

E & R AMENDMENTS TO LB 366

1           1.     Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           "Section 1.     Section 23-114.03, Revised Statutes  
4 Supplement, 2000, is amended to read:

5           23-114.03.     Zoning regulations shall be adopted or  
6 amended by the county board only after the adoption of the county  
7 comprehensive development plan by the county board and the receipt  
8 of the planning commission's specific recommendations or by  
9 adopting temporary zoning as provided in sections 23-115 to  
10 23-115.02. Such zoning regulations shall be consistent with an  
11 adopted comprehensive development plan and designed for the purpose  
12 of promoting the health, safety, morals, convenience, order,  
13 prosperity, and welfare of the present and future inhabitants of  
14 Nebraska, including, among others, such specific purposes as:

- 15           (1) Developing both urban and nonurban areas;  
16           (2) Lessening congestion in the streets or roads;  
17           (3) Reducing the waste of excessive amounts of roads;  
18           (4) Securing safety from fire and other dangers;  
19           (5) Lessening or avoiding the hazards to persons and  
20 damage to property resulting from the accumulation or runoff of  
21 storm or flood waters;  
22           (6) Providing adequate light and air;  
23           (7) Preventing excessive concentration of population and  
24 excessive and wasteful scattering of population or settlement;

1           (8) Promoting such distribution of population, such  
2 classification of land uses, and such distribution of land  
3 development as will assure adequate provisions for transportation,  
4 water flowage, water supply, drainage, sanitation, recreation, soil  
5 fertility, food supply, and other public requirements;

6           (9) Protecting the tax base;

7           (10) Protecting property against blight and depreciation;

8           (11) Securing economy in governmental expenditures;

9           (12) Fostering the state's agriculture, recreation, and  
10 other industries;

11           (13) Encouraging the most appropriate use of land in the  
12 county; and

13           (14) Preserving, protecting, and enhancing historic  
14 buildings, places, and districts.

15           Within the area of jurisdiction and powers established by  
16 section 23-114, the county board may divide the county into  
17 districts of such number, shape, and area as may be best suited to  
18 carry out the purposes of this section and regulate, restrict, or  
19 prohibit the erection, construction, reconstruction, alteration, or  
20 use of nonfarm buildings or structures and the use, conditions of  
21 use, or occupancy of land. All such regulations shall be uniform  
22 for each class or kind of land or buildings throughout each  
23 district, but the regulations in one district may differ from those  
24 in other districts. An official map or maps indicating the  
25 districts and regulations shall be adopted, and within fifteen days  
26 after adoption of such regulations or maps, they shall be published  
27 in book or pamphlet form or once in a legal newspaper published in

1 and of general circulation in the county or, if none is published  
2 in the county, in a legal newspaper of general circulation in the  
3 county. Such regulations shall also be spread in the minutes of  
4 the proceedings of the county board and such map or maps filed with  
5 the county clerk.

6 For purposes of this section, nonfarm ~~Nonfarm~~ buildings  
7 are all buildings except those buildings utilized for agricultural  
8 purposes on a farmstead of twenty acres or more which produces one  
9 thousand dollars or more of farm products each year. In counties  
10 having a population of more than one hundred thousand inhabitants,  
11 a building used as a residence shall be considered a nonfarm  
12 building even if the building is located on a farmstead.

13 Sec. 2. Section 23-114.04, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 23-114.04. (1) The county board shall provide for  
16 enforcement of the zoning regulations within its county by  
17 requiring the issuance of permits prior to the erection,  
18 construction, reconstruction, alteration, repair, or conversion of  
19 any nonfarm building or structure within a zoned area, and the  
20 county board may provide for the withholding of any permit if the  
21 purpose for which it is sought would conflict with zoning  
22 regulations adopted for the particular district in which the  
23 building or structure is situated or in which it is proposed to be  
24 erected. All plats for subdivisions in the area outside the  
25 corporate limits of cities and villages and outside of an  
26 unincorporated area ~~wherein~~ in which a city or village has been  
27 granted subdivision jurisdiction and is exercising such

1 jurisdiction must be approved by the county planning commission.

2 For purposes of this section, nonfarm buildings are all  
3 buildings except those buildings utilized for agricultural purposes  
4 on a farmstead of twenty acres or more which produces one thousand  
5 dollars or more of farm products each year. In counties having a  
6 population of more than one hundred thousand inhabitants, a  
7 building used as a residence shall be considered a nonfarm building  
8 even if the building is located on a farmstead.

9 (2) The county board may establish and appoint a county  
10 zoning administrator, who may also serve as a building inspector,  
11 and may fix his or her compensation or may authorize any  
12 administrative official of the county to assume the functions of  
13 such position in addition to his or her regular duties. The county  
14 board may also fix a reasonable schedule of fees for the issuance  
15 of permits under ~~the provisions of~~ subsection (1) of this section.  
16 The permits shall not be issued unless the plans of and for the  
17 proposed erection, construction, reconstruction, alteration, use,  
18 or change of use, including sanitation, plumbing, and sewage  
19 disposal, are filed in writing in the building inspector's office  
20 and such plans fully conform to all zoning regulations then in  
21 effect.

22 Sec. 3. Original section 23-114.04, Reissue Revised  
23 Statutes of Nebraska, and section 23-114.03, Revised Statutes  
24 Supplement, 2000, are repealed."

25 2. On page 1, line 1, after "amend" insert "section  
26 23-114.04, Reissue Revised Statutes of Nebraska, and"; in line 3  
27 after the semicolon insert "to harmonize provisions;"; and in line

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1 4 strike "section" and insert "sections".