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Model Rural Zoning Enabling Act

Donald R. Witt

University of Nebraska College of Law, dwitt@bayloreven.com

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MODEL RURAL ZONING ENABLING ACT

Section 1. Grant of Power.

The county board of commissioners, hereinafter referred to as the county board, shall have power to adopt by a majority vote of its membership a zoning resolution which shall have the force and effect of law. The zoning resolution *may* regulate and restrict the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, house trailers and automobile trailers; and the percentage of lot areas which may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings, and the uses of land for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, surface water drainage and removal, or other uses in the unincorporated area of the county. Special districts or zones may be established in those areas subject to seasonal or periodic flooding, and such regulations may be applied as will minimize danger to life and property. The powers created by this section shall not be exercised within the limits of any incorporated village nor within the area over which zoning jurisdiction has been granted to any city or village.

Comment: This section specifically enumerates the general zoning powers which are necessary for effective planning and zoning by a governmental unit. Zoning enabling acts throughout the states list the same zoning powers.

For comparable statutes, see Colo. Rev. Stat. Ann. § 106-2-12 (1953); Hawaii Rev. Laws § 138-42 (Supp. 1963); Ill. Ann. Stat. ch. 34, § 3151 (Smith-Hurd 1960); Minn. Stat. Ann. § 394.25 (Supp. 1963); Neb. Rev. Stat. §§ 23-114, -161, -174.01 (Reissue 1962); Ohio Rev. Code Ann. § 303.02 (Page 1953); S.C. Code § 14-354 (1962); Tenn. Code Ann. § 13-401 (Supp. 1964); Wis. Stat. Ann. § 59.97 (1957).

Section 2. Districts.

Within the area of jurisdiction and powers established by section 1, the county board is empowered to divide the county into districts of such number, shape, and area as may be best suited to carry out the purposes of section 3 and to regulate, restrict, or prohibit the erection, construction, reconstruction, alteration, or use of buildings, or structures, and the use, conditions of use, or occupancy of land. All such regulations shall be uniform for each class or kind of land or buildings throughout each district, but the regulations in one district may differ from those in other districts. An official map or maps indicating the districts and regulations shall

be adopted and within fifteen days after adoption of such regulations or maps, they shall be published in book or pamphlet form or in a legal newspaper published once in and of general circulation in the county. Such regulations shall also be spread in the minutes of the proceedings of the county board and such map or maps filed with the county clerk.

Comment: This section enumerates the zoning techniques given to the county board. These powers, however, are controlled with the requirement of uniformity within each district to prevent discrimination, unfair advantage, or hardship. All state zoning enabling acts contain similar provisions and for this reason, this section is quite similar to Neb. Rev. Stat. § 23-161 (Reissue 1962).

For comparable provisions, see Minn. Stat. Ann. § 394.25 (Supp. 1963); N.D. Cent. Code § 11-33-02 (1960); Ohio Rev. Code Ann. § 303.02 (Page 1953); Wash. Rev. Code Ann. §§ 36.70.760, 36.70.770 (1964).

Section 3. Purposes.

Such regulations shall be made in accordance with a comprehensive plan designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Nebraska, including among other things:

- (1) Developing both urban and nonurban areas;
- (2) Lessening congestion in the streets or roads;
- (3) Reducing the waste of excessive amounts of roads;
- (4) Securing safety from fire and other dangers;
- (5) Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
- (6) Providing adequate light and air;
- (7) Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;
- (8) Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
- (9) Protecting the tax base;
- (10) Protecting property against blight and depreciation;
- (11) Securing economy in governmental expenditures;

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

(13) Encouraging the most appropriate use of land in the county.

Comment: This section has a threefold aim: (1) to establish a general legislative policy; (2) to declare the public interest in the state's natural resources, to insure effective and beneficial development of the state's growth, and to indicate the desirability and necessity of zoning regulation under the state police power; and (3) to establish standards and objectives for zoning action.

For comparable statutory provisions see: Ill. Ann. Stat. ch. 34, § 3151 (Smith-Hurd 1960); Ind. Ann. Stat. § 53-701 (1951); Mo. Ann. Stat. § 64-040 (1949); Neb. Rev. Stat. §§ 23-163, -174.01 (Re-issue 1962); Pa. Stat. Ann. tit. 16, § 2026 (1956); S.C. Code § 14-354 (1962); Tenn. Code Ann. § 13-402 (1955); Va. Code Ann. § 15.1-427 (1964); Wash. Rev. Code Ann. § 36.70.010 (1964).

Section 4. Elements of the Comprehensive Plan.

