

ORDINANCE NO. 693

AN ORDINANCE TO AMEND TITLE III, CHAPTER 32, §32.01 ENTITLED PLANNING COMMISSION BY DELETING THE SAME IN ITS ENTIRETY AND SUBSTITUTING THE FOLLOWING AS IT RELATES TO THE APPOINTMENT OF MEMBERS AND THE MAKEUP OF THE COMMISSION, ELECTION OF A CHAIRPERSON AND SECRETARY, POWERS AND DUTIES; TO REPEAL ALL ORDINANCES IN CONFLICT WITH ANY OF THESE PROVISIONS; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MURRAY, NEBRASKA:

**Section 1.** Title III, Chapter 32, § 32.01, entitled Planning Commission is amended by deleting the same in its entirety and substituting the following:

Two of the regular members **may** be residents of the area designated pursuant to section 16-902 or 17-1001 over which the city or village is exercising extraterritorial zoning jurisdiction (ETJ). When there are two hundred residents in the ETJ, one regular member of the commission **shall** be a resident from the ETJ. If it is determined by the Village Board of Trustees that a sufficient number of residents reside in such area, and no such resident is a regular member of the commission, the first available vacancy on the commission shall be filled by the appointment of an individual residing in the ETJ. (R.R.S. Neb. § 19-926)

§ 32.01 PLANNING COMMISSION.

(A) (1) If the Board of Trustees adopts zoning or other regulations pursuant to Neb. RS 19-901 et seq., the Planning Commission shall consist of five, seven, or nine regular members, as specified by the Board of Trustees by ordinance, who shall represent, insofar as is possible, the different professions or occupations in the Village and shall be appointed by the Chairperson of the Board of Trustees by and with the approval of a majority vote of the members elected to the Board. Two of the regular members **may** be residents of the area designated pursuant to section 16-902 or 17-1001 over which the city or village is exercising extraterritorial zoning jurisdiction (ETJ). When there are two hundred residents in the ETJ, one regular member of the commission **shall** be a resident from the ETJ. If it is determined by the Village Board of Trustees that a sufficient number of residents reside in such area, and no such resident is a regular member of the commission, the first available vacancy on the commission shall be filled by the appointment of an individual residing in the ETJ. A number of commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. All regular members of the Commission shall serve without compensation. The term of each regular member shall be three years, except that one-third or fewer of the regular members of the first Commission to be so appointed shall serve for terms of one year, one-third or fewer for terms of two years, and the remaining members for terms of three years. All regular members shall

hold office until their successors are appointed. Any member may, after a public hearing before the Board of Trustees, be removed by the Chairperson of the Board with the consent of a majority vote of the members elected to the Board for inefficiency, neglect of duty, or malfeasance in office or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Chairperson of the Board.

(2) The Chairperson of the Board of Trustees may, with the approval of a majority vote of the elected members of the Board, appoint one alternate member to the Planning Commission. The alternate member shall serve without compensation and shall hold no other Village office. The term of the alternate member shall be three years, and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the Chairperson of the Board with the approval of a majority vote of the elected members of the Board. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular Commission members is present and capable of voting. (Neb. RS 19-926)

(3) A regular or alternate member of the Planning Commission may hold any other municipal office except Mayor, a member of the City Council or Village Board of Trustees, a member of any community redevelopment authority or limited community redevelopment authority created under Neb. RS 18-2102.01, or a member of any citizen advisory review committee created under Neb. RS 18-2715.

(B) The Commission shall elect its Chairperson from its members and create and fill such other of its offices as it may determine. The term of the Chairperson shall be one year, and he or she shall be eligible for reelection. The Commission shall hold at least one regular meeting in each calendar quarter, except as provided in this section. The Board of Trustees may require the Commission to meet more frequently, and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. If no business is pending before the Commission, the Chairperson may cancel a quarterly meeting, but no more than three quarterly meetings may be cancelled per calendar year. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record. (Neb. RS 19-927)

(C) No member of the Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission. The Secretary shall keep the full and correct minutes and records of all meetings and file them with the Village Clerk where they shall be available for public inspection during office hours.

(D) The Board of Trustees may provide the funds, equipment, and accommodations necessary for the work of the Commission, but the expenditures of the Commission, exclusive of gifts, shall be

within the amounts appropriated for that purpose by the Board; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts. (Neb. RS 19-928)

(E) (1) (a) Except as provided in Neb. RS 19-930 to 19-933, the Planning Commission shall:

1. Make and adopt plans for the physical development of the Village, including any areas outside its boundaries which in the Commission's judgment bear relation to the planning of the Village and including a comprehensive development plan as defined by Neb. RS 19-903;

2. Prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested Village departments; and

3. Consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the comprehensive development plan and its implemental programs. The Commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports.

(b) The Board of Trustees shall not take final action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the Planning Commission, provided that the Planning Commission shall make its recommendation so that it is received by the Board of Trustees within 60 days after the Commission begins consideration of a matter or within such other number of days as the Board of Trustees has set by ordinance.

