

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 279

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 shall exercise the powers conferred by
4 sections 14-401 to 14-418 through such appropriate planning board
5 or official as exists in such city.

6 The city shall provide notification to a military
7 installation which is located in the city or in or adjacent to the
8 city's territorial zoning jurisdiction regarding any development
9 of property which, in the city's judgment, may affect the military
10 installation. The city shall deliver the notification to the
11 official in charge of the installation within fourteen days after
12 becoming aware of the development. The notification shall include
13 the name of the property owner, the name of the developer, the
14 location of the development, and a description of the type of
15 development under consideration.

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 The planning director shall provide notification to a
9 military installation which is located in the city or in or
10 adjacent to the city's territorial zoning jurisdiction regarding
11 any development of property which, in the planning director's
12 judgment, may affect the military installation. The planning
13 director shall deliver the notification to the official in charge
14 of the installation within fourteen days after becoming aware of
15 the development. The notification shall include the name of the
16 property owner, the name of the developer, the location of the
17 development, and a description of the type of development under
18 consideration.

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

21 19-923 In order to provide for orderly ~~school~~ planning
22 and development, a municipality considering the adoption or
23 amendment of a zoning ordinance, or approval of the platting or
24 replatting of any development of real estate, shall notify the
25 board of education of each school district in which the real

1 estate, or some part thereof, to be affected by such a proposal
2 lies, and the official in charge of any military installation
3 which is located in the municipality or in or adjacent to the
4 municipality's territorial zoning jurisdiction, of the next regular
5 meeting of the planning commission at which such proposal is to be
6 considered and shall submit a copy of the proposal to the board of
7 education and official at least ten days prior to such meeting. The
8 provisions of this section shall not apply to zoning, rezoning, or
9 approval of plats by any city of the metropolitan or primary class,
10 which has adopted a comprehensive subdivision ordinance pursuant to
11 sections 14-115 and 14-116, or Chapter 15, articles 9 and 11. Plats
12 of subdivisions approved by the agent of a municipality designated
13 pursuant to section 19-916 shall not be subject to the notice
14 requirement in this section.

15 Sec. 4. A county planning commission appointed pursuant
16 to section 23-114.01 shall provide notification to a military
17 installation which is located in the county for which the
18 commission is appointed or which is adjacent to the county
19 for which the commission is appointed regarding any development
20 of property which, in the commission's judgment, may affect
21 the military installation. The commission shall deliver the
22 notification to the official in charge of the installation
23 within fourteen days after becoming aware of the development. The
24 notification shall include the name of the property owner, the
25 name of the developer, the location of the development, and a

1 description of the type of development under consideration.

2 Sec. 5. Original sections 14-407, 15-1103, and 19-923,

3 Reissue Revised Statutes of Nebraska, are repealed.