(A) The general plan for the improvement and development of the county shall be known as the comprehensive plan and shall, among other things, show:

(1) A land use element which designates the proposed general distribution, general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan;

(2) The general location, character, and extent of existing and proposed streets and highways, air and other transportation routes and terminals;

(3) The acceptance, removal, extension, relocation, narrowing, vacation, abandonment or change of use affecting public improvements; and

(4) Any supporting plats, maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

The plan shall be designed to accommodate anticipated future growth, but shall be drawn with due regard for a reasonable esti-

mate of the ways and means for accomplishing the indicated objectives in section 3.

(B) Optional elements: The comprehensive plan may also include:

(1) A conservation element for the conservation, development and utilization of natural resources, including water, flood control, forests, water sheds, soils, wild life, minerals, and other natural resources;

(2) A recreation element showing a comprehensive system of areas and public sites for recreation, natural reservations, parks, historical sites, parkways, beaches, lakes, playgrounds, and other recreational areas, including their locations and proposed development;

(3) A public services and facilities element showing general plans for sewage, refuse disposal, drainage and local utilities, rights of way by easement, and facilities for such services;

(4) A public buildings element, showing general locations, design and arrangements of civic and community centers, and showing locations of public schools, libraries, police and fire stations, and all other public buildings; and

(5) As part of a comprehensive plan, the zoning commission may prepare, receive, and approve additional elements and studies dealing with other subjects which, in its judgment, relate to the physical, economic, or social situation within the county.

Comment: Subsection A enumerates required elements that are to be present in a comprehensive plan. A comprehensive plan is necessary for three basic reasons: (1) to insure proper and effective planning; (2) to fulfill the "reasonableness" test used by the courts to determine the validity of zoning laws; and (3) to supply standards for the court's determination of the zoning law's validity.

Subsection B allows the counties to adjust their planning to the particular situation in terms of objectives which are sought. The inclusion of one or more of the optional elements in the comprehensive plan might assure court validation of zoning ordinances.

For comparable provisions of subsection A, see Ky. Rev. Stat. Ann. § 100.046 (1962); Mo. Ann. Stat. § 64.231 (Supp. 1964); Neb. Rev. Stat. §§ 23-163, -174.05 (Reissue 1962); Okla. Stat. Ann. tit. 19, §§ 863.7, 865.6 (1962); Va. Code Ann. § 15.1-434 (1964); Wash. Rev. Code Ann. § 36.70.330 (1964); W. Va. Code Ann. § 525 (1961).

For provisions comparable to subsection B, see Cal. Gov't Code § 65463; Ind. Ann. Stat. § 53-735 (1951); Nev. Rev. Stat. § 278.160 (1964); Wash. Rev. Code Ann. § 36.70.350 (1964).

Section 5. Method of Procedure.

The county board shall provide for the manner in which such regulations, restrictions, and boundaries shall be determined, established and enforced, amended, supplemented, or changed, *provided* no such regulation, restriction or boundary shall become effective until after a public hearing or hearings at which parties in interest and citizens shall have an opportunity to be heard. Notice of the hearing or hearings shall be given by publication once each week for three successive weeks in the official newspaper of the county, or if there be none, in a newspaper of general circulation in the county.

Comment: The objective of this section is to insure that the zoning powers exercised by the county board will be publicized to receive public criticism or acceptance. This section differs little from Neb. Rev. Stat. § 23-164 (Reissue 1962).

Compare Ill. Ann. Stat. ch. 34, § 3152 (Smith-Hurd 1960) (hearings to be held in each township of the county).

Section 6. Amendments.

Such regulations, restrictions, and boundaries as adopted by the county board may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change, signed by the owners of twenty per cent or more either of the area included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of a two-thirds majority of the county board. The county board shall ask and receive the advice of the zoning commission (provided in section 7) before taking definite action on any contemplated amendment, supplement, change, modification or repeal. The provisions of section 5 relative to public hearings and official notice shall apply equally to all changes or amendments.

Comment: This section is a common provision in all state zoning enabling acts and provides a check upon arbitrary amendment procedure.

This section differs little from Neb. Rev. Stat. § 23-165 (Reissue 1962). Compare Ind. Ann. Stat. § 53-765 (Supp. 1964).

Section 7. Zoning Commission.

In order to avail itself of the powers conferred by section 1, the county board shall appoint a commission of three to five members,

to be known as the county zoning commission. The members of the commission shall be residents of the county to be zoned, shall be appointed with due consideration to geographical and population factors, and the terms of the members shall be of such length and so arranged that the term of one member will expire each year. The members of the commission shall be removable by the county board for nonperformance of duty, misconduct in office, or other cause upon written charges being filed with the county board and after a public hearing has been held regarding such charges. Members of the zoning commission shall receive no salary for their services but may be allowed their reasonable expenses in an amount to be fixed by the county board.

