

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 133

Introduced By: Schimek, 27; Avery, 28; Hudkins, 21;

Read first time: January 8, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to zoning; to amend section 23-174.01,
2 Reissue Revised Statutes of Nebraska; to provide for the
3 transfer of development rights as prescribed; and to repeal
4 the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-174.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 23-174.01. Every county in which is located a city of the
4 primary class shall have power within the county, except within the
5 area over which zoning jurisdiction has been granted to any city or
6 village and over which such city or village is exercising such
7 jurisdiction, to regulate and restrict (1) the location, height, bulk,
8 and size of buildings and other structures, (2) the percentage of a
9 lot that may be occupied, (3) the size of yards, courts, and other
10 open spaces, (4) the density of population, including the voluntary
11 transfer of noncontiguous residential density of population rights,
12 and (5) the locations and uses of buildings, structures, and land for
13 trade, industry, business, residences and other purposes. Such county
14 shall have power within the county, except within the area over which
15 zoning jurisdiction has been granted to any city or village and over
16 which such city or village is exercising such jurisdiction, to divide
17 the county zoned into districts of such number, shape, and area as may
18 be best suited to carry out the purposes of this section, and to
19 regulate, restrict, or prohibit the erection, construction,
20 reconstruction, alteration, or use of buildings, structures, or land
21 within the total area zoned or within districts. All such regulations
22 shall be uniform for each class or kind of buildings throughout each
23 district, but regulations applicable to one district may differ from
24 those applicable to other districts. Such zoning regulations shall be
25 designed to secure safety from fire, flood, and other dangers and to
26 promote the public health, safety, and general welfare and shall be
27 made with consideration having been given to the character of the

1 various parts of the area zoned and their peculiar suitability for
2 particular uses and types of development and with a view to conserving
3 property values and encouraging the most appropriate use of land
4 throughout the area zoned in accordance with a comprehensive plan. The
5 provisions of section 23-114 which relate to manufactured homes shall
6 apply to such zoning regulations. Such zoning regulations may include
7 reasonable provisions regarding nonconforming uses and their gradual
8 elimination.

9 Sec. 2 Original section 23-174.01, Reissue Revised Statutes
10 of Nebraska, is repealed.