

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 295

FINAL READING

Introduced by Scheer, 19.

Read first time January 15, 2015

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to municipalities; to amend sections 16-901
- 2 and 17-1001, Reissue Revised Statutes of Nebraska; to require notice
- 3 and opportunity for comment regarding zoning ordinances affecting
- 4 extraterritorial zoning jurisdiction for certain municipalities; to
- 5 harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 16-901, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-901 (1) Except as provided in section 13-327, any city of the
4 first class may apply by ordinance any existing or future zoning
5 regulations, property use regulations, building ordinances, electrical
6 ordinances, plumbing ordinances, and ordinances authorized by section
7 16-240 to the unincorporated area two miles beyond and adjacent to its
8 corporate boundaries with the same force and effect as if such outlying
9 area were within the corporate limits of such city, except that no such
10 ordinance shall be extended or applied so as to prohibit, prevent, or
11 interfere with the conduct of existing farming, livestock operations,
12 businesses, or industry. For purposes of sections 70-1001 to 70-1020, the
13 zoning area of a city of the first class shall be one mile beyond and
14 adjacent to the corporate area. The fact that such unincorporated area is
15 located in a different county or counties than some or all portions of
16 the municipality shall not be construed as affecting the powers of the
17 city to apply such ordinances.

18 (2)(a) A city of the first class shall provide written notice to the
19 county board of the county in which the city's two-mile extraterritorial
20 zoning jurisdiction is located when proposing to adopt or amend a zoning
21 ordinance which affects the city's two-mile extraterritorial zoning
22 jurisdiction within such county. The written notice of the proposed
23 change to the zoning ordinance shall be sent to the county board or its
24 designee at least thirty days prior to the final decision by the city.
25 The county board may submit comments or recommendations regarding the
26 change in the zoning ordinance at the public hearings on the proposed
27 change or directly to the city within thirty days after receiving such
28 notice. The city may make its final decision (i) upon the expiration of
29 the thirty days following the notice or (ii) when the county board
30 submits comments or recommendations, if any, to the city prior to the
31 expiration of the thirty days following the notice.

1 (b) Subdivision (2)(a) of this section does not apply to a city of
2 the first class (i) located in a county with a population in excess of
3 one hundred thousand inhabitants or (ii) if the city and the county have
4 a joint planning commission or joint planning department.

5 Sec. 2. Section 17-1001, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 17-1001 (1) Except as provided in section 13-327, any city of the
8 second class or village may apply by ordinance any existing or future
9 zoning ordinances, property use regulation ordinances, building
10 ordinances, electrical ordinances, and plumbing ordinances, to an area
11 within one mile of the corporate limits of such municipality
12 municipalities, with the same force and effect as if such area ~~was~~ were
13 within ~~its~~ ~~their~~ corporate limits. No such ordinance shall be extended or
14 applied so as to prohibit, prevent, or interfere with the conduct of
15 existing farming, livestock operations, businesses, or industry. For
16 purposes of sections 70-1001 to 70-1020, the zoning area of a city of the
17 second class or village shall be one-half mile from the corporate limits
18 of such municipalities. The fact that the zoning area or part thereof is
19 located in a different county or counties than some or all portions of
20 the municipality shall not be construed as affecting the necessity of
21 obtaining the approval of the city council or board of trustees of such
22 municipality or its agent designated pursuant to section 19-916.

23 (2)(a) A city of the second class or village shall provide written
24 notice to the county board of the county in which the one-mile
25 extraterritorial zoning jurisdiction of the city or village is located
26 when proposing to adopt or amend a zoning ordinance which affects the
27 one-mile extraterritorial zoning jurisdiction of the city or village
28 within such county. The written notice of the proposed change to the
29 zoning ordinance shall be sent to the county board or its designee at
30 least thirty days prior to the final decision by the city or village. The
31 county board may submit comments or recommendations regarding the change

1 in the zoning ordinance at the public hearings on the proposed change or
2 directly to the city or village within thirty days after receiving such
3 notice. The city or village may make its final decision (i) upon the
4 expiration of the thirty days following the notice or (ii) when the
5 county board submits comments or recommendations, if any, to the city or
6 village prior to the expiration of the thirty days following the notice.

7 (b) Subdivision (2)(a) of this section does not apply to a city of
8 the second class or a village (i) located in a county with a population
9 in excess of one hundred thousand inhabitants or (ii) if the city or
10 village and the county have a joint planning commission or joint planning
11 department.

12 Sec. 3. Original sections 16-901 and 17-1001, Reissue Revised
13 Statutes of Nebraska, are repealed.