

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 366**  
FINAL READING

Introduced by Raikes, 25; Hudkins, 21; Price, 26

Read first time January 8, 2001

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to counties; to amend section 23-114.03,  
2 Revised Statutes Supplement, 2000; to change provisions  
3 relating to zoning and nonfarm buildings; and to repeal  
4 the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1.       Section 23-114.03, Revised Statutes  
2 Supplement, 2000, is amended to read:

3           23-114.03.    Zoning regulations shall be adopted or  
4 amended by the county board only after the adoption of the county  
5 comprehensive development plan by the county board and the receipt  
6 of the planning commission's specific recommendations or by  
7 adopting temporary zoning as provided in sections 23-115 to  
8 23-115.02.    Such zoning regulations shall be consistent with an  
9 adopted comprehensive development plan and designed for the purpose  
10 of promoting the health, safety, morals, convenience, order,  
11 prosperity, and welfare of the present and future inhabitants of  
12 Nebraska, including, among others, such specific purposes as:

- 13           (1) Developing both urban and nonurban areas;
- 14           (2) Lessening congestion in the streets or roads;
- 15           (3) Reducing the waste of excessive amounts of roads;
- 16           (4) Securing safety from fire and other dangers;
- 17           (5) Lessening or avoiding the hazards to persons and  
18 damage to property resulting from the accumulation or runoff of  
19 storm or flood waters;
- 20           (6) Providing adequate light and air;
- 21           (7) Preventing excessive concentration of population and  
22 excessive and wasteful scattering of population or settlement;
- 23           (8) Promoting such distribution of population, such  
24 classification of land uses, and such distribution of land  
25 development as will assure adequate provisions for transportation,  
26 water flowage, water supply, drainage, sanitation, recreation, soil  
27 fertility, food supply, and other public requirements;
- 28           (9) Protecting the tax base;

1 (10) Protecting property against blight and depreciation;

2 (11) Securing economy in governmental expenditures;

3 (12) Fostering the state's agriculture, recreation, and  
4 other industries;

5 (13) Encouraging the most appropriate use of land in the  
6 county; and

7 (14) Preserving, protecting, and enhancing historic  
8 buildings, places, and districts.

9 Within the area of jurisdiction and powers established by  
10 section 23-114, the county board may divide the county into  
11 districts of such number, shape, and area as may be best suited to  
12 carry out the purposes of this section and regulate, restrict, or  
13 prohibit the erection, construction, reconstruction, alteration, or  
14 use of nonfarm buildings or structures and the use, conditions of  
15 use, or occupancy of land. All such regulations shall be uniform  
16 for each class or kind of land or buildings throughout each  
17 district, but the regulations in one district may differ from those  
18 in other districts. Counties shall determine whether nonfarm  
19 buildings used as residences shall be subject to a county's  
20 respective zoning regulations and permit requirements. An official  
21 map or maps indicating the districts and regulations shall be  
22 adopted, and within fifteen days after adoption of such regulations  
23 or maps, they shall be published in book or pamphlet form or once  
24 in a legal newspaper published in and of general circulation in the  
25 county or, if none is published in the county, in a legal newspaper  
26 of general circulation in the county. Such regulations shall also  
27 be spread in the minutes of the proceedings of the county board and  
28 such map or maps filed with the county clerk.

1           For purposes of this section and section 23-114.04,  
2 nonfarm ~~Nonfarm~~ buildings are all buildings except those buildings  
3 utilized for agricultural purposes on a farmstead of twenty acres  
4 or more which produces one thousand dollars or more of farm  
5 products each year.

6           Sec. 2. Original section 23-114.03, Revised Statutes  
7 Supplement, 2000, is repealed.