

AMENDMENTS TO LB695

Introduced by Urban Affairs.

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

3 Section 1. A city of the metropolitan class or any appropriate
4 planning board or city official of such city, in exercising the powers
5 conferred by sections 14-401 to 14-418, shall not grant a conditional use
6 permit to any person applying for such permit who is more than one
7 hundred eighty days delinquent in the payment of real property taxes owed
8 to such city on any parcel included in such application until such
9 delinquent taxes are paid in full. The city, planning board, or city
10 official may waive this requirement if the delinquent taxes owed are in
11 dispute, on appeal, or the result of an administrative error.

12 Sec. 2. A city of the primary class or any city planning commission
13 or city planning director of such city shall not grant a conditional use
14 permit to any person applying for such permit who is more than one
15 hundred eighty days delinquent in the payment of real property taxes owed
16 to such city on any parcel included in such application until such
17 delinquent taxes are paid in full. The city, planning commission, or
18 planning director may waive this requirement if the delinquent taxes owed
19 are in dispute, on appeal, or the result of an administrative error.

20 Sec. 3. Section 18-2119, Revised Statutes Supplement, 2021, is
21 amended to read:

22 18-2119 (1)(a) ~~(1)~~ An authority shall, by public notice by
23 publication once each week for two consecutive weeks in a legal newspaper
24 having a general circulation in the city, prior to the consideration of
25 any redevelopment contract proposal relating to real estate owned or to
26 be owned by the authority, invite proposals from, and make available all
27 pertinent information to, private redevelopers or any persons interested

1 in undertaking the redevelopment of an area, or any part thereof, which
2 the governing body has declared to be in need of redevelopment. Such
3 notice shall identify the area, and shall state that such further
4 information as is available may be obtained at the office of the
5 authority. The authority shall consider all redevelopment proposals and
6 the financial and legal ability of the prospective redevelopers to carry
7 out their proposals. The authority shall state in any request for
8 proposals issued pursuant to this section that no contract will be
9 entered into with any redeveloper who is more than one hundred eighty
10 days delinquent in the payment of real property taxes owed to the city on
11 any parcel included in such contract. The authority may waive this
12 requirement if the delinquent taxes owed are in dispute, on appeal, or
13 the result of an administrative error.

14 (b) The authority ~~and~~ may negotiate with any redevelopers for
15 proposals for the purchase or lease of any real property in the
16 redevelopment project area. The authority may accept such redevelopment
17 contract proposal as it deems to be in the public interest and in
18 furtherance of the purposes of the Community Development Law if the
19 authority has, not less than thirty days prior thereto, notified the
20 governing body in writing of its intention to accept such redevelopment
21 contract proposal. Thereafter, the authority may execute such
22 redevelopment contract in accordance with the provisions of section
23 18-2118 and deliver deeds, leases, and other instruments and take all
24 steps necessary to effectuate such redevelopment contract. In its
25 discretion, the authority may, without regard to the foregoing provisions
26 of this subdivision section, dispose of real property in a redevelopment
27 project area to private redevelopers for redevelopment under such
28 reasonable competitive bidding procedures as it shall prescribe, subject
29 to the provisions of section 18-2118.

30 (2) In the case of any real estate owned by a redeveloper, the
31 authority may enter into a redevelopment contract providing for such

1 undertakings as the authority shall determine appropriate. Any such
2 redevelopment contract relating to real estate within an enhanced
3 employment area shall include a statement of the redeveloper's consent
4 with respect to the designation of the area as an enhanced employment
5 area, shall be recorded with respect to the real estate owned by the
6 redeveloper, and shall be binding upon all future owners of such real
7 estate.

8 (3)(a) Prior to entering into a redevelopment contract pursuant to
9 this section for a redevelopment plan that includes the division of taxes
10 as provided in section 18-2147, the authority shall require the
11 redeveloper to certify the following to the authority:

12 (i) Whether the redeveloper has filed or intends to file an
13 application to receive tax incentives under the Nebraska Advantage Act or
14 the ImagiNE Nebraska Act for a project located or to be located within
15 the redevelopment project area;

16 (ii) Whether such application includes or will include, as one of
17 the tax incentives, a refund of the city's local option sales tax
18 revenue;~~and~~

19 (iii) Whether such application has been approved under the Nebraska
20 Advantage Act or the ImagiNE Nebraska Act; and -

21 (iv) That the redeveloper is not more than one hundred eighty days
22 delinquent in the payment of real property taxes owed to the city on any
23 parcel included in such redevelopment contract. The authority may waive
24 this requirement if the delinquent taxes owed are in dispute, on appeal,
25 or the result of an administrative error.

