

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.