

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 33**

Introduced by Fulton, 29.

Read first time January 8, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to zoning; to amend section 23-174.01, Reissue  
2 Revised Statutes of Nebraska; to provide for the transfer  
3 of development rights as prescribed; and to repeal the  
4 original section.

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

1           Section 1. Section 23-174.01, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           23-174.01 Every county in which is located a city of  
4 the primary class shall have power within the county, except  
5 within the area over which zoning jurisdiction has been granted  
6 to any city or village and over which such city or village is  
7 exercising such jurisdiction, to regulate and restrict (1) the  
8 location, height, bulk, and size of buildings and other structures,  
9 (2) the percentage of a lot that may be occupied, (3) the  
10 size of yards, courts, and other open spaces, (4) the density  
11 of population, including the voluntary transfer of noncontiguous  
12 residential density of population rights, and (5) the locations  
13 and uses of buildings, structures, and land for trade, industry,  
14 business, residences and other purposes. Such county shall have  
15 power within the county, except within the area over which zoning  
16 jurisdiction has been granted to any city or village and over which  
17 such city or village is exercising such jurisdiction, to divide  
18 the county zoned into districts of such number, shape, and area  
19 as may be best suited to carry out the purposes of this section,  
20 and to regulate, restrict, or prohibit the erection, construction,  
21 reconstruction, alteration, or use of buildings, structures, or  
22 land within the total area zoned or within districts. All  
23 such regulations shall be uniform for each class or kind of  
24 buildings throughout each district, but regulations applicable to  
25 one district may differ from those applicable to other districts.

1 Such zoning regulations shall be designed to secure safety from  
2 fire, flood, and other dangers and to promote the public health,  
3 safety, and general welfare and shall be made with consideration  
4 having been given to the character of the various parts of the  
5 area zoned and their peculiar suitability for particular uses  
6 and types of development and with a view to conserving property  
7 values and encouraging the most appropriate use of land throughout  
8 the area zoned in accordance with a comprehensive plan. The  
9 provisions of section 23-114 which relate to manufactured homes  
10 shall apply to such zoning regulations. Such zoning regulations  
11 may include reasonable provisions regarding nonconforming uses and  
12 their gradual elimination.

13           Sec. 2. Original section 23-174.01, Reissue Revised  
14 Statutes of Nebraska, is repealed.