(c) A recommendation from the Planning Commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with the requirements concerning minimum areas and dimensions of such lots and blocks, if the Board of Trustees has designated, by ordinance, an agent pursuant to Neb. RS 19-916.

(2) (a) The Commission may, with the consent of the Board of Trustees, in its own name:

1. Make and enter into contracts with public or private bodies;
2. Receive contributions, bequests, gifts, or grant funds from public or private sources;
3. Expend the funds appropriated to it by the Village;
4. Employ agents and employees; and

5. Acquire, hold, and dispose of property.

(b) The Commission may on its own authority make arrangements consistent with its program, conduct or sponsor special studies or planning work for any public body or appropriate agency, receive grants, remuneration, or reimbursement for such studies or work, and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

(3) (a) The Commission may grant conditional uses or special exceptions to property owners for the use of their property if the Board of Trustees has, through a zoning ordinance or special ordinance, generally authorized the Commission to exercise such powers and has approved the standards and procedures adopted by the Commission for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized.

(b) The power to grant conditional uses or special exceptions shall be the exclusive authority of the Commission, except that the Board of Trustees may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The Board may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will promote the public interest.

(c) An appeal of a decision by the Commission or Board regarding a conditional use or special exception shall be made to the district court.

(Neb. RS 19-929) (Am. Ord. 496, passed 12-9-08; Am. Ord. 595, passed 6-12-18; Am. Ord. 627, passed 2-9-21; Am. Ord. 693, passed 2-11-25) (Statutory reference: Other planning commission Statutes, see Neb. RS 19-925 through 19-933.

**Section 2.** All ordinances in conflict with any of these provisions are repealed.

**Section 3.** This ordinance is adopted and published in pamphlet form.

**Section 4.** This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 11<sup>TH</sup> day of February 2025.

ATTEST:

  
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Jeff Anderson  
Chair of the Board of Trustees

  
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Shelli Hayes, Village Clerk

Publication Date: FEBRUARY 18, 2025

## ORDINANCE RECORD

### ORDINANCE # 693

#### 1 READING

Chairman Anderson introduced and read by title Ordinance # 693.

TRUSTEE BLESSING moved, seconded by TRUSTEE FLAK that the statutory rule requiring reading on three different days be suspended so that Ordinance # 693 be introduced, read by title, and adopted (3/4 vote required).

The following BOARD OF TRUSTEES voted: AYES:

BLESSING, FLAK, SCHROEDER, BARTLETT,  
ANDERSON; MOTION CARRIED.

Chairman Anderson raised the question "Shall Ordinance # 693 be adopted as read by title?" TRUSTEE BLESSING moved, seconded by TRUSTEE FLAK that said Ordinance #693 be adopted, published, or posted as required by law.

The following BOARD OF TRUSTEES voted: AYES:

BLESSING, FLAK, SCHROEDER, BARTLETT,  
ANDERSON; MOTION CARRIED.

Upon passage and adoption having been concurred in by majority vote of the Board of Trustees, the Chairperson declared the Ordinance adopted. A true and correct copy of the Ordinance is attached.

DATED THIS 11<sup>TH</sup> DAY OF FEBRUARY, 2025.

  
CHAIRMAN  
VILLAGE OF MURRAY

ATTEST:

  
VILLAGE CLERK

(SEAL)

**CERTIFICATION OF PASSAGE**

**ORDINANCE #693**

STATE OF NEBRASKA  
COUNTY OF CASS  
VILLAGE OF MURRAY

I, Shelli S. Hayes, Village Clerk of the Village Of Murray, Cass County Nebraska, hereby certify that a true and exact copy Ordinance #693 as attached herewith, was passed and approved on the 11<sup>TH</sup> day of FEBRUARY, 20 25, and has been published in a legal newspaper, the Omaha World Herald as per the attached **affidavit of publication**, OR posting as required by law. Posting sites: Cornerstone Bank, Murray Post Office, Murray Municipal Building.

Posted this 13<sup>TH</sup> day of FEBRUARY, 20 25.

  
Shelli S. Hayes, Village Clerk

(SEAL)

VILLAGE OF MURRAY  
NOTICE OF PUBLICATION OF  
ORDINANCE IN PAMPHLET FORM

On the 11th day of February, 2025, the Village of Murray Board of Trustees adopted an ordinance entitled:

ORDINANCE NO. 693

AN ORDINANCE OF THE VILLAGE OF MURRAY, NEBRASKA, TO AMEND TITLE III, CHAPTER 32, 32.01 ENTITLED PLANNING COMMISSION BY DELETING THE SAME IN ITS ENTIRETY AND SUBSTITUTING THE FOLLOWING AS IT RELATES TO THE APPOINTMENT OF MEMBERS AND THE MAKEUP OF THE COMMISSION, ELECTION OF A CHAIRPERSON AND SECRETARY, POWERS AND DUTIES; TO REPEAL ALL ORDINANCES IN CONFLICT WITH ANY OF THESE PROVISIONS; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

Said Ordinance was published in pamphlet form and copies thereof are available at the office of the Village Clerk, 106 W Main Street, Murray, Nebraska.

Shelli S. Hayes, Village Clerk