

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1165**

Introduced by Lowe, 37.

Read first time January 11, 2024

Committee:

- 1 A BILL FOR AN ACT relating to zoning; to define terms; to provide
- 2 criteria and guidelines for zoning regulations; to require certain
- 3 cities to allow the use of duplex housing; to provide when certain
- 4 regulations govern; and to provide an operative date.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) For purposes of this section:

2           (a) Duplex housing means a parcel or lot with two dwelling units  
3 that are designed for residential occupancy by not more than two family  
4 units living independently from each other;

5           (b) Family unit means:

6           (i) A single person living or residing in a dwelling or place of  
7 residence; or

8           (ii) Two or more persons living together or residing in the same  
9 dwelling or place of residence; and

10          (c) Single-family residence means a structure maintained and used as  
11 a single dwelling unit.

12          (2) The zoning regulations of any municipality shall be:

13          (a) Adopted in accordance with a growth policy; and

14          (b) Designed to:

15           (i) Secure safety from fire and other dangers;

16           (ii) Promote public health, public safety, and the general welfare;  
17 and

18           (iii) Facilitate the adequate provision of transportation, water,  
19 sewerage, schools, parks, and other public requirements.

20          (3) In the adoption of zoning regulations, the governing body of a  
21 municipality shall consider:

22           (a) Reasonable provision of adequate light and air;

23           (b) The effect on motorized and nonmotorized transportation systems;

24           (c) Promotion of compatible urban growth;

25           (d) The character of the zoning district and its peculiar  
26 suitability for particular uses; and

27           (e) Conserving the value of buildings and encouraging the most  
28 appropriate use of land throughout its zoning jurisdictional area.

29          (4) In any city of the metropolitan class, city of the primary  
30 class, or city of the first class, duplex housing shall be allowed as a  
31 permitted use on a lot where a single-family residence is a permitted

1 use, and zoning regulations that apply to the development or use of  
2 duplex housing shall not be more restrictive than zoning regulations that  
3 are applicable to single-family residences.

4 (5) If the regulations adopted pursuant to this section require a  
5 greater width or size of yards, courts, or other open spaces; require a  
6 lower height of building or a lesser number of stories; require a greater  
7 percentage of lot to be left unoccupied; or impose other higher standards  
8 than are required in any other statute or local ordinance or regulation,  
9 the regulations adopted pursuant to this section shall govern.

10 (6) If any other statute or local ordinance or regulation requires a  
11 greater width or size of yards, courts, or other open spaces; requires a  
12 lower height of building or a lesser number of stories; requires a  
13 greater percentage of lot to be left unoccupied; or imposes other higher  
14 standards than are required by the regulations adopted pursuant to this  
15 section, except for the restrictions provided under subsection (4) of  
16 this section, such other statute or local ordinance or regulation shall  
17 govern.

18 Sec. 2. This act becomes operative on January 1, 2025.