



**CITY OF SEWARD  
City Council  
Committee Meeting  
Agenda**

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**Monday, April 13, 2026**

**7:30 PM**

**Council Chambers at the Municipal Building**

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**NOTICE IS HEREBY GIVEN** that a meeting of the City Council of the City of Seward, Nebraska will be held at 7:30 PM on Monday, April 13, 2026, in the Council Chambers, 142 N 7th Street, Seward, Nebraska in which the meeting will be open to the public. The Mayor and City Council reserve the right to adjourn into Closed Session as per Section 84-1410 of the Nebraska Revised Statutes. An Agenda for such meeting, kept continually current, is available at the Office of the City Clerk, 537 Main Street, Seward, Nebraska, during normal business hours. Individuals requiring physical or sensory accommodations, who desire to attend or participate, please contact the City Clerk's Office at 402.643.2928 no later than 3:30 PM on the Friday preceding the Council Meeting. City financial claims and related invoices will be available for Council member review, audit, and voluntary signatures at the meeting location beginning 30 minutes prior to the scheduled meeting time.

**CALL TO ORDER**

**DISCLOSURE OF OPEN MEETINGS ACT & OTHER NOTIFICATIONS**

This is an Open Meeting of the Seward Planning Commission. The Seward Planning Commission abides by the Nebraska Open Meetings Act in conducting business. A copy of the Nebraska Open Meetings Act is displayed on the north wall of this meeting room facility as required. Disclosure of meeting recording processes is posted in the Meeting Room. A participant sign-in sheet is available for use by any Citizen addressing the Commission. Presenters shall approach the podium, state their name & address for the record and are asked to limit remarks to five minutes. All remarks shall be directed to the Chair who shall determine by whom any appropriate response shall be made. The Seward Planning commission reserves the right to adjust the order of items on this Agenda if necessary and may elect to take action on any of the items listed.

**ROLL CALL**

**CONSENT AGENDA**

**MINUTES**

1. Consideration of Approval of Draft Minutes of March 9, 2026.

# City of Seward Planning Commission

## Minute Record      March 9, 2026

The City of Seward Planning Commission met in regular session at 7:30p.m. February 9, 2026, in the Council Chambers at the Municipal Building at 142 North 7<sup>th</sup> Street, Seward, Nebraska. Upon roll call the following Commission Members were present: Dan Ellis, Ron Wallman, Jake Miller, Ron Niemoth, Scott Seevers, Ron Jackson, Lacey Koch, and Traci Menke. Other Officials present: City Administrator, Greg Butcher, Building and Zoning Director, Tim Dworak, City Engineer, Michael Oneby, and Administrative Assistant, Sara Van Cura.

Absent members were: Clarence Kotera.

All proceedings hereafter shown were taken while the convened meeting was open to the public. The meeting with the Planning Commission was called to order by Chairperson Wallman at 7:30 p.m. He requested that all individuals speaking during the public hearing limit their comments to five minutes.

### Minutes

Consideration of Approval of Draft Minutes of February 9, 2026.

Moved by Commission Member Seevers; Seconded by Vice Chairperson Ellis to approve the minutes.

Aye: Ellis, Wallman, Miller, Niemoth, Seevers, Jackson, Koch, Menke.

Nay: None.

Absent: Kotera. Motion carried.

1. Public Hearing 7:30pm: review a text amendment to the City of Seward Unified Land Development Ordinance; Article 3 Use Types, 410-3.9 Industrial Uses; 410 Attachment 1 Use Matrix, and Article 31 Supplemental Use Regulation, 410-31.6; in reference to Data Centers.

Chairperson Wallman opened the public hearing.

Dworak stated this a draft amendment for data centers. Currently we have no guidelines for data centers. We interrupted them as an industrial use due to high electric, water usage, and loud noises. As more of these popped up in the Midwest due to cheap utilities, more communities started to look at how to protect their infrastructure. The definition is in front of you. We tried to cover as much of electronic use as we could. We took crypto, data mining, data center centers large and small. We moved on to how to regulate these things. We decided a conditional or special use permit. When looking at what point does it become a data center, we came up with 65 kilowatts. Today's homes has 400 amp panels and which is roughly 48000 watts, anything above that would be data type situation. We came up with a couple of different things we are asking of a data center. If someone is building a data center, they will be responsible for all the infrastructure, roads, power, water, etc. A lot of them are air cooled but if you're going to water cool, it is a closed loop or recycled water system. When it comes flushing or refilling that system, they will get with our water director for when and how. It was brought to our attention some use generators

24/7 opposed to their electrical grid. We put the purpose is for electrical outages and testing. We looked at parking, and a size of the building . We decided to regulate it based on office requirements. Noise comes directly out of our code for I1 and I2. For emergency generator use that would not apply. We then broke it down to what zoning districts this would be allowed in. In all four of these districts we have different power requirements and different square footage requirements. We put building site or building campus. Fenestration's general definition is doors and windows. The last thing we looked at in I1 and I2, these are large buildings potentially and what do we do with that building if the operation leaves. We put in a requirement for a decommissioning plan.

Jonathan Jank, SCCDP, stated we have had a number of data centers look at our area. Jank stated that each project is going to be very different and that technology is changed very quickly.

Chairperson Wallman closed the public hearing.

Vice Chairperson Ellis moved to approve a text amendment to the City of Seward Unified Land Development Ordinance; Article 3 Use Types, 410-3.9 Industrial Uses; 410 Attachment 1 Use Matrix, and Article 31 Supplemental Use Regulation, 410-31.6; in reference to Data Centers; seconded by Commission Member Miller.

Chairperson Wallman asked if there any other industrial uses that require that 30% fenestration.

Dworak stated that Pet Source probably does on that front addition.

Chairperson Wallman stated the design change elements may handle it rather than the fenestration.

Commission Member Menke asked what the thought for not wanting the generators.

Dworak stated noise primarily.

Greg Butcher, City Administrator, stated in regards to cryptocurrency, anything we didn't catch, we go back to the closest use, and that will now be data center. Generation, the substantial 5MW and above, there will be substantial improvements built, and we will plan that out.

Commission Member Jackson asked how does this compare to other municipalities.

Dworak stated a lot of this comes from other municipalities where we pulled their ordinances.

Aye: Ellis, Wallman, Miller, Niemoth, SeEVERS, Jackson, Koch, Menke.

Nay: None.

