

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 91**

Introduced by Bromm, 23

Read first time January 9, 2003

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to zoning; to amend section 19-4401, Reissue  
2 Revised Statutes of Nebraska; to authorize cities and  
3 villages to regulate planned unit developments as  
4 prescribed; to harmonize provisions; and to repeal the  
5 original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 19-4401, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           ~~19-4401.~~ (1) Notwithstanding any provisions of Chapter  
4 14, article 4, Chapter 15, article 9, Chapter 19, article 9, or of  
5 any home rule charter to the contrary, every ~~metropolitan,~~  
6 ~~primary,~~ and ~~first class~~ city or village shall have the power to  
7 include within its zoning ordinance, provisions authorizing and  
8 regulating planned unit developments within such city or village or  
9 within the zoning jurisdiction of such city or village, except that  
10 such cities or villages shall not have authority to impose such  
11 power over other organized cities or villages within the zoning  
12 jurisdiction of such cities or villages. As used in this section,  
13 planned unit development shall include any development of a parcel  
14 of land or an aggregation of contiguous parcels of land to be  
15 developed as a single project which proposes density transfers,  
16 density increases, and mixing of land uses, or any combination  
17 thereof, based upon the application of site planning criteria. The  
18 purpose of such ordinance shall be to permit flexibility in the  
19 regulation of land development, to encourage innovation in land use  
20 and variety in design, layout, and type of structures constructed,  
21 to achieve economy and efficiency in the use of land, natural  
22 resources, and energy, and the provision of public services and  
23 utilities, to encourage the preservation and provision of useful  
24 open space, and to provide improved housing, employment, or  
25 shopping opportunities particularly suited to the needs of an area.

26           (2) An ordinance authorizing and regulating planned unit  
27 developments shall establish criteria relating to the review of  
28 proposed planned unit developments to ensure that the land use or

1 activity proposed through a planned unit development shall be  
2 compatible with adjacent uses of land, and the capacities of public  
3 services and utilities affected by such planned unit development,  
4 and to ensure that the approval of such planned unit development is  
5 consistent with the public health, safety, and general welfare of  
6 the city or village , and is in accordance with the comprehensive  
7 plan.

8 (3) Within a planned unit development, regulations  
9 relating to the use of land, including permitted uses, lot sizes,  
10 setbacks, height limits, required facilities, buffers, open spaces,  
11 roadway and parking design, and land-use density, shall be  
12 determined in accordance with the planned unit development  
13 regulations specified in the zoning ordinance. The planned unit  
14 development regulations need not be uniform with regard to each  
15 type of land use.

16 (4) The approval of planned unit developments, as  
17 authorized under a planned unit development ordinance, shall be  
18 generally similar to the procedures established for the approval of  
19 zone changes. In approving any planned unit development, a city or  
20 village may, either as a condition of the ordinance approving a  
21 planned unit development, by covenant, by separate agreement, or  
22 otherwise, impose reasonable conditions as deemed necessary to  
23 ensure that a planned unit development shall be compatible with  
24 adjacent uses of land, will not overburden public services and  
25 facilities, and will not be detrimental to the public health,  
26 safety, and welfare. Such conditions or agreements may provide for  
27 dedications of land for public purposes.

28 Sec. 2. Original section 19-4401, Reissue Revised

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1 Statutes of Nebraska, is repealed.