

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 679
Final Reading

Introduced by Mello, 5.

Read first time January 08, 2014

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities; to amend sections 14-420 and 18-2115,
2 Reissue Revised Statutes of Nebraska; to change notice
3 requirements relating to zoning and redevelopment
4 projects and neighborhood associations; and to repeal the
5 original sections.

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

1 Section 1. Section 14-420, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 14-420 (1) A city of the metropolitan class shall provide
4 written notice of any properly filed request for a change in the
5 zoning classification of a subject property to the owners of adjacent
6 property in the manner set out in this section.

7 (2) Initial notice of the proposed zoning change on the
8 subject property shall be sent to the owners of adjacent property by
9 regular United States mail, postage prepaid, to the owner's address
10 as it appears in the records of the office of the register of deeds,
11 postmarked at least ten working days prior to the planning board
12 public hearing on the proposed change. The initial notice shall also
13 be provided at least ten working days prior to the hearing to with a
14 certified letter to any registered neighborhood association when the
15 subject property is located within the boundary of the area of
16 concern of such association in the manner requested by the
17 association. Each neighborhood association desiring to receive such
18 notice shall register with the city the area of concern of such
19 association and provide the name and address of and contact
20 information for the individual who is to receive notice on behalf of
21 such association and the requested manner of service, whether by
22 email or regular, certified, or registered mail. The registration
23 shall be in accordance with any rules adopted and promulgated by the
24 city. Such notice shall describe the subject property or give its
25 address, describe the nature of the zoning change requested, and

1 contain the date, time, and location of the planning board hearing.

2 (3) A second notice of the proposed zoning change on the
3 subject property shall be sent to the same owners of adjacent
4 property who were provided with notice under subsection (2) of this
5 section. Such notice shall be sent by regular United States mail,
6 postage prepaid, to the owner's address as it appears in the records
7 of the office of the register of deeds, postmarked at least ten
8 working days prior to the city council public hearing on the proposed
9 change. Such notice shall describe the subject property or give its
10 address, describe the nature of the zoning change requested, and
11 contain the date, time, and location of the city council public
12 hearing.

13 (4) No additional or further notice beyond that required
14 by subsections (2) and (3) of this section shall be necessary in the
15 event that the scheduled planning board or city council public
16 hearing on the proposed zoning change is adjourned, continued, or
17 postponed until a later date.

18 (5) The requirements of this section shall not apply to
19 proposed changes in the text of the zoning code itself or any
20 proposed changes in the zoning code affecting whole classes or
21 classifications of property throughout the jurisdiction of the city.

22 (6) Except for a willful or deliberate failure to cause
23 notice to be given, no zoning decision made by a city of the
24 metropolitan class either to accept or reject a proposed zoning
25 change with regard to a subject property shall be void, invalidated,

1 or affected in any way because of any irregularity, defect, error, or
2 failure on the part of the city or its employees to cause notice to
3 be given as required by this section if a reasonable attempt to
4 comply with this section was made. No action to challenge the
5 validity of the acceptance or rejection of a proposed zoning change
6 on the basis of this section shall be filed more than one year
7 following the date of the formal acceptance or rejection of the
8 zoning change by the city council.

9 (7) Except for a willful or deliberate failure to cause
10 notice to be given, the city and its employees shall not be liable
11 for any damage to any person resulting from any failure to cause
12 notice to be given as required by this section when a reasonable
13 attempt was made to provide such notice. No action for damages
14 resulting from the failure to cause notice to be provided as required
15 by this section shall be filed more than one year following the date
16 of the formal acceptance or rejection of the proposed zoning change
17 by the city council.

18 (8) For purposes of this section:

19 (a) Adjacent property shall mean any piece of real
20 property any portion of which is located within three hundred feet of
21 the nearest boundary line of the subject property or within one
22 thousand feet of the nearest boundary line of the subject property if
23 the proposed zoning change involves a heavy industrial district
24 classification;

25 (b) Owner shall mean the owner of a piece of adjacent

1 property as indicated on the records of the office of the register of
2 deeds as provided to or made available to the city no earlier than
3 the last business day before the twenty-fifth day preceding the
4 planning board public hearing on the zoning change proposed for the
5 subject property; and

6 (c) Subject property shall mean any tract of real
7 property located within the boundaries of a city of the metropolitan
8 class or within the zoning jurisdiction of a city of the metropolitan
9 class which is the subject of a properly filed request for a change
10 of its zoning classification.

