

LEGISLATIVE BILL 95

Approved by the Governor March 5, 1977

Introduced by Rasmussen, 41

AN ACT to amend section 19-901, Revised Statutes Supplement, 1976, relating to zoning; to provide when certain comprehensive planning requirements shall not apply to first and second-class cities and villages as prescribed; and to repeal the original section.

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

Section 1. That section 19-901, Revised Statutes Supplement, 1976, be amended to read as follows:

19-901. [1] For the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative bodies in cities of the first and second class and in villages may adopt zoning regulations which regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

[2] Such powers shall be exercised only after the municipal legislative body has appointed a planning commission, received from its planning commission a recommended comprehensive development plan as defined in section 19-903, adopted such comprehensive development plan, and received the specific recommendation of the planning commission on the adoption or amendment of zoning regulations. The planning commission shall make a preliminary report and hold public hearings on its recommendations regarding the adoption, amendment, or repeal of the comprehensive development plan and zoning regulations and shall hold public hearings thereon before submitting its final report to the legislative body. The statutory procedure for adopting an amendment to the comprehensive development plan shall be the same as that used for adopting the plan originally.

[3] A comprehensive development plan as defined in section 19-903 which has been adopted and not rescinded by such legislative body prior to May 17, 1967, shall be deemed to have been recommended and adopted in compliance with the procedural requirements of this section where when, prior to the adoption of the plan by the legislative body, a recommendation thereon had been

made to the legislative body by a zoning commission in compliance with the provisions of section 19-906, or by a planning commission appointed under the provisions of Chapter 18, article 13, regardless of whether the planning commission had been appointed as a zoning commission.

(4) The requirement that a planning commission be appointed and a comprehensive development plan be adopted shall not apply to cities of the first and second class and villages which have legally adopted a zoning ordinance prior to May 17, 1967, and which have not amended the zoning ordinance or zoning map since May 17, 1967. Such city or village shall appoint a planning commission and adopt the comprehensive plan prior to amending the zoning ordinance or zoning map.

Sec. 2. That original section 19-901, Revised Statutes Supplement, 1976, is repealed.