

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 880**

Introduced by Hansen, 26.

Read first time January 08, 2018

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to city planning and zoning; to amend sections
- 2 14-403.01, 15-1102, and 19-903, Reissue Revised Statutes of
- 3 Nebraska; to change provisions relating to comprehensive plans for
- 4 cities to provide for an early childhood element as prescribed; and
- 5 to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-403.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 14-403.01 (1) When a city of the metropolitan class adopts a new  
4 comprehensive plan or a full update to an existing comprehensive plan on  
5 or after July 15, 2010, but not later than January 1, 2015, such plan or  
6 update shall include, but not be limited to, an energy element which:  
7 Assesses energy infrastructure and energy use by sector, including  
8 residential, commercial, and industrial sectors; evaluates utilization of  
9 renewable energy sources; and promotes energy conservation measures that  
10 benefit the community.

11 (2) When a city of the metropolitan class adopts a new comprehensive  
12 plan or a full update to an existing comprehensive plan on or after the  
13 effective date of this act, but not later than January 1, 2022, such plan  
14 or update shall include, but not be limited to, an early childhood  
15 element which assesses the supply of quality licensed early childhood  
16 education programs for children under six years of age, evaluates the  
17 availability and utilization of licensed child care capacity and quality  
18 for children under age six years of age, and promotes early childhood  
19 health and education measures that benefit the community.

20 Sec. 2. Section 15-1102, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 15-1102 The general plan for the improvement and development of the  
23 city of the primary class shall be known as the comprehensive plan. This  
24 plan for governmental policies and action shall include the pattern and  
25 intensity of land use, the provision of public facilities including  
26 transportation and other governmental services, the effective development  
27 and utilization of human and natural resources, the identification and  
28 evaluation of area needs including housing, employment, education, and  
29 health and the formulation of programs to meet such needs, surveys of  
30 structures and sites determined to be of historic, cultural,  
31 archaeological, or architectural significance or value, long-range

1 physical and fiscal plans for governmental policies and action, and  
2 coordination of all related plans and activities of the state and local  
3 governments and agencies concerned. The comprehensive plan, with the  
4 accompanying maps, plats, charts, and descriptive and explanatory  
5 materials, shall show the recommendations concerning the physical  
6 development pattern of such city and of any land outside its boundaries  
7 related thereto, taking into account the availability of and need for  
8 conserving land and other irreplaceable natural resources, the  
9 preservation of sites of historic, cultural, archaeological, and  
10 architectural significance or value, the projected changes in size,  
11 movement, and composition of population, the necessity for expanding  
12 housing and employment opportunities, and the need for methods of  
13 achieving modernization, simplification, and improvements in governmental  
14 structures, systems, and procedures related to growth objectives. The  
15 comprehensive plan shall, among other things, show:

16 (1) The general location, character, and extent of existing and  
17 proposed streets and highways and railroad, air, and other transportation  
18 routes and terminals;

19 (2) Existing and proposed public ways, parks, grounds, and open  
20 spaces;

21 (3) The general location, character, and extent of schools, school  
22 grounds, and other educational facilities and properties;

23 (4) The general location and extent of existing and proposed public  
24 utility installations;

25 (5) The general location and extent of community development and  
26 housing activities;

27 (6) The general location of existing and proposed public buildings,  
28 structures, and facilities; ~~and~~

29 (7) When a new comprehensive plan or a full update to an existing  
30 comprehensive plan is developed on or after July 15, 2010, but not later  
31 than January 1, 2015, an energy element which: Assesses energy

1 infrastructure and energy use by sector, including residential,  
2 commercial, and industrial sectors; evaluates utilization of renewable  
3 energy sources; and promotes energy conservation measures that benefit  
4 the community; and -

5 (8) When a new comprehensive plan or a full update to an existing  
6 comprehensive plan is developed on or after the effective date of this  
7 act, but not later than January 1, 2022, such plan or update shall  
8 include, but not be limited to, an early childhood element which assesses  
9 the supply of quality licensed early childhood education programs for  
10 children under six years of age, evaluates the availability and  
11 utilization of licensed child care capacity and quality for children  
12 under age six years of age, and promotes early childhood health and  
13 education measures that benefit the community.