11 Sec. 2. Section 18-2115, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 18-2115 (1) The governing body of the city shall hold a
14 public hearing on any redevelopment plan or substantial modification
15 thereof recommended by the authority, after reasonable public notice
16 thereof by publication at least once a week for two consecutive weeks
17 in a legal newspaper of general circulation in the community, the
18 time of the hearing to be at least ten days from the last
19 publication. The notice shall describe the time, date, place, and
20 purpose of the hearing and shall specifically identify the area to be
21 redeveloped under the plan. All interested parties shall be afforded
22 at such public hearing a reasonable opportunity to express their
23 views respecting the proposed redevelopment plan.

24 (2) Except as provided in subsection (3) of this section,
25 the governing body of the city or such other division of the city or

1 person as the governing body shall designate shall, at least ten days
2 prior to the public hearing required by subsection (1) of this
3 section, provide notice of the hearing to each registered
4 neighborhood association whose area of representation is located in
5 whole or in part within a one-mile radius of the area to be
6 redeveloped in the manner requested by the association and mail
7 notice of the hearing by first-class United States mail, postage
8 prepaid, or by certified mail ~~to all registered neighborhood~~
9 ~~associations whose area of representation is located in whole or in~~
10 ~~part within a one-mile radius of the area to be redeveloped and to~~
11 the president or chairperson of the governing body of each county,
12 school district, community college, educational service unit, and
13 natural resources district in which the real property subject to such
14 plan or major modification is located and whose property tax receipts
15 would be directly affected. The notice shall set out the time, date,
16 place, and purpose of the hearing and shall include a map of
17 sufficient size to show the area to be redeveloped.

18 (3) If the planning board or planning commission of the
19 city will conduct a public hearing on the redevelopment plan or
20 substantial modification thereof, the governing body of the city or
21 such other division of the city or person as the governing body shall
22 designate shall, at least ten days prior to the public hearing,
23 provide notice of the hearing to each registered neighborhood
24 association whose area of representation is located in whole or in
25 part within a one-mile radius of the area to be redeveloped in the

1 manner requested by the association and mail notice of the hearing by
2 first-class United States mail, postage prepaid, or by certified mail
3 ~~to all registered neighborhood associations whose area of~~
4 ~~representation is located in whole or in part within a one-mile~~
5 ~~radius of the area to be redeveloped and~~ to the president or
6 chairperson of the governing body of each county, school district,
7 community college, educational service unit, and natural resources
8 district in which the real property subject to such plan or major
9 modification is located and whose property tax receipts would be
10 directly affected. The notice shall set out the time, date, place,
11 and purpose of the hearing and shall include a map of sufficient size
12 to show the area to be redeveloped. If the registered neighborhood
13 association has been given notice of the public hearing to be held by
14 the planning board or planning commission in conformity with the
15 provisions of this subsection, the governing body or its designee
16 shall not be required to comply with the notice requirements of
17 subsection (2) of this section.

18 (4) Each neighborhood association desiring to receive
19 notice of any hearing as provided in this section shall register with
20 the city's planning department or, if there is no planning
21 department, with the city clerk. The registration shall include a
22 description of the area of representation of the association, ~~and~~ the
23 ~~name and address of~~ and contact information for the individual
24 designated by the association to receive the notice on its behalf,
25 and the requested manner of service, whether by email or regular,

1 certified, or registered mail. Registration of the neighborhood
2 association for the purposes of this section shall be accomplished in
3 accordance with such other rules and regulations as may be adopted
4 and promulgated by the city.

5 Sec. 3. Original sections 14-420 and 18-2115, Reissue
6 Revised Statutes of Nebraska, are repealed.