishments, no business shall be classified as an adult establishment by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

**Employee of an Adult Establishment:** shall mean any person who works on the premises of an adult establishment, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

**Nudity or Nude Conduct:** shall mean the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

**Operator of Adult Establishment:** shall mean any person on the premises of an adult establishment who manages, supervises, or controls the business or a portion thereof. A person may be found to be an operator regardless of whether such person is an owner or part owner, of the business.

**Semi-Nude or Semi-Nudity:** shall mean the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human

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female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

**Semi-Nude Lounge:** shall mean a nightclub, juice bar, restaurant, bottle club, massage parlor, or similar commercial establishment that regularly offers live semi-nude conduct. No establishment shall avoid classification as a semi-nude lounge by offering nude conduct.

**Sexual Device:** shall mean any three (3) dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

**Sex Paraphernalia Store:** shall mean a commercial establishment where more than 100 sexual devices are regularly made available for sale or rental. This definition shall not be construed to include any establishment located within an enclosed regional shopping mall or any establishment primarily dedicated to providing medical products.

**Specified Anatomical Areas:** shall mean less than completely and opaquely covered human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola.

**Specified Sexual Activities:** shall mean intercourse, oral copulation, masturbation or sodomy.

**Viewing Room:** shall mean the room or booth where a patron of an adult establishment would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video on an image-producing device.

**D. Regulations**

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1. No person shall establish, operate, or cause to be operated an adult establishment in Crete's jurisdiction within:
  - a. 1,000 feet of another adult establishment;
  - b. 500 feet of a business licensed to sell alcohol at the premises; or
  - c. 1,000 feet of a residential district, residential use, residence, church, educational institution, park, or recreational facility.
  - d. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure containing the adult establishment to the closest point on a property boundary of another adult establishment, a business licensed to sell alcohol at the premises, a residential district, a residential use, a residence, a church, an educational institution, park, or a recreational facility.
2. No adult establishment shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day.
3. No patron, employee of an adult establishment, or any other person shall knowingly or intentionally, in an adult establishment, appear in a state of nudity or engage in a specified sexual activity.
4. No person shall knowingly or intentionally, in an adult establishment, appear in a semi-nude condition unless the person is an employee of an adult establishment who, while semi-nude, remains at least six (6) feet from all patrons and on a stage at least eighteen (18) inches from the floor in a room of at least six hundred (600) square feet.
5. No employee of an adult establishment who appears semi-nude in an adult establishment shall knowingly or intentionally touch a customer or the clothing of a customer on the premises of an adult establishment. No customer shall knowingly or intentionally touch such an employee of an adult establishment or the clothing of such an employee of an adult establishment on the premises of an adult establishment.
6. No person shall possess alcoholic beverages on the premises of an adult establishment.

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7. No person shall knowingly or recklessly allow a person under the age of eighteen (18) years to be or remain on the premises of an adult establishment.

8. No operator of an adult establishment shall knowingly or recklessly allow a room in the adult establishment to be simultaneously occupied by any patron and any other employee of an adult establishment who is semi-nude or who appears semi-nude on the premises of the adult establishment, unless an operator of the adult establishment is present in the same room.

9. A person who operates or causes to be operated an adult establishment which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.

a. The operator of the adult establishment shall, within one week of opening the adult establishment for business, submit to the City Zoning Officer a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, video cassettes, digital video discs, or other video reproductions. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.

b. It shall be the duty of the operator of the adult establishment, and of any employees of the adult establishment present on the premises, to ensure that no patron is permitted access to any



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area of the premises which has been designated as an area in which patrons will not be permitted.

c. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.

d. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.

e. It shall be the duty of the operator of an adult establishment to post conspicuous signs in well-lighted entry areas of the business stating all of the following:

i. That the occupancy of viewing rooms less than 150 square feet is limited to one person.

ii. That specified sexual activity on the premises is prohibited.

iii. That the making of openings between viewing rooms is prohibited.

iv. That violators will be required to leave the premises.

v. That violations of these regulations are unlawful.

f. It shall be the duty of the operator of an adult establishment to enforce the regulations articulated in e.i. through e.v. above.

g. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator of the adult establishment's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two

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(32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator of an adult establishment to ensure that at least one employee of an adult establishment is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator of an adult establishment, and it shall also be the duty of any employees of an adult establishment present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

h. It shall be the duty of the operator of an adult establishment to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.

i. It shall be unlawful for a person having a duty under subsections 9.a. through 9.h above to knowingly or recklessly fail to fulfill that duty.

j. No patron shall knowingly or recklessly enter or remain in a viewing room less than 150 square feet in area that is occupied by any other patron.

k. No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is 150 square feet or larger in area.

l. No person shall knowingly or recklessly make any hole or opening between viewing rooms.

10. It shall be the duty of the operator of an adult establishment to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers

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are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.

11. Unless a culpable mental state is otherwise specified herein, a showing of a reckless mental state shall be sufficient to establish a violation of a provision of this section 8.17.03.

*(Ord. No. 2029, 11/7/17)*

**§11-530 Solar Panels**

No solar panel shall be constructed within the residential zoning jurisdiction of the City of Crete unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

A. Lot and Height Requirements: Solar panels shall conform to the required front, side, street side, and rear lot setback requirements except as provided herein:

1. A solar panel which is attached to an integral part of the principal building may project three feet into the front yard and street side yard; six feet into the rear yard; and two feet into the side yard.

2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard, front yard or street side yard.

B. Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable Crete building codes.

C. Plot Plan: The application for a permit shall be accompanied by a plot plan drawn to scale showing property

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lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

D. Permit Fee: A permit fee is required. This permit fee shall be paid prior to the issuance of the building permit. The amount of the fee shall be as established in the Master Fee Schedule.

E. Pre-existing Solar Panels: Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to January 1, 2015, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

*(Ord. No. 2030, 11/7/17)*

**§11-531 Outdoor Storage Containers**

A. Outdoor storage containers are limited conditionally to the Agriculture, Public and Industrial Districts.

B. Location: Containers shall be located to the rear 50 percent of the site. Containers shall not be located in any required setback or yard area, required landscape area, required drive aisle, driveway, or parking area. Containers shall not encroach upon spaces necessary to satisfy the minimum parking requirement, nor shall they block, impede, or divert traffic in or access to emergency, snow removal, circulation and fire lanes. Containers shall not be stacked upon one another and shall be located an appropriate distance from all structures, in accordance with the Fire Code.

C. Condition: The exterior of the storage containers shall be kept free of rust, holes, dents, or other corrosion and shall be painted or otherwise maintained such that they are consistent with the character of adjacent buildings, and secured at all times.

D. Use: At no time shall an outdoor storage container be used as a place of business or residence, nor shall a container house, store, or contain goods, products, or

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materials other than those that are accessory and essential to daily on-site use and operation of the principal building or business requesting the conditional use permit.

E. Exemptions: The temporary use of construction trailers, containers at a building site up to one year, or moving containers up to 60 days are exempt from this requirement.

*(Ord. No. 2030, 11/7/17)*