

LEGISLATIVE BILL 295

Approved by the Governor March 03, 2016

Introduced by Scheer, 19.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-901 and 17-1001, Reissue Revised Statutes of Nebraska; to require notice and opportunity for comment regarding zoning ordinances affecting extraterritorial zoning jurisdiction for certain municipalities; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

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

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

(2)(a) A city of the first class shall provide written notice to the county board of the county in which the city's two-mile extraterritorial zoning jurisdiction is located when proposing to adopt or amend a zoning ordinance which affects the city's two-mile extraterritorial zoning jurisdiction within such county. The written notice of the proposed change to the zoning ordinance shall be sent to the county board or its designee at least thirty days prior to the final decision by the city. The county board may submit comments or recommendations regarding the change in the zoning ordinance at the public hearings on the proposed change or directly to the city within thirty days after receiving such notice. The city may make its final decision (i) upon the expiration of the thirty days following the notice or (ii) when the county board submits comments or recommendations, if any, to the city prior to the expiration of the thirty days following the notice.

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

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

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

(2)(a) A city of the second class or village shall provide written notice to the county board of the county in which the one-mile extraterritorial zoning jurisdiction of the city or village is located when proposing to adopt or amend a zoning ordinance which affects the one-mile extraterritorial zoning jurisdiction of the city or village within such county. The written notice of the proposed change to the zoning ordinance shall be sent to the county board or its designee at least thirty days prior to the final decision by the city or village. The county board may submit comments or recommendations regarding the change in the zoning ordinance at the public hearings on the proposed change or directly to the city or village within thirty days after receiving such notice. The city or village may make its final decision (i) upon the expiration of the thirty days following the notice or (ii) when the county board submits comments or recommendations, if any, to the city or village prior to the expiration of the thirty days following the notice.

(b) Subdivision (2)(a) of this section does not apply to a city of the second class or a village (i) located in a county with a population in excess

of one hundred thousand inhabitants or (ii) if the city or village and the county have a joint planning commission or joint planning department.

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