

LEGISLATIVE BILL 901

Approved by the Governor February 19, 1998

Introduced by Executive Board: Coordsen, 32, Chairperson

AN ACT relating to zoning; to amend sections 19-907, 19-911, and 84-155, Reissue Revised Statutes of Nebraska; to transfer a section; to harmonize provisions; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 19-907, Reissue Revised Statutes of Nebraska, is amended to read:

19-907. Except as provided in section ~~84-155 3~~ of this act, the local legislative body shall provide for the appointment of a board of adjustment. Any actions taken by the board of adjustment shall not exceed the powers granted by section 19-910.

Sec. 2. Section 19-911, Reissue Revised Statutes of Nebraska, is amended to read:

19-911. Notwithstanding the provisions of sections 19-907 and 19-908, the legislative body of a village may, except as set forth in section ~~84-155 3~~ of this act, provide by ordinance that it shall constitute a board of adjustment, and in the regulations and restrictions adopted pursuant to the authority of sections 19-901 to 19-905 may provide that as such board of adjustment it may exercise only the powers granted to boards of adjustment by section 19-910. As such board of adjustment it shall adopt rules and procedures that are in harmony with sections 19-907 to 19-910, and shall have the powers and duties therein provided for the board of adjustment, and other parties shall have all the rights and privileges therein provided for. The concurring vote of two-thirds of the members of the legislative body acting as a board of adjustment shall decide any question upon which it is required to pass as such board.

Sec. 3. Section 84-155, Reissue Revised Statutes of Nebraska, is amended to read:

~~84-155.~~ The zoning board of adjustment of a county that has adopted a comprehensive development plan, as defined by section 23-114.02, and is enforcing zoning regulations based upon such a plan, shall, upon request of the governing body of a village or second-class city, serve as the zoning board of adjustment for such village or city of the second class in that county. A city of the first class may request that the county zoning board of adjustment of the county in which it is located serve as that city's zoning board of adjustment, and such county government shall comply with that request within ninety days. A municipality located in more than one county shall be served by request or otherwise only by the county zoning board of adjustment of the county in which the greatest area of the municipality is located, and the jurisdiction of such county zoning board of adjustment shall include all portions of the municipality and its area of extraterritorial control, regardless of county lines. In a county where there is a city of the primary class, the board of zoning appeals, created under section ~~23-174.01~~ 23-174.02, may serve in the same capacity for all cities of the second class and villages in place of a zoning board of adjustment.

Sec. 4. Original sections 19-907, 19-911, and 84-155, Reissue Revised Statutes of Nebraska, are repealed.