



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 597**

Hearing Date: February 20, 2007
Committee On: Urban Affairs

Introducer(s): (Kopplin)

Title: Change provisions relating to zoning and jurisdiction designations for cities of the first class

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

- | | | |
|---|---------------------|--|
| 5 | Yes | Senator Friend, Cornett, Lathrop, McGill, Rogert |
| 0 | No | |
| 0 | Present, not voting | |
| 2 | Absent | Senator Janssen, White |
-

Proponents:

Senator Gail Kopplin
James Blinn
Tim Gilligan
Chris Shewchuk
Brenda Carlisle
Lynn Rex

Representing:

Introducer
City of Papillion
City of Gretna
City of Bellevue
City of LaVista
League of NE Municipalities

Opponents:

Chuck Chevalier
Fred Uhe

Representing:

South Sarpy School District 46
Sarpy County Board

Neutral:

Jack Cheloha

Representing:

City of Omaha

Summary of purpose and/or changes: This legislation deals with first class cities, proposing to amend sections 16-901 and 16-902 to authorize an additional one mile extension of zoning jurisdiction to such cities when they are located near the boundaries of a metropolitan class city but in a different county.

The bill would amend section 16-901 (dealing with the definition of the authorized area for the exercise of zoning jurisdiction of first class cities) and section 16-

902 (dealing with the formal designation of such zoning jurisdiction and the legal incidents of the designation).

It would authorize extension of the zoning jurisdiction of a first class city from two miles to three miles when any part of the corporate boundaries of the first class city is located within three miles of the boundaries of a metropolitan class city and the metropolitan class city is within a different county from county in which the city of the first class is located.

Explanation of amendments, if any: The committee amendments preserve the intent of the original legislation but substantially rewrite the bill, incorporating changes suggested by the principal sponsor at the hearing on the bill. The committee amendments strike all of the provisions of the original bill.

In essence, the committee amendments restate the terms upon which qualifying cities are identified, expanding the scope of the legislation to include second class cities as well as first class cities when those cities are located wholly within a county which has a population in excess of one hundred thousand persons where more than forty percent of the county population resides in incorporated cities and villages of that county.

First class cities located in such counties would be authorized (not required) to extend their zoning jurisdiction from the current statutory limit of two miles to up to three miles from their corporate boundaries and second class cities located in such counties would be authorized (not required) to extend their zoning jurisdiction from the current statutory limit of one mile to up to two miles from their corporate boundaries.

The expanded zoning authority would, however, be restricted only to territory located within the county in which the cities were located: they could not extend their zoning jurisdiction pursuant to this new authority into counties other than the county in which they were located.

Section-by-Section Summary of Committee Amendment AM550

Section 1. Amends section 13-327 to reflect the changes being made by the legislation with regard to extended zoning jurisdiction for first and second class cities. This statute (section 13-327) provides the authority for counties to formally cede county zoning jurisdiction to first and second class cities extending beyond the statutory limits provided in statute.

Section 2. Amends section 16-901 to define a new category of first class city (in a new subsection (2)), one located wholly within a county with a population in excess of one hundred thousand inhabitants in which more than forty percent of the county population resides within incorporated cities and villages. Such a first class city would be authorized to extend its zoning jurisdiction to three miles beyond its corporate boundaries (as opposed to the two miles set for all other first class cities) upon the same terms and conditions and with all of the restrictions set out generally for all first class cities but with the further restriction that such extension cannot extend beyond the boundaries of the county within which it is located.

Section 3. Amends section 16-902 (which specifies the manner in which a first class city defines its zoning jurisdiction and the legal effect of such designation) to reflect the creation of the new category of first class city in subdivision (2) of section 16-901.

Section 4. Amends section 17-1001 to define a new category of second class city (in a new subsection (2)), one located wholly within a county with a population in excess of one hundred thousand inhabitants in which more than forty percent of the county population resides within incorporated cities and villages. Such a second class city would be authorized to extend its zoning jurisdiction to two miles beyond its corporate boundaries (as opposed to the one mile set for all other second class cities) upon the same terms and conditions and with all of the restrictions set out generally for all second class cities but with the further restriction that such extension cannot extend beyond the boundaries of the county within which it is located.

Section 5. Amends section 17-1002 (which specifies the manner in which a second class city defines its zoning jurisdiction and the legal effect of such designation) to reflect the creation of the new category of second class city in subdivision (2) of section 17-1001.

Section 6. Amends section 19-916 (which applies to first and second class cities and villages, dealing with the creation of additions, platting, procedure and process to be followed by cities, the rights and privileges of inhabitants, and the powers of municipal legislative body) to reflect the changes being made by the amendments to section 16-901 and section 17-1001 creating the new categories of first and second class cities.

Section 7. Repealer.

Senator Mike Friend, Chairperson