

AM1044
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AMENDMENTS TO LB 161

(Amendments to E & R amendments, AM7072)

1 1. Insert the following new sections:

2 "Section 1. Section 14-405, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 14-405. Such regulations, restrictions, and boundaries
5 may from time to time be amended, supplemented, changed, modified,
6 or repealed. When a protest against a change of boundaries is
7 presented to the city clerk at least six days prior to the city
8 council vote on such change, and such change is not in accordance
9 with the comprehensive development plan, such change shall not
10 become effective except by a favorable vote of five-sevenths of all
11 members of the city council. The protest shall be in writing,
12 signed, and sworn and acknowledged pursuant to section 64-206 by
13 the required owners. For purposes of this section, the required
14 owners ~~shall mean~~ means those fee simple owners of record as
15 recorded by the register of deeds owning at least twenty percent of
16 the area: (1) Included in the proposed change; (2) abutting either
17 side of the proposed change; (3) abutting the rear of the proposed
18 change; (4) abutting the front of the proposed change; or (5)
19 directly opposite of the proposed change on the other side of a
20 dedicated public right-of-way and extending fifty feet on either
21 side of such opposite lot.

22 Sec. 7. Section 19-905, Reissue Revised Statutes of
23 Nebraska, is amended to read:

1 19-905. Regulations, restrictions, and boundaries
2 authorized to be created pursuant to sections 19-901 to 19-915 may
3 from time to time be amended, supplemented, changed, modified, or
4 repealed. In case of a protest against such change, signed by the
5 owners of twenty percent or more either of the area of the lots
6 included in such proposed change, or of those immediately adjacent
7 on the sides and in the rear thereof extending three hundred feet
8 therefrom, and of those directly opposite thereto extending three
9 hundred feet from the street frontage of such opposite lots, and
10 such change is not in accordance with the comprehensive development
11 plan, such amendment shall not become effective except by the
12 favorable vote of three-fourths of all the members of the
13 legislative body of such municipality. The provisions of section
14 19-904 relative to public hearings and official notice shall apply
15 equally to all changes or amendments. In addition to the
16 publication of the notice therein prescribed, a notice shall be
17 posted in a conspicuous place on or near the property on which
18 action is pending. Such notice shall not be less than eighteen
19 inches in height and twenty-four inches in width with a white or
20 yellow background and black letters not less than one and one-half
21 inches in height. Such posted notice shall be so placed upon such
22 premises that it is easily visible from the street nearest the same
23 and shall be so posted at least ten days prior to the date of such
24 hearing. It shall be unlawful for anyone to remove, mutilate,
25 destroy, or change such posted notice prior to such hearing. Any
26 person so doing shall be deemed guilty of a misdemeanor. If the
27 record title owners of any lots included in such proposed change be

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1 nonresidents of the municipality, then a written notice of such
2 hearing shall be mailed by certified mail to them addressed to
3 their last-known addresses at least ten days prior to such hearing.
4 At the option of the legislative body of the municipality, in place
5 of the posted notice provided above, the owners or occupants of the
6 real estate to be zoned or rezoned and all real estate located
7 within three hundred feet of the real estate to be zoned or rezoned
8 may be personally served with a written notice thereof at least ten
9 days prior to the date of the hearing, if they can be served with
10 such notice within the county where such real estate is located.
11 Where such notice cannot be served personally upon such owners or
12 occupants in the county where such real estate is located, a
13 written notice of such hearing shall be mailed to such owners or
14 occupants addressed to their last-known addresses at least ten days
15 prior to such hearing. The provisions of this section in reference
16 to notice shall not apply (1) in the event of a proposed change in
17 such regulations, restrictions, or boundaries throughout the entire
18 area of an existing zoning district or of such municipality, or (2)
19 in the event additional or different types of zoning districts are
20 proposed, whether or not such additional or different districts are
21 made applicable to areas, or parts of areas, already within a
22 zoning district of the municipality, but only the requirements of
23 section 19-904 shall be applicable.

24 Sec. 10. Section 23-165, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 23-165. Such regulations, restrictions, and boundaries
27 may from time to time be amended, supplemented, changed, modified,

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1 or repealed. In case, however, of a protest against such change,
2 and such change is not in accordance with the comprehensive
3 development plan, signed by the owners of twenty percent or more
4 either of the area of the lots included in such proposed change, or
5 of those immediately adjacent in the rear thereof extending one
6 hundred feet therefrom, or to those directly opposite thereto
7 extending one hundred feet from the street frontage of such
8 opposite lots, such amendments shall not become effective except by
9 the favorable vote of two-thirds majority of the county board. The
10 provisions of section 23-164 relative to public hearings and
11 official notice shall apply equally to all changes or amendments.".

12 2. Amend the repealer and renumber the remaining
13 sections accordingly.