

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 614

Introduced by Andersen, 49.

Read first time January 22, 2025

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to cities and villages; to amend sections
- 2 16-901 and 17-1001, Reissue Revised Statutes of Nebraska; to restate
- 3 exemptions for farm buildings and structures within the
- 4 extraterritorial zoning jurisdiction; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

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

3 16-901 (1) Except as provided in section 13-327 and subsection (2)
4 of this section, the extraterritorial zoning jurisdiction of a city of
5 the first class shall consist of the unincorporated area two miles beyond
6 and adjacent to its corporate boundaries.

7 (2) For purposes of sections 70-1001 to 70-1020, the
8 extraterritorial zoning jurisdiction of a city of the first class shall
9 consist of the unincorporated area one mile beyond and adjacent to its
10 corporate boundaries.

11 (3) Any city of the first class may apply by ordinance any existing
12 or future zoning regulations, property use regulations, building
13 ordinances, electrical ordinances, plumbing ordinances, and ordinances
14 authorized by section 16-240 within its extraterritorial zoning
15 jurisdiction with the same force and effect as if such area were within
16 the corporate limits of the city, except that no such ordinance shall be
17 extended or applied so as to prohibit, prevent, or interfere with the
18 conduct of existing farming, livestock operations, businesses, or
19 industry. The fact that the extraterritorial zoning jurisdiction is
20 located in a different county or counties than some or all portions of
21 the municipality shall not be construed as affecting the powers of the
22 city to apply such ordinances.

23 (4)(a) Any city of the first class may exempt from application of
24 its zoning regulations, property use regulations, building ordinances,
25 electrical ordinances, plumbing ordinances, and ordinances authorized by
26 section 16-240 within its extraterritorial zoning jurisdiction, by action
27 of the board of adjustment pursuant to sections 19-907 to 19-915 and any
28 applicable ordinance, certain farm buildings when such structures are
29 consistent with the comprehensive development plan, including anticipated
30 long-range future growth based upon documented population and economic
31 projections, as required by sections 19-907 to 19-915.

1 **(b) For purposes of this subsection, farm building means a building**
2 **utilized for agricultural purposes as defined in section 77-1359 on a**
3 **farmstead of twenty acres or more which produces one thousand dollars or**
4 **more of farm products each year.**

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

19 (b) Subdivision ~~(5)(a) (4)(a)~~ of this section does not apply to a
20 city of the first class (i) located in a county with a population in
21 excess of one hundred thousand inhabitants as determined by the most
22 recent federal decennial census or the most recent revised certified
23 count by the United States Bureau of the Census or (ii) if the city and
24 the county have a joint planning commission or joint planning department.

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

27 17-1001 (1) Except as provided in section 13-327 and subsection (2)
28 of this section, the extraterritorial zoning jurisdiction of a city of
29 the second class or village shall consist of the unincorporated area one
30 mile beyond and adjacent to its corporate boundaries.

31 (2) For purposes of sections 70-1001 to 70-1020, the

1 extraterritorial zoning jurisdiction of a city of the second class or
2 village shall consist of the unincorporated area one-half mile beyond and
3 adjacent to its corporate boundaries.

4 (3) Any city of the second class or village may apply by ordinance
5 any existing or future zoning regulations, property use regulations,
6 building ordinances, electrical ordinances, and plumbing ordinances
7 within its extraterritorial zoning jurisdiction, with the same force and
8 effect as if such area was within its corporate limits. No such ordinance
9 shall be extended or applied so as to prohibit, prevent, or interfere
10 with the conduct of existing farming, livestock operations, businesses,
11 or industry. The fact that the extraterritorial zoning jurisdiction or
12 part thereof is located in a different county or counties than some or
13 all portions of the municipality shall not be construed as affecting the
14 powers of the city or village to apply such ordinances.

15 (4)(a) Any city of the second class or village may exempt from
16 application of its zoning regulations, property use regulations, building
17 ordinances, electrical ordinances, and plumbing ordinances within its
18 extraterritorial zoning jurisdiction, by action of the board of
19 adjustment pursuant to sections 19-907 to 19-915 and any applicable
20 ordinance, certain farm buildings when such structures are consistent
21 with the comprehensive development plan, including anticipated long-range
22 future growth based upon documented population and economic projections,
23 as required by sections 19-907 to 19-915.

24 (b) For purposes of this subsection, farm building means a building
25 utilized for agricultural purposes as defined in section 77-1359 on a
26 farmstead of twenty acres or more which produces one thousand dollars or
27 more of farm products each year.

28 ~~(5)(a)~~ (4)(a) A city of the second class or village shall provide
29 written notice to the county board of the county in which the
30 extraterritorial zoning jurisdiction of the city or village is located
31 when proposing to adopt or amend a zoning ordinance which affects the

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

12 (b) Subdivision (5)(a) ~~(4)(a)~~ of this section does not apply to a
13 city of the second class or a village (i) located in a county with a
14 population in excess of one hundred thousand inhabitants as determined by
15 the most recent federal decennial census or the most recent revised
16 certified count by the United States Bureau of the Census or (ii) if the
17 city or village and the county have a joint planning commission or joint
18 planning department.

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