26 (b) The authority may consider the information provided under
27 subdivision (3)(a) of this section in determining whether to enter into
28 the redevelopment contract.

29 (4) A redevelopment contract for a redevelopment plan or
30 redevelopment project that includes the division of taxes as provided in
31 section 18-2147 shall include a provision requiring that the redeveloper

1 retain copies of all supporting documents that are associated with the
2 redevelopment plan or redevelopment project and that are received or
3 generated by the redeveloper for three years following the end of the
4 last fiscal year in which ad valorem taxes are divided and provide such
5 copies to the city as needed to comply with the city's retention
6 requirements under section 18-2117.04. For purposes of this subsection,
7 supporting document includes any cost-benefit analysis conducted pursuant
8 to section 18-2113 and any invoice, receipt, claim, or contract received
9 or generated by the redeveloper that provides support for receipts or
10 payments associated with the division of taxes.

11 (5) A redevelopment contract for a redevelopment plan that includes
12 the division of taxes as provided in section 18-2147 ~~shall~~ ~~may~~ include a
13 provision requiring that all ad valorem taxes levied upon real property
14 in a redevelopment project be paid before the taxes become delinquent in
15 order for such redevelopment project to receive funds from such division
16 of taxes.

17 (6) A redevelopment contract for a redevelopment plan or
18 redevelopment project that includes the division of taxes as provided in
19 section 18-2147 may include any additional requirements deemed necessary
20 by the city to ensure that such plan or project complies with the city's
21 comprehensive development plan, the city's affordable housing action plan
22 required under section 19-5505, city zoning regulations, and any other
23 reasonable planning requirements or goals established by the city.

24 (7) No city or authority shall enter into a redevelopment contract
25 with any redeveloper who is more than one hundred eighty days delinquent
26 in the payment of real property taxes owed to the city on any parcel
27 included in such redevelopment contract until such delinquent taxes are
28 paid in full. The city or authority may waive this requirement if the
29 delinquent taxes owed are in dispute, on appeal, or the result of an
30 administrative error.

31 Sec. 4. Section 19-929, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 19-929 (1) Except as provided in sections 19-930 to 19-933, the
3 planning commission of a city of the first class, city of the second
4 class, or village shall (a) make and adopt plans for the physical
5 development of the city or village, including any areas outside its
6 boundaries which in the commission's judgment bear relation to the
7 planning of such city or village and including a comprehensive
8 development plan as defined by section 19-903, (b) prepare and adopt such
9 implemental means as a capital improvement program, subdivision
10 regulations, building codes, and a zoning ordinance in cooperation with
11 other interested municipal departments, and (c) consult with and advise
12 public officials and agencies, public utilities, civic organizations,
13 educational institutions, and citizens with relation to the promulgation
14 and implementation of the comprehensive development plan and its
15 implemental programs. The commission may delegate authority to any such
16 group to conduct studies and make surveys for the commission, make
17 preliminary reports on its findings, and hold public hearings before
18 submitting its final reports. The city council or village board of
19 trustees shall not take final action on matters relating to the
20 comprehensive development plan, capital improvements, building codes,
21 subdivision development, annexation of territory, or zoning until it has
22 received the recommendation of the planning commission if such commission
23 in fact has been created and is existent. The city council or village
24 board of trustees shall by ordinance set a reasonable time within which
25 the recommendation from the planning commission is to be received. A
26 recommendation from the planning commission shall not be required for
27 subdivision of existing lots and blocks whenever all required public
28 improvements have been installed, no new dedication of public rights-of-
29 way or easements is involved, and such subdivision complies with the
30 ordinance requirements concerning minimum areas and dimensions of such
31 lots and blocks, if the city council or village board of trustees has

1 designated, by ordinance, an agent pursuant to section 19-916.

2 (2) The planning commission may, with the consent of the city
3 council or village board of trustees, in its own name (a) make and enter
4 into contracts with public or private bodies, (b) receive contributions,
5 bequests, gifts, or grant funds from public or private sources, (c)
6 expend the funds appropriated to it by the city or village, (d) employ
7 agents and employees, and (e) acquire, hold, and dispose of property.

8 The planning commission may on its own authority make arrangements
9 consistent with its program, conduct or sponsor special studies or
10 planning work for any public body or appropriate agency, receive grants,
11 remuneration, or reimbursement for such studies or work, and at its
12 public hearings, summon witnesses, administer oaths, and compel the
13 giving of testimony.