14 The comprehensive plan shall include a land-use plan showing the  
15 proposed general distribution and general location of business and  
16 industry, residential areas, utilities, and recreational, educational,  
17 and other categories of public and private land uses. The land-use plan  
18 shall also show the recommended standards of population density based  
19 upon population estimates and providing for activities for which space  
20 should be supplied within the area covered by the plan. The comprehensive  
21 plan shall include and show proposals for acquisition, extension,  
22 widening, narrowing, removal, vacation, abandonment, sale, and other  
23 actions affecting public improvements.

24 Sec. 3. Section 19-903, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 19-903 The regulations and restrictions authorized by sections  
27 19-901 to 19-915 shall be in accordance with a comprehensive development  
28 plan which shall consist of both graphic and textual material and shall  
29 be designed to accommodate anticipated long-range future growth which  
30 shall be based upon documented population and economic projections. The  
31 comprehensive development plan shall, among other possible elements,

1 include:

2 (1) A land-use element which designates the proposed general  
3 distributions, general location, and extent of the uses of land for  
4 agriculture, housing, commerce, industry, recreation, education, public  
5 buildings and lands, and other categories of public and private use of  
6 land;

7 (2) The general location, character, and extent of existing and  
8 proposed major roads, streets, and highways, and air and other  
9 transportation routes and facilities;

10 (3) The general location, type, capacity, and area served of present  
11 and projected or needed community facilities including recreation  
12 facilities, schools, libraries, other public buildings, and public  
13 utilities and services;

14 (4) When a new comprehensive plan or a full update to an existing  
15 comprehensive plan is developed on or after July 15, 2010, but not later  
16 than January 1, 2015, an energy element which: Assesses energy  
17 infrastructure and energy use by sector, including residential,  
18 commercial, and industrial sectors; evaluates utilization of renewable  
19 energy sources; and promotes energy conservation measures that benefit  
20 the community. This subdivision shall not apply to villages; ~~and~~

21 (5) When a new comprehensive plan or a full update to an existing  
22 comprehensive plan is developed on or after the effective date of this  
23 act, but not later than January 1, 2022, such plan or update shall  
24 include, but not be limited to, an early childhood element which assesses  
25 the supply of quality licensed early childhood education programs for  
26 children under six years of age, evaluates the availability and  
27 utilization of licensed child care capacity and quality for children  
28 under age six years of age, and promotes early childhood health and  
29 education measures that benefit the community. This subdivision shall not  
30 apply to villages; and

31 (6)(a) ~~(5)(a)~~ When next amended after January 1, 1995, an

1 identification of sanitary and improvement districts, subdivisions,  
2 industrial tracts, commercial tracts, and other discrete developed areas  
3 which are or in the future may be appropriate subjects for annexation and  
4 (b) a general review of the standards and qualifications that should be  
5 met to enable the municipality to undertake annexation of such areas.  
6 Failure of the plan to identify subjects for annexation or to set out  
7 standards or qualifications for annexation shall not serve as the basis  
8 for any challenge to the validity of an annexation ordinance.

9 Regulations shall be designed to lessen congestion in the streets;  
10 to secure safety from fire, panic, and other dangers; to promote health  
11 and the general welfare; to provide adequate light and air; to prevent  
12 the overcrowding of land; to secure safety from flood; to avoid undue  
13 concentration of population; to facilitate the adequate provision of  
14 transportation, water, sewerage, schools, parks and other public  
15 requirements; to protect property against blight and depreciation; to  
16 protect the tax base; to secure economy in governmental expenditures; and  
17 to preserve, protect, and enhance historic buildings, places, and  
18 districts.

19 Such regulations shall be made with reasonable consideration, among  
20 other things, for the character of the district and its peculiar  
21 suitability for particular uses and with a view to conserving the value  
22 of buildings and encouraging the most appropriate use of land throughout  
23 such municipality.

24 Sec. 4. Original sections 14-403.01, 15-1102 and 19-903, Reissue  
25 Revised Statutes of Nebraska, are repealed.