The county zoning commission shall fix the boundaries of the various original districts and provide regulations to be enforced; and the county board shall not hold its public hearings or take action until it has received the final report of such commission. Such commission is directed to make use of expert advice and information furnished by appropriate state and federal officials, departments and agencies; and all state officials, departments and agencies having information, maps and data pertinent for county zoning are authorized and directed to make such available for the use of the zoning commission, as well as to furnish such other technical assistance and advice as they may. The commission may also employ a planning director and inspector or either of them and such staff as it deems necessary; or the commission may employ or contract with a planning agency, authority, commission, or with planning consultants, or with other specialists for such services as it requires. The county board shall provide the funds, equipment and accommodations necessary for such planning activity. Such appropriations may include funds for the purpose of matching funds of other governmental units or for joint ventures engaged in with other governmental units.

The zoning commission shall make a preliminary report and hold public hearings before submitting its final report. At its public hearings, such commission shall have power to summon witnesses, administer oaths and compel the giving of testimony.

Comment: The creation of a zoning commission is necessary for effective planning and zoning. The option to hire planners allows the zoning commission discretion in its planning and zoning for the particular situation in the county and the objectives sought through zoning. Some state statutes require the hiring of a planning director. Mo. Ann. Stat. § 64.225 (Supp. 1964); Neb. Rev. Stat. § 23-174.04 (Reissue 1962).

For comparable state provisions, see Ind. Ann. Stat. § 53-728 (1951); Minn. Stat. Ann. § 394.30 (Supp. 1963); Neb. Rev. Stat. § 23-166 (Reissue 1962); N.D. Cent. Code § 11-33-06 (1960); Okla. Stat. Ann. tit. 19, § 865.4 (1962); Wis. Stat. Ann. § 59.97 (1957).

Section 8. Other Powers of the County Board.

The county board may acquire, by purchase, gift, grant, bequest, devise, lease or otherwise, and through the expenditure of public funds, the fee or any lesser interest or right in real property in order to preserve open spaces and areas for public use and enjoyment through limitation of their future use. An "open space" or "area" is any space or area characterized by: (1) great natural scenic beauty; or (2) whose existing openness, natural condition, or present state of use if retained, would enhance the present, or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

The county board may also accept gifts and donations for planning and zoning purposes. Any moneys so accepted shall be deposited with the county in a special nonreverting zoning commission fund to be available for expenditures by the county zoning commission for the purpose designated by the donor.

Comment: The first paragraph of this section gives another means to the county for preserving scenic and recreational areas. Such means would include the easement method, leasing and others. The second paragraph empowers the county board to receive money gifts for planning purposes if such a situation ever exists.

The first paragraph originates from Cal. Gov't Code §§ 6950-54.

For statutory provisions comparable to those in the second paragraph, see Ind. Ann. Stat. § 53-731 (1951); W. Va. Code Ann. § 525.[15] (1961).

Section 9. Enforcement of Zoning Regulations.

The county board shall provide for enforcement of the zoning regulations within its county by requiring the issuance of permits prior to the erection, construction, reconstruction, alteration, repair or conversion of any building or structure within a zoned area; and the county board may provide for the withholding of any permit if the previously mentioned activities would conflict with zoning regulations adopted for the particular district in which the building or structure is situated or in which it is proposed to be erected. All plats for subdivisions in the area outside the corporate limits of cities and villages must be approved by the zoning commission.

The county board may establish and appoint a county building inspector and may fix the compensation attached to the position or may authorize any administrative official of the county to assume the functions of such position, in addition to his customary functions. The county board may also fix a reasonable schedule of fees for the issuance of such permits. The permits shall not be issued unless the plans of and for the proposed erection, construction, reconstruction, alteration, use or change of use, including sanitation, plumbing and sewage disposal, are filed in writing at the building inspector's office and such plans fully conform to all zoning regulations then in effect.

Comment: The purpose of this section is twofold: (1) to provide administrative ease in enforcing zoning regulations; and (2) to provide a means of checking adherence to zoning regulations.

This section is substantially similar to Neb. Rev. Stat. § 23-167 (Reissue 1962). For comparable provisions, see Colo. Rev. Stat. Ann. § 106-2-13 (1953); Ind. Ann. Stat. § 53-745-54 (Supp. 1964); Mo. Ann. Stat. § 64-070 (1951); Ohio Rev. Code Ann. § 303.16-17 (Page 1953).