14 ~~(3)(a)~~ ~~(3)~~ The planning commission may grant conditional uses or
15 special exceptions to property owners for the use of their property if
16 the city council or village board of trustees has, through a zoning
17 ordinance or special ordinance, generally authorized the commission to
18 exercise such powers and has approved the standards and procedures
19 adopted by the commission for equitably and judiciously granting such
20 conditional uses or special exceptions. The granting of a conditional use
21 permit or special exception shall only allow property owners to put their
22 property to a special use if it is among those uses specifically
23 identified in the zoning ordinance as classifications of uses which may
24 require special conditions or requirements to be met by the owners before
25 a use permit or building permit is authorized. The power to grant
26 conditional uses or special exceptions shall be the exclusive authority
27 of the commission, except that the city council or village board of
28 trustees may choose to retain for itself the power to grant conditional
29 uses or special exceptions for those classifications of uses specified in
30 the zoning ordinance. The city council or village board of trustees may
31 exercise such power if it has formally adopted standards and procedures

1 for granting such conditional uses or special exceptions in a manner that
2 is equitable and will promote the public interest. An appeal of a
3 decision by the commission or the city council or village board of
4 trustees regarding a conditional use or special exception shall be made
5 to the district court.

6 (b) No city of the first class, city of the second class, or
7 village, or planning commission of such city or village, shall grant a
8 conditional use permit under subdivision (a) of this subsection to any
9 person who is more than one hundred eighty days delinquent in the payment
10 of real property taxes owed to such city or village on any parcel
11 included in such application until such delinquent taxes are paid in
12 full. The city, village, or planning commission may waive this
13 requirement if the delinquent taxes owed are in dispute, on appeal, or
14 the result of an administrative error.

15 Sec. 5. Section 23-114.01, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 23-114.01 (1) In order to avail itself of the powers conferred by
18 section 23-114, the county board shall appoint a planning commission to
19 be known as the county planning commission. The members of the commission
20 shall be residents of the county to be planned and shall be appointed
21 with due consideration to geographical and population factors. Since the
22 primary focus of concern and control in county planning and land-use
23 regulatory programs is the unincorporated area, a majority of the members
24 of the commission shall be residents of unincorporated areas, except that
25 this requirement shall not apply to joint planning commissions. Members
26 of the commission shall hold no county or municipal office, except that a
27 member may also be a member of a city, village, or other type of planning
28 commission. The term of each member shall be three years, except that
29 approximately one-third of the members of the first commission shall
30 serve for terms of one year, one-third for terms of two years, and one-
31 third for terms of three years. All members shall hold office until their

1 successors are appointed. Members of the commission may be removed by a
2 majority vote of the county board for inefficiency, neglect of duty, or
3 malfeasance in office or other good and sufficient cause upon written
4 charges being filed with the county board and after a public hearing has
5 been held regarding such charges. Vacancies occurring otherwise than
6 through the expiration of terms shall be filled for the unexpired terms
7 by individuals appointed by the county board. Members of the commission
8 shall be compensated for their actual and necessary expenses incurred in
9 connection with their duties in an amount to be fixed by the county
10 board. Reimbursement for mileage shall be made at the rate provided in
11 section 81-1176. Each county board may provide a per diem payment for
12 members of the commission of not to exceed fifteen dollars for each day
13 that each such member attends meetings of the commission or is engaged in
14 matters concerning the commission, but no member shall receive more than
15 one thousand dollars in any one year. Such per diem payments shall be in
16 addition to and separate from compensation for expenses.

17 (2) The commission: (a) Shall prepare and adopt as its policy
18 statement a comprehensive development plan and such implemental means as
19 a capital improvement program, subdivision regulations, building codes,
20 and a zoning resolution; (b) shall consult with and advise public
21 officials and agencies, public utilities, civic organizations,
22 educational institutions, and citizens relating to the promulgation of
23 implemental programs; (c) may delegate authority to any of the groups
24 named in subdivision (b) of this subsection to conduct studies and make
25 surveys for the commission; and (d) shall make preliminary reports on its
26 findings and hold public hearings before submitting its final reports.
27 The county board shall not hold its public meetings or take action on
28 matters relating to the comprehensive development plan, capital
29 improvements, building codes, subdivision development, or zoning until it
30 has received the recommendations of the commission.

31 (3) The commission may, with the consent of the governing body, in

1 its own name: Make and enter into contracts with public or private
2 bodies; receive contributions, bequests, gifts, or grants of funds from
3 public or private sources; expend the funds appropriated to it by the
4 county board; employ agents and employees; and acquire, hold, and dispose
5 of property. The commission may, on its own authority: Make arrangements
6 consistent with its program; conduct or sponsor special studies or
7 planning work for any public body or appropriate agency; receive grants,
8 remuneration, or reimbursement for such studies or work; and at its
9 public hearings, summon witnesses, administer oaths, and compel the
10 giving of testimony.

