

## LEGISLATIVE BILL 135

Approved by the Governor March 9, 1983

Introduced by Landis, 46; Hannibal, 4

AN ACT relating to zoning; to define terms; to change zoning powers of certain cities; and to regulate planned unit development.

Be it enacted by the people of the State of Nebraska,

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

(2) An ordinance authorizing and regulating planned unit developments shall establish criteria relating to the review of proposed planned unit developments to ensure that the land use or activity proposed through a planned unit development shall be compatible with adjacent uses of land, the capacities of public services and utilities affected by such planned unit development, and to ensure that the approval of such planned unit development is consistent with the public

health, safety, and general welfare of the city, and is in accordance with the comprehensive plan.

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

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