

AMENDMENTS TO LB295

(Amendments to Standing Committee amendments, AM323)

Introduced by Crawford, 45.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 16-901, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 16-901 (1) Except as provided in section 13-327, any city of the
6 first class may apply by ordinance any existing or future zoning
7 regulations, property use regulations, building ordinances, electrical
8 ordinances, plumbing ordinances, and ordinances authorized by section
9 16-240 to the unincorporated area two miles beyond and adjacent to its
10 corporate boundaries with the same force and effect as if such outlying
11 area were within the corporate limits of such city, except that no such
12 ordinance shall be extended or applied so as to prohibit, prevent, or
13 interfere with the conduct of existing farming, livestock operations,
14 businesses, or industry. For purposes of sections 70-1001 to 70-1020, the
15 zoning area of a city of the first class shall be one mile beyond and
16 adjacent to the corporate area. The fact that such unincorporated area is
17 located in a different county or counties than some or all portions of
18 the municipality shall not be construed as affecting the powers of the
19 city to apply such ordinances.

20 (2)(a) A city of the first class shall provide written notice to the
21 county board of the county in which the city's two-mile extraterritorial
22 zoning jurisdiction is located when proposing to adopt or amend a zoning
23 ordinance which effects the city's two-mile extraterritorial zoning
24 jurisdiction within such county. The written notice of the proposed
25 change to the zoning ordinance shall be sent to the county board or its
26 designee at least thirty days prior to the final decision by the city.

1 The county board may submit comments or recommendations regarding the
2 change in the zoning ordinance at the public hearings on the proposed
3 change or directly to the city within thirty days after receiving such
4 notice. The city may make its final decision (i) upon the expiration of
5 the thirty days following the notice or (ii) when the county board
6 submits comments or recommendations, if any, to the city prior to the
7 expiration of the thirty days following the notice.

8 (b) Subdivision (2)(a) of this section does not apply to a city of
9 the first class (i) located in a county with a population in excess of
10 one hundred thousand inhabitants or (ii) if the city and the county have
11 a joint planning commission or joint planning department.

12 Sec. 2. Section 17-1001, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 17-1001 (1) Except as provided in section 13-327, any city of the
15 second class or village may apply by ordinance any existing or future
16 zoning ordinances, property use regulation ordinances, building
17 ordinances, electrical ordinances, and plumbing ordinances, to an area
18 within one mile of the corporate limits of such municipality
19 ~~municipalities~~, with the same force and effect as if such area was were
20 within its ~~their~~ corporate limits. No such ordinance shall be extended or
21 applied so as to prohibit, prevent, or interfere with the conduct of
22 existing farming, livestock operations, businesses, or industry. For
23 purposes of sections 70-1001 to 70-1020, the zoning area of a city of the
24 second class or village shall be one-half mile from the corporate limits
25 of such municipalities. The fact that the zoning area or part thereof is
26 located in a different county or counties than some or all portions of
27 the municipality shall not be construed as affecting the necessity of
28 obtaining the approval of the city council or board of trustees of such
29 municipality or its agent designated pursuant to section 19-916.

30 (2)(a) A city of the second class or village shall provide written
31 notice to the county board of the county in which the city or village's

1 one-mile extraterritorial zoning jurisdiction is located when proposing
2 to adopt or amend a zoning ordinance which effects the city or village's
3 one-mile extraterritorial zoning jurisdiction within such county. The
4 written notice of the proposed change to the zoning ordinance shall be
5 sent to the county board or its designee at least thirty days prior to
6 the final decision by the city or village. The county board may submit
7 comments or recommendations regarding the change in the zoning ordinance
8 at the public hearings on the proposed change or directly to the city or
9 village within thirty days after receiving such notice. The city or
10 village may make its final decision (i) upon the expiration of the thirty
11 days following the notice or (ii) when the county board submits comments
12 or recommendations, if any, to the city or village prior to the
13 expiration of the thirty days following the notice.

14 (b) Subdivision (2)(a) of this section does not apply to a city of
15 the second class or a village (i) located in a county with a population
16 in excess of one hundred thousand inhabitants or (ii) if the city or
17 village and the county have a joint planning commission or joint planning
18 department.

19 Sec. 3. Original sections 16-901 and 17-1001, Reissue Revised
20 Statutes of Nebraska, are repealed.