

## LEGISLATIVE BILL 209

Approved by the Governor February 15, 1993

Introduced by Hartnett, 45; Schimek, 27; Will, 8

AN ACT relating to cities and villages; to amend section 19-929, Reissue Revised Statutes of Nebraska, 1943; to require an ordinance setting a time limit for a recommendation from a planning commission; and to repeal the original section.

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

Section 1. That section 19-929, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-929. (1) ~~It shall be the function and duty of the~~ The commission ~~to~~ shall make and adopt plans for the physical development of the municipality, including any areas outside its boundaries which, in the commission's judgment, bear relation to the planning of such municipality, and including a comprehensive development plan as defined by section 19-903; ~~to~~ prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and zoning ordinance in cooperation with other interested municipal departments; and consult with and advise with public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the comprehensive development plan and its implemental programs. The commission ~~shall have the power to~~ may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports. The municipal governing body shall not hold its public meetings or take action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, or zoning until it has received the recommendation of the planning commission if such commission in fact has been created and is existent. The governing body ~~may~~ shall by ordinance set a reasonable time within which the recommendation is to be received. A recommendation from the planning commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the governing body has designated, by ordinance, an agent pursuant to section 19-916.

(2) The commission may, with the consent of the governing body, in its own name, make and enter into contracts with public or private bodies; receive contributions, bequests, gifts, or grant funds from public or private sources; expend the funds appropriated to it by the

municipality; employ agents and employees; and acquire, hold, and dispose of property. The commission may on its own authority make arrangements consistent with its program; conduct or sponsor special studies or planning work for any public body or appropriate agency; receive grants, remuneration, or reimbursement for such studies or work; and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

(3) The commission may grant conditional uses or special exceptions to property owners for the use of their property if the municipal governing body has, through a zoning ordinance or special ordinance, generally authorized the commission to exercise such powers and has approved the standards and procedures the commission adopted for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized. The power to grant conditional uses or special exceptions shall be the exclusive authority of the commission, except that the municipal governing body may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The municipal governing body may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and which will promote the public interest.

Sec. 2. That original section 19-929, Reissue Revised Statutes of Nebraska, 1943, is repealed.