

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 731

FINAL READING

Introduced by Hunt, 8.

Read first time January 23, 2019

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to political subdivisions; to amend sections
2 14-403.01, 15-1102, and 23-114.02, Reissue Revised Statutes of
3 Nebraska, and section 19-903, Revised Statutes Supplement, 2019; to
4 change provisions relating to new or updated comprehensive plans;
5 and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

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

3 14-403.01 When a city of the metropolitan class adopts a new
4 comprehensive plan or a full update to an existing comprehensive plan ~~on~~
5 ~~or after July 15, 2010, but not later than January 1, 2015,~~ such plan or
6 update shall include, but not be limited to, an energy element which:
7 Assesses energy infrastructure and energy use by sector, including
8 residential, commercial, and industrial sectors; evaluates utilization of
9 renewable energy sources; and promotes energy conservation measures that
10 benefit the community.

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

13 15-1102 The general plan for the improvement and development of the
14 city of the primary class shall be known as the comprehensive plan. This
15 plan for governmental policies and action shall include the pattern and
16 intensity of land use, the provision of public facilities including
17 transportation and other governmental services, the effective development
18 and utilization of human and natural resources, the identification and
19 evaluation of area needs including housing, employment, education, and
20 health and the formulation of programs to meet such needs, surveys of
21 structures and sites determined to be of historic, cultural,
22 archaeological, or architectural significance or value, long-range
23 physical and fiscal plans for governmental policies and action, and
24 coordination of all related plans and activities of the state and local
25 governments and agencies concerned. The comprehensive plan, with the
26 accompanying maps, plats, charts and descriptive and explanatory
27 materials, shall show the recommendations concerning the physical
28 development pattern of such city and of any land outside its boundaries
29 related thereto, taking into account the availability of and need for
30 conserving land and other irreplaceable natural resources, the
31 preservation of sites of historic, cultural, archaeological, and

1 architectural significance or value, the projected changes in size,
2 movement, and composition of population, the necessity for expanding
3 housing and employment opportunities, and the need for methods of
4 achieving modernization, simplification, and improvements in governmental
5 structures, systems, and procedures related to growth objectives. The
6 comprehensive plan shall, among other things, show:

7 (1) The general location, character, and extent of existing and
8 proposed streets and highways and railroad, air, and other transportation
9 routes and terminals;

10 (2) Existing and proposed public ways, parks, grounds, and open
11 spaces;

12 (3) The general location, character, and extent of schools, school
13 grounds, and other educational facilities and properties;

14 (4) The general location and extent of existing and proposed public
15 utility installations;

16 (5) The general location and extent of community development and
17 housing activities;

18 (6) The general location of existing and proposed public buildings,
19 structures, and facilities; and

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

27 The comprehensive plan shall include a land-use plan showing the
28 proposed general distribution and general location of business and
29 industry, residential areas, utilities, and recreational, educational,
30 and other categories of public and private land uses. The land-use plan
31 shall also show the recommended standards of population density based

1 upon population estimates and providing for activities for which space
2 should be supplied within the area covered by the plan. The comprehensive
3 plan shall include and show proposals for acquisition, extension,
4 widening, narrowing, removal, vacation, abandonment, sale, and other
5 actions affecting public improvements.

6 Sec. 3. Section 19-903, Revised Statutes Supplement, 2019, is
7 amended to read:

8 19-903 The regulations and restrictions authorized by sections
9 19-901 to 19-915 shall be in accordance with a comprehensive development
10 plan which shall consist of both graphic and textual material and shall
11 be designed to accommodate anticipated long-range future growth which
12 shall be based upon documented population and economic projections. The
13 comprehensive development plan shall, among other possible elements,
14 include:

15 (1) A land-use element which designates the proposed general
16 distributions, general location, and extent of the uses of land for
17 agriculture, housing, commerce, industry, recreation, education, public
18 buildings and lands, and other categories of public and private use of
19 land;

20 (2) The general location, character, and extent of existing and
21 proposed major roads, streets, and highways, and air and other
22 transportation routes and facilities;

23 (3) The general location, type, capacity, and area served of present
24 and projected or needed community facilities including recreation
25 facilities, schools, libraries, other public buildings, and public
26 utilities and services;

27 (4) When a new comprehensive plan or a full update to an existing
28 comprehensive plan is developed ~~on or after July 15, 2010, but not later~~
29 ~~than January 1, 2015,~~ an energy element which: Assesses energy
30 infrastructure and energy use by sector, including residential,
31 commercial, and industrial sectors; evaluates utilization of renewable

1 energy sources; and promotes energy conservation measures that benefit
2 the community. This subdivision shall not apply to villages; and

3 (5)(a) When next amended after January 1, 1995, an identification of
4 sanitary and improvement districts, subdivisions, industrial tracts,
5 commercial tracts, and other discrete developed areas which are or in the
6 future may be appropriate subjects for annexation and (b) a general
7 review of the standards and qualifications that should be met to enable
8 the municipality to undertake annexation of such areas. Failure of the
9 plan to identify subjects for annexation or to set out standards or
10 qualifications for annexation shall not serve as the basis for any
11 challenge to the validity of an annexation ordinance.

12 Regulations adopted pursuant to sections 19-901 to 19-915 shall be
13 designed to lessen congestion in the streets; to secure safety from fire,
14 panic, and other dangers; to promote health and the general welfare; to
15 provide adequate light and air; to prevent the overcrowding of land; to
16 secure safety from flood; to avoid undue concentration of population; to
17 facilitate the adequate provision of transportation, water, sewerage,
18 schools, parks, and other public requirements; to protect property
19 against blight and depreciation; to protect the tax base; to secure
20 economy in governmental expenditures; and to preserve, protect, and
21 enhance historic buildings, places, and districts.

22 Such regulations shall be made with reasonable consideration, among
23 other things, for the character of the district and its peculiar
24 suitability for particular uses and with a view to conserving the value
25 of buildings and encouraging the most appropriate use of land throughout
26 such municipality.

27 Sec. 4. Section 23-114.02, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 23-114.02 The general plan for the improvement and development of
30 the county shall be known as the comprehensive development plan and
31 shall, among other elements, include:

1 (1) A land-use element which designates the proposed general
2 distribution, general location, and extent of the uses of land for
3 agriculture, housing, commerce, industry, recreation, education, public
4 buildings and lands, and other categories of public and private use of
5 land;

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

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

16 (4) The general location, type, capacity, and area served of present
17 and projected or needed community facilities including recreation
18 facilities, schools, libraries, other public buildings, and public
19 utilities and services.

20 The comprehensive development plan shall consist of both graphic and
21 textual material and shall be designed to accommodate anticipated long-
22 range future growth which shall be based upon documented population and
23 economic projections.

24 Sec. 5. Original sections 14-403.01, 15-1102, and 23-114.02,
25 Reissue Revised Statutes of Nebraska, and section 19-903, Revised
26 Statutes Supplement, 2019, are repealed.