Section 10. Board of Adjustment.

The county board may provide by resolution that it shall constitute a board of adjustment which shall act upon all questions as they may arise in the administration of any zoning ordinance or official acts by zoning authorities, including the interpretation of zoning maps; and it shall hear and decide appeals from any order, requirement, decision or determination made by an administrative official charged with enforcing a zoning ordinance. The concurring vote of two-thirds of the members of the county board acting as a board of adjustment shall decide any question upon which it is required to pass as such board.

The county board may provide and specify necessary and desirable general rules to govern the organization, procedure, and jurisdiction of the board of adjustment, which rules shall not be inconsistent with the provisions of this act; and the board of adjustment may adopt supplemental rules of procedure, not inconsistent with this act or such general rules. Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or the absence or failure to vote of a member, and shall keep records of its examinations and other official actions, all of which

shall be immediately filed with the county clerk and shall be a public record.

Appeals to the board of adjustment may be taken by any person or persons aggrieved, or by any officer, department, board, or bureau of the county affected by any decision of an administrative officer or zoning commission. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the board a notice of appeal specifying the grounds thereof. The officer or agency from whom the appeal is taken shall transmit to the board all the papers constituting the record upon which the action appealed from was taken.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear at the hearing in person, by agent, or by attorney.

The board of adjustment shall, subject to such appropriate conditions and safeguards as may be established by the county board, have the following powers:

(1) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;

(2) To hear and decide, in accordance with the provisions of any regulation, requests for special exceptions or variances, or for interpretation of any map, or for decisions upon other special questions upon which the board is authorized by any such regulation to pass;

(3) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

No such variance shall be authorized by the board unless it finds that:

(a) The strict application of the ordinance would produce undue hardship;

(b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

(c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and

(d) The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In exercising the above mentioned powers, the board may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the power of the officer or agency from whom the appeal is taken.

Comment: Paragraph one is essentially the same as Neb. Rev. Stat. § 23-168 (Reissue 1962). Some states provide that the board of adjustment shall be composed of individuals who are not members of the zoning board. For example, see Ill. Ann. Stat. ch. 34, § 3155 (Smith-Hurd 1960).

The enumeration of the powers of the adjustment board is essentially a duplication of Nev. Rev. Stat. § 278.300 (1964). For comparable provisions see Ind. Ann. Stat. § 53-744 (Supp. 1964); Iowa Code Ann. § 358A.10 (Supp. 1963); Minn. Stat. Ann. § 394.27 (Supp. 1963) Mo. Ann. Stat. § 64.281 (Supp. 1964); N.J. Stat. Rev. § 40:55-39 (1940); Pa. Stat. Ann. tit. 16, § 2029 (1956); S.C. Code § 14-375 (1962); Wash. Rev. Code Ann. § 36.70.810 (1964).

The section enumerating the standards to be used in determining the validity of allowing a variance has a twofold purpose: (1) to provide standards for the board of adjustment and the courts in

their determination of the validity of granting a variance; and (2) to prevent arbitrary and abundant granting of variances through which effective planning and zoning could be hampered. For comparable provisions, see Ill. Ann. Stat. ch. 34, § 3154 (Smith-Hurd 1960); Ky. Rev. Stat. Ann. § 100.082 (1963); Va. Code Ann. § 15.1-495 (1964).

Section 11. Appeal Procedure.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any officer, department, board or bureau of the county, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within fifteen days after the filing of the decision in the office of the board of adjustment. Upon the filing of such petition a summons shall be issued and be served upon the board of adjustment together with a copy of the petition, and return of service shall be made within four days after the issuance of the summons. Within ten days after the return day of the summons, the county board shall file an answer to the petition which shall admit or deny the substantial averments of the petition and matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for the petition. At the expiration of the time for filing the answer, the court shall proceed to hear and determine the cause without delay and shall render judgment according to law. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Appeal to the district court shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order. Any appeal from the judgment and the cause shall be advanced for hearing in the supreme court so as to bring such cause on for argument before such court within sixty days from the filing of the appeal.

Comment: Since appeal procedure is largely a matter of state discretion, this section, with a few variations, is identical to the present Nebraska provision in Neb. Rev. Stat. § 23-168 (Reissue 1962).

Section 12. Violations and Penalties.

The erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of any building, structure, automobile trailer, house trailer or land in violation of this act or of any regulation made by the county board under this act is declared to be a misdemeanor. Any person, partnership, association, club or corporation performing the aforementioned activities in violation of this act or of any regulation of the county board, or erecting, constructing, reconstructing, altering or converting any structure without having first obtained a permit as this act provides, shall upon conviction be fined in any sum not exceeding two hundred and fifty dollars for each offense, and the costs of prosecution, or may be confined in the county jail for a term not to exceed thirty days. In addition to other remedies, the county board or the proper local authorities of the county, as well as any owner or owners of real estate within the district affected by the regulations, may institute any appropriate action or proceedings to prevent such unlawful construction, erection, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the illegal act, conduct, business, or use in or about such premises. Also, any taxpayer or taxpayers of the county may institute proceedings to compel specific performance, by the proper official or officials, of any duty stipulated in this act or in ordinances adopted pursuant to this act.

Comment: For comparable provisions, see Colo. Rev. Stat. Ann. § 106-2-24 (1953); Ill. Ann. Stat. ch. 34, § 3160 (Smith-Hurd 1960); Neb. Rev. Stat. § 23-169 (Reissue 1962).

Section 13. Nonconforming Uses.

The use of a building, structure or land, existing and lawful at the time of the enactment of a zoning regulation, or at the time of an amendment of a regulation, may, except as further provided, be continued, although such use does not conform with the provisions of such regulation or amendment; and such use may be extended throughout the same building, if no structural alteration of such building is proposed or made for the purpose of such extension. If such nonconforming use is in fact discontinued for a period of twelve months, such right to the nonconforming use is forfeited and any future use of the building and premises shall conform to the regulation. The county board may provide in any zoning regulation for the restoration, reconstruction, extension or substitution of nonconforming uses upon such terms and conditions as may be set forth in the zoning ordinance. The county board may, in any zoning regulation, provide for the termination of nonconforming

uses, either by specifying the period or periods in which nonconforming uses shall be required to cease, or by providing a formula or formulae whereby the compulsory termination of a nonconforming use may be so fixed as to allow for the recovery or amortization of the investment in the nonconformance.

Comment: For effective planning and zoning, methods must be devised for discontinuing nonconforming uses, that is, uses which are incompatible with the uses for which the district was zoned. The most recent and most effective method is the amortization process, which involves the determination of a period in which a nonconforming use must be discontinued. This section also provides that where a nonconforming use is "in fact" discontinued, the right to that nonconforming use is forfeited. This is an attempt to avoid the court rulings that "abandonment" or discontinuance of a nonconforming use is determined by the owner's intent.

For comparable statutes, see Colo. Rev. Stat. Ann. § 106-2-19 (1953); Okla. Stat. Ann. tit. 19, § 863.16 (1962); Pa. Stat. Ann. tit. 16, § 2033 (1956); S.C. Code § 14-365 (1962); Wis. Stat. Ann. § 59.97 (Supp. 1964).

Section 14. Regional Planning.

The county board of any county, alone or in collaboration with the governing bodies of the incorporated cities in the county, or any of them, or in collaboration with the county board of any adjacent county or counties, may establish a regional planning commission to consist of representatives of the county or counties or cities or villages within the county or counties where the governmental bodies participating in the formation of the regional planning commission are located. The authority to initiate a regional planning program, define the boundaries of the regional planning district, specify the number, method of appointment and terms of office of members of the regional planning commission, and provide for allocating the cost of financing the work shall be vested individually in the participating governmental bodies. The joint commission shall hire a trained planning director, form a comprehensive plan, fix boundaries of districts, make appropriate regulations, make a preliminary report and hold public hearings as provided in the case of county planning commissions before submitting its final report and recommendations to the respective planning commissions of each governmental body concerned. The regional planning commissions shall be formed for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of a region.

Comment: The authority to create regional planning commissions is necessary where similar problems are present and it is desirable to create a coordinated plan in the region. This section allows a large degree of discretion in the use of regional planning because each area has different problems and objectives in planning and zoning.

For comparable provisions, see Colo. Rev. Stat. Ann. § 106-2-4 (1953); Ill. Ann. Stat. ch. 34, § 3001-07 (Smith-Hurd 1960); Nev. Rev. Stat. § 278.090 (1964); N.Y. Munic. Law § 239-b; N.C. Gen. Stat. § 153-269 (1964); N.D. Cent. Code § 11-33-19 (1960); Pa. Stat. Ann. tit. 16, § 2009 (1956); Tenn. Code Ann. § 13-201-12 (1955); Va. Code Ann. § 15.1-432 (1964); Wash. Rev. Code Ann. § 36.70.060 (1964).

Donald R. Witt '65