

## LEGISLATIVE BILL 9

Approved by the Governor March 25, 2005

Introduced by Landis, 46

AN ACT relating to county zoning; to amend section 23-174.03, Reissue Revised Statutes of Nebraska; to change provisions relating to subdivision plats; and to repeal the original section.

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

Section 1. Section 23-174.03, Reissue Revised Statutes of Nebraska, is amended to read:

23-174.03. (1) No owner of any real estate located in an area in a county in which is located a city of the primary class, except within the area over which subdivision jurisdiction has been granted to any city or village, and such city or village is exercising such jurisdiction, shall be permitted to subdivide, plat, or lay out ~~said~~ such real estate in building lots and streets, or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto, without first having obtained the approval thereof by the county board of such county. In lieu of approval by the county board, the county board may designate specific types of plats which may be approved by the county planning commission or the planning director. No ~~7~~ ~~and~~ ~~no~~ plat or subdivision of such real estate shall be recorded in the office of the register of deeds or have any force or effect unless the same ~~be~~ is approved by the county board, the county planning commission, or the planning director of such county. Such a county shall have authority within the area ~~above~~ described in this subsection (a) ~~(1)~~ to regulate the subdivision of land for the purpose, whether immediate or future, of transfer of ownership or building development, except that the county shall have no power to regulate subdivision in those instances where the smallest parcel created is more than ten acres in area, ~~(2)~~ (b) to prescribe standards for laying out subdivisions in harmony with the comprehensive plan, ~~(3)~~ (c) to require the installation of improvements by the owner or by the creation of public improvement districts, or by requiring a good and sufficient bond guaranteeing installation of such improvements, and ~~(4)~~ (d) to require the dedication of land for public purposes.

(2) For purposes of this section, subdivision means ~~Subdivision shall mean~~ the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be subdivision when the smallest parcel created is more than ten acres in area.

(3) Subdivision plats shall be approved by the county planning commission on recommendation by the planning director and county engineer and ~~shall may~~ be submitted to the county board for its consideration and action. The county board may withhold approval of a plat until the county engineer has certified that the improvements required by the regulations have been satisfactorily installed or until a sufficient bond guaranteeing installation of the improvements has been posted with the county or until public improvement districts are created. The county board may provide procedures in land subdivision regulation for appeal by any person aggrieved by any action of the county planning commission or planning director.

Sec. 2. Original section 23-174.03, Reissue Revised Statutes of Nebraska, is repealed.