11 (4) In all counties in the state, the county planning commission may
12 grant conditional uses or special exceptions to property owners for the
13 use of their property if the county board of commissioners or supervisors
14 has officially and generally authorized the commission to exercise such
15 powers and has approved the standards and procedures the commission
16 adopted for equitably and judiciously granting such conditional uses or
17 special exceptions. The granting of a conditional use permit or special
18 exception shall only allow property owners to put their property to a
19 special use if it is among those uses specifically identified in the
20 county zoning regulations as classifications of uses which may require
21 special conditions or requirements to be met by the owners before a use
22 permit or building permit is authorized. The applicant for a conditional
23 use permit or special exception for a livestock operation specifically
24 identified in the county zoning regulations as a classification of use
25 which may require special conditions or requirements to be met within an
26 area of a county zoned for agricultural use may request a determination
27 of the special conditions or requirements to be imposed by the county
28 planning commission or by the county board of commissioners or
29 supervisors if the board has not authorized the commission to exercise
30 such authority. Upon request the commission or board shall issue such
31 determination of the special conditions or requirements to be imposed in

1 a timely manner. Such special conditions or requirements to be imposed
2 may include, but are not limited to, the submission of information that
3 may be separately provided to state or federal agencies in applying to
4 obtain the applicable state and federal permits. The commission or the
5 board may request and review, prior to making a determination of the
6 special conditions or requirements to be imposed, reasonable information
7 relevant to the conditional use or special exception. If a determination
8 of the special conditions or requirements to be imposed has been made,
9 final permit approval may be withheld subject only to a final review by
10 the commission or county board to determine whether there is a
11 substantial change in the applicant's proposed use of the property upon
12 which the determination was based and that the applicant has met, or will
13 meet, the special conditions or requirements imposed in the
14 determination. For purposes of this section, substantial change shall
15 include any significant alteration in the original application including
16 a significant change in the design or location of buildings or
17 facilities, in waste disposal methods or facilities, or in capacity.

18 (5) The power to grant conditional uses or special exceptions as set
19 forth in subsection (4) of this section shall be the exclusive authority
20 of the commission, except that the county board of commissioners or
21 supervisors may choose to retain for itself the power to grant
22 conditional uses or special exceptions for those classifications of uses
23 specified in the county zoning regulations. The county board of
24 commissioners or supervisors may exercise such power if it has formally
25 adopted standards and procedures for granting such conditional uses or
26 special exceptions in a manner that is equitable and which will promote
27 the public interest. In any county other than a county in which is
28 located a city of the primary class, an appeal of a decision by the
29 county planning commission or county board of commissioners or
30 supervisors regarding a conditional use or special exception shall be
31 made to the district court. In any county in which is located a city of

1 the primary class, an appeal of a decision by the county planning
2 commission regarding a conditional use or special exception shall be made
3 to the county board of commissioners or supervisors, and an appeal of a
4 decision by the county board of commissioners or supervisors regarding a
5 conditional use or special exception shall be made to the district court.

6 (6) Whenever a county planning commission or county board is
7 authorized to grant conditional uses or special exceptions pursuant to
8 subsection (4) or (5) of this section, the planning commission or county
9 board shall, with its decision to grant or deny a conditional use permit
10 or special exception, issue a statement of factual findings arising from
11 the record of proceedings that support the granting or denial of the
12 conditional use permit or special exception. If a county planning
13 commission's role is advisory to the county board, the county planning
14 commission shall submit such statement with its recommendation to the
15 county board as to whether to approve or deny a conditional use permit or
16 special exception.

17 (7) No county planning commission or county board shall grant a
18 conditional use permit under this section to any person applying for such
19 permit who is more than one hundred eighty days delinquent in the payment
20 of real property taxes owed to such county on any parcel included in such
21 application until such delinquent taxes are paid in full. The planning
22 commission or county board may waive this requirement if the delinquent
23 taxes owed are in dispute, on appeal, or the result of an administrative
24 error.

25 Sec. 6. The Revisor of Statutes shall assign:

26 (1) Section 1 of this act to Chapter 14, article 4; and

27 (2) Section 2 of this act to Chapter 15, article 9.

28 Sec. 7. Original section 23-114.01, Reissue Revised Statutes of
29 Nebraska, section 19-929, Revised Statutes Cumulative Supplement, 2020,
30 and section 18-2119, Revised Statutes Supplement, 2021, are repealed.