

## LEGISLATIVE BILL 508

Approved by the Governor February 6, 1974

Introduced by Miscellaneous Subjects Committee, Waldron, 42, Chmn.; Mahoney, 5; Murphy, 17; Skarda, 7; Cavanaugh, 9

AN ACT to amend section 19-901, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, particular classes; to provide that a comprehensive development plan be used only as a guide as prescribed; and to repeal the original section.

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

Section 1. That section 19-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-901. For the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative bodies in cities of the first and second class and in villages may regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes. Such powers shall be exercised only after the municipal legislative body has appointed a planning commission, received from its planning commission a recommended comprehensive development plan as defined in section 19-903, adopted such comprehensive development plan, and received the specific recommendation of the planning commission on the adoption or amendment of building regulations. The comprehensive development plan shall be used only as a guide by the planning commission and the municipal legislative body in all matters to which such comprehensive plan applies. The planning commission shall make a preliminary report and hold public hearings on its recommendations regarding the adoption, amendment, or repeal of the comprehensive development plan and building regulations and shall hold public hearings thereon before submitting its final report to the legislative body. A comprehensive development plan as defined in section 19-903 which has been adopted and not rescinded by such legislative body prior to May 17, 1967, shall be deemed to have been recommended and adopted in compliance with the procedural requirements of this section where, prior to the adoption of the plan by the

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legislative body, a recommendation thereon had been made to the legislative body by a zoning commission in compliance with the provisions of section 19-906, or by a planning commission appointed under the provisions of Chapter 18, article 13, regardless of whether the planning commission had been appointed as a zoning commission.

Sec. 2. That original section 19-901, Reissue Revised Statutes of Nebraska, 1943, is repealed.