

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 146

Introduced by McGill, 26.

Read first time January 07, 2011

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

1 particularly suited to the needs of an area.

2 (2) An ordinance authorizing and regulating planned unit
3 developments shall establish criteria relating to the review of
4 proposed planned unit developments to ensure that the land use or
5 activity proposed through a planned unit development shall be
6 compatible with adjacent uses of land, and the capacities of public
7 services and utilities affected by such planned unit development, and
8 to ensure that the approval of such planned unit development is
9 consistent with the public health, safety, and general welfare of the
10 city, or village and is in accordance with the comprehensive plan.

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

18 (4) The approval of planned unit developments, as
19 authorized under a planned unit development ordinance, shall be
20 generally similar to the procedures established for the approval of
21 zone changes. In approving any planned unit development, a city or
22 village may, either as a condition of the ordinance approving a
23 planned unit development, by covenant, by separate agreement, or
24 otherwise, impose reasonable conditions as deemed necessary to ensure
25 that a planned unit development shall be compatible with adjacent

1 uses of land, will not overburden public services and facilities, and
2 will not be detrimental to the public health, safety, and welfare.
3 Such conditions or agreements may provide for dedications of land for
4 public purposes.

5 (5) No city of the second class or village located in a
6 county which exercises zoning jurisdiction shall finally approve a
7 planned unit development upon property located outside of the
8 corporate boundaries of the city or village until the plans for the
9 planned unit development have been submitted to, reviewed, and
10 approved by the county's planning commission and county board.

11 Sec. 2. Original section 19-4401, Reissue Revised
12 Statutes of Nebraska, is repealed.