

AMENDMENTS TO LB66

(Amendments to Standing Committee amendments, AM56)

Introduced by Hansen, M., 26.

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3           Section 1. Section 14-403.01, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5           14-403.01 (1) When a city of the metropolitan class adopts a new  
6 comprehensive plan or a full update to an existing comprehensive plan on  
7 or after July 15, 2010, but not later than January 1, 2015, such plan or  
8 update shall include, but not be limited to, an energy element which:  
9 Assesses energy infrastructure and energy use by sector, including  
10 residential, commercial, and industrial sectors; evaluates utilization of  
11 renewable energy sources; and promotes energy conservation measures that  
12 benefit the community.

13           (2) When a city of the metropolitan class adopts a new comprehensive  
14 plan or a full update to an existing comprehensive plan on or after the  
15 effective date of this act, such plan or update shall include an early  
16 childhood education element.

17           Sec. 2. Section 15-1102, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19           15-1102 (1) The general plan for the improvement and development of  
20 the city of the primary class shall be known as the comprehensive plan.  
21 This plan for governmental policies and action shall include the pattern  
22 and intensity of land use, the provision of public facilities including  
23 transportation and other governmental services, the effective development  
24 and utilization of human and natural resources, the identification and  
25 evaluation of area needs including housing, employment, education,  
26 including early childhood education, and health and the formulation of

1 programs to meet such needs, surveys of structures and sites determined  
2 to be of historic, cultural, archaeological, or architectural  
3 significance or value, long-range physical and fiscal plans for  
4 governmental policies and action, and coordination of all related plans  
5 and activities of the state and local governments and agencies concerned.  
6 The comprehensive plan, with the accompanying maps, plats, charts, and  
7 descriptive and explanatory materials, shall show the recommendations  
8 concerning the physical development pattern of such city and of any land  
9 outside its boundaries related thereto, taking into account the  
10 availability of and need for conserving land and other irreplaceable  
11 natural resources, the preservation of sites of historic, cultural,  
12 archaeological, and architectural significance or value, the projected  
13 changes in size, movement, and composition of population, the necessity  
14 for expanding housing and employment opportunities, and the need for  
15 methods of achieving modernization, simplification, and improvements in  
16 governmental structures, systems, and procedures related to growth  
17 objectives. The comprehensive plan shall, among other things, show:

18 (a) ~~(1)~~ The general location, character, and extent of existing and  
19 proposed streets and highways and railroad, air, and other transportation  
20 routes and terminals;

21 (b) ~~(2)~~ Existing and proposed public ways, parks, grounds, and open  
22 spaces;

23 (c) ~~(3)~~ The general location, character, and extent of schools,  
24 school grounds, and other educational facilities and properties,  
25 including educational facilities and properties used for early childhood  
26 education programs;

27 (d) ~~(4)~~ The general location and extent of existing and proposed  
28 public utility installations;

29 (e) ~~(5)~~ The general location and extent of community development and  
30 housing activities;

31 (f) ~~(6)~~ The general location of existing and proposed public

1 buildings, structures, and facilities; and

2 ~~(g) (7)~~ When a new comprehensive plan or a full update to an  
3 existing comprehensive plan is developed on or after July 15, 2010, but  
4 not later than January 1, 2015, an energy element which: Assesses energy  
5 infrastructure and energy use by sector, including residential,  
6 commercial, and industrial sectors; evaluates utilization of renewable  
7 energy sources; and promotes energy conservation measures that benefit  
8 the community.

9 ~~(2)~~ The comprehensive plan shall include a land-use plan showing the  
10 proposed general distribution and general location of business and  
11 industry, residential areas, utilities, and recreational, educational,  
12 and other categories of public and private land uses. For purposes of  
13 this subsection, educational land uses includes land used for early  
14 childhood education programs. The land-use plan shall also show the  
15 recommended standards of population density based upon population  
16 estimates and providing for activities for which space should be supplied  
17 within the area covered by the plan. The comprehensive plan shall include  
18 and show proposals for acquisition, extension, widening, narrowing,  
19 removal, vacation, abandonment, sale, and other actions affecting public  
20 improvements.

21 Sec. 3. Section 19-903, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 19-903 ~~(1)~~ The regulations and restrictions authorized by sections  
24 19-901 to 19-915 shall be in accordance with a comprehensive development  
25 plan which shall consist of both graphic and textual material and shall  
26 be designed to accommodate anticipated long-range future growth which  
27 shall be based upon documented population and economic projections. The  
28 comprehensive development plan shall, among other possible elements,  
29 include:

30 ~~(a) (1)~~ A land-use element which designates the proposed general  
31 distributions, general location, and extent of the uses of land for

1 agriculture, housing, commerce, industry, recreation, education, public  
2 buildings and lands, and other categories of public and private use of  
3 land. For purposes of this subdivision, use of land for education  
4 includes land used for early childhood education programs;

5 (b) ~~(2)~~ The general location, character, and extent of existing and  
6 proposed major roads, streets, and highways, and air and other  
7 transportation routes and facilities;

8 (c) ~~(3)~~ The general location, type, capacity, and area served of  
9 present and projected or needed community facilities including recreation  
10 facilities, schools, early childhood education facilities, libraries,  
11 other public buildings, and public utilities and services;

12 (d) ~~(4)~~ When a new comprehensive plan or a full update to an  
13 existing comprehensive plan is developed on or after July 15, 2010, but  
14 not later than January 1, 2015, an energy element which: Assesses energy  
15 infrastructure and energy use by sector, including residential,  
16 commercial, and industrial sectors; evaluates utilization of renewable  
17 energy sources; and promotes energy conservation measures that benefit  
18 the community. This subdivision shall not apply to villages; and

19 (e)(i) ~~(5)(a)~~ When next amended after January 1, 1995, an  
20 identification of sanitary and improvement districts, subdivisions,  
21 industrial tracts, commercial tracts, and other discrete developed areas  
22 which are or in the future may be appropriate subjects for annexation and  
23 (ii) (b) a general review of the standards and qualifications that should  
24 be met to enable the municipality to undertake annexation of such areas.  
25 Failure of the plan to identify subjects for annexation or to set out  
26 standards or qualifications for annexation shall not serve as the basis  
27 for any challenge to the validity of an annexation ordinance.

28 (2) Regulations shall be designed to lessen congestion in the  
29 streets; to secure safety from fire, panic, and other dangers; to promote  
30 health and the general welfare; to provide adequate light and air; to  
31 prevent the overcrowding of land; to secure safety from flood; to avoid

1 undue concentration of population; to facilitate the adequate provision  
2 of transportation, water, sewerage, schools, early childhood education,  
3 parks and other public requirements; to protect property against blight  
4 and depreciation; to protect the tax base; to secure economy in  
5 governmental expenditures; and to preserve, protect, and enhance historic  
6 buildings, places, and districts.

7       (3) Such regulations shall be made with reasonable consideration,  
8 among other things, for the character of the district and its peculiar  
9 suitability for particular uses and with a view to conserving the value  
10 of buildings and encouraging the most appropriate use of land throughout  
11 such municipality.

12       Sec. 4. Original sections 14-403.01, 15-1102, and 19-903, Reissue  
13 Revised Statutes of Nebraska, are repealed.