

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 146**  
Final Reading

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) A city of the second class or village located in a  
6 county that has adopted a comprehensive development plan which meets  
7 the requirements of section 23-114.02 and is enforcing subdivision  
8 regulations shall not finally approve a planned unit development upon  
9 property located outside of the corporate boundaries of the city or  
10 village until the plans for the planned unit development have been  
11 submitted to, reviewed, and approved by the county's planning  
12 commission pursuant to subsection (4) of section 17-1002.

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14 Statutes of Nebraska, is repealed.