

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 279

FINAL READING

Introduced by Avery, 28; Cornett, 45; Price, 3; Rogert, 16.

Read first time January 14, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to land-use planning; to amend sections
2 14-407, 15-1103, and 19-923, Reissue Revised Statutes
3 of Nebraska; to require notification of military
4 installations regarding development of real property; and
5 to repeal the original sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-407, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 14-407 ~~The city~~ A city of the metropolitan class shall
4 exercise the powers conferred by sections 14-401 to 14-418 through
5 such appropriate planning board or official as exists in such city.

6 When the city is considering the adoption or amendment of
7 a zoning ordinance or the approval of the platting or replatting of
8 any development of real estate, the city shall notify any military
9 installation which is located within the corporate boundary limits
10 or the extraterritorial zoning jurisdiction of the city if the
11 city has received a written request for such notification from
12 the military installation. The planning board shall deliver the
13 notification to the military installation at least ten days prior
14 to the meeting of the planning board at which the proposal is to be
15 considered.

16 Sec. 2. Section 15-1103, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 15-1103 The planning director shall be responsible for
19 preparing the comprehensive plan and amendments and extensions
20 thereto, and for submitting such plans and modifications to the
21 city planning commission for its consideration and action. The
22 commission shall review such plans and modifications, and those
23 which the city council may suggest, and, after holding at least
24 one public hearing on each proposed action, shall provide its
25 recommendations to the city council within a reasonable period

1 of time. The city council shall review the recommendations of
2 the planning commission and, after at least one public hearing
3 on each proposed action, shall adopt or reject such plans as
4 submitted, except that the city council may, by an affirmative vote
5 of at least five members of the city council, adopt a plan or
6 amendments to the proposed plan different from that recommended by
7 the planning commission.

8 When the city is considering the adoption or amendment of
9 a zoning ordinance or the approval of the platting or replatting of
10 any development of real estate, the planning director shall notify
11 any military installation which is located within the corporate
12 boundary limits or the extraterritorial zoning jurisdiction of
13 the city if the city has received a written request for such
14 notification from the military installation. The planning director
15 shall deliver the notification to the military installation at
16 least ten days prior to the meeting of the planning commission at
17 which the proposal is to be considered.

18 Sec. 3. Section 19-923, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 19-923 (1) In order to provide for orderly school
21 planning and development, a municipality considering the adoption
22 or amendment of a zoning ordinance, or approval of the platting
23 or replatting of any development of real estate, shall notify
24 the board of education of each school district in which the real
25 estate, or some part thereof, to be affected by such a proposal

1 lies, of the next regular meeting of the planning commission at
2 which such proposal is to be considered and shall submit a copy of
3 the proposal to the board of education at least ten days prior to
4 such meeting.

5 (2) When a municipality is considering the adoption or
6 amendment of a zoning ordinance or the approval of the platting
7 or replatting of any development of real estate, the municipality
8 shall notify any military installation which is located within
9 the corporate boundary limits or the extraterritorial zoning
10 jurisdiction of the municipality if the municipality has received
11 a written request for such notification from the military
12 installation. The municipality shall deliver the notification to
13 the military installation at least ten days prior to the meeting of
14 the planning commission at which the proposal is to be considered.

15 (3) The provisions of this section shall not apply
16 to zoning, rezoning, or approval of plats by any city of the
17 metropolitan or primary class, which has adopted a comprehensive
18 subdivision ordinance pursuant to sections 14-115 and 14-116, or
19 Chapter 15, articles 9 and 11. Plats of subdivisions approved by
20 the agent of a municipality designated pursuant to section 19-916
21 shall not be subject to the notice ~~requirement~~ requirements in this
22 section.

23 Sec. 4. When a county planning commission appointed
24 pursuant to section 23-114.01 is considering the adoption or
25 amendment of a zoning ordinance or the approval of the platting or

1 replatting of any development of real estate, the commission shall
2 notify any military installation which is located within the county
3 if the county has received a written request for such notification
4 from the military installation. The county planning commission
5 shall deliver the notification to the military installation at
6 least ten days prior to the meeting of the county planning
7 commission at which the proposal is to be considered.

8 Sec. 5. Original sections 14-407, 15-1103, and 19-923,
9 Reissue Revised Statutes of Nebraska, are repealed.