

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 875

FINAL READING

Introduced by Murante, 49.

Read first time January 11, 2016

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to cities and villages; to amend section
- 2 18-3001, Reissue Revised Statutes of Nebraska; to change conditions
- 3 for approval of a planned unit development for certain cities of the
- 4 second class or villages; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-3001, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-3001 (1) Except as provided in subsection (5) of this section and
4 notwithstanding any provisions of Chapter 14, article 4, Chapter 15,
5 article 9, Chapter 19, article 9, or of any home rule charter to the
6 contrary, every city or village may include within its zoning ordinance
7 provisions authorizing and regulating planned unit developments within
8 such city or village or within the zoning jurisdiction of such city or
9 village, except such cities or villages shall not have authority to
10 impose such power over other organized cities or villages within the
11 zoning jurisdiction of such cities or villages. As used in this section,
12 planned unit development includes any development of a parcel of land or
13 an aggregation of contiguous parcels of land to be developed as a single
14 project which proposes density transfers, density increases, and mixing
15 of land uses, or any combination thereof, based upon the application of
16 site planning criteria. The purpose of such ordinance shall be to permit
17 flexibility in the regulation of land development, to encourage
18 innovation in land use and variety in design, layout, and type of
19 structures constructed, to achieve economy and efficiency in the use of
20 land, natural resources, and energy and the provision of public services
21 and utilities, to encourage the preservation and provision of useful open
22 space, and to provide improved housing, employment, or shopping
23 opportunities particularly suited to the needs of an area.

24 (2) An ordinance authorizing and regulating planned unit
25 developments shall establish criteria relating to the review of proposed
26 planned unit developments to ensure that the land use or activity
27 proposed through a planned unit development shall be compatible with
28 adjacent uses of land and the capacities of public services and utilities
29 affected by such planned unit development and to ensure that the approval
30 of such planned unit development is consistent with the public health,
31 safety, and general welfare of the city or village and is in accordance

1 with the comprehensive plan.

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

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

20 (5) Except as provided in subsection (6) of this section, a A city
21 of the second class or village located in a county that has adopted a
22 comprehensive development plan which meets the requirements of section
23 23-114.02 and is enforcing subdivision regulations shall not finally
24 approve a planned unit development upon property located outside of the
25 corporate boundaries of the city or village until the plans for the
26 planned unit development have been submitted to, reviewed, and approved
27 by the county's planning commission pursuant to subsection (4) of section
28 17-1002.

29 (6) A city of the second class or village located in whole or in
30 part within the boundaries of a county having a population in excess of
31 one hundred thousand inhabitants but less than two hundred thousand

1 inhabitants that has adopted a comprehensive development plan which meets
2 the requirements of section 23-114.02 and is enforcing subdivision
3 regulations shall not finally approve a planned unit development upon
4 property located outside of the corporate boundaries of the city or
5 village until the plans for the planned unit development have been
6 submitted to the county's planning department and public works department
7 for review.

8 Sec. 2. Original section 18-3001, Reissue Revised Statutes of
9 Nebraska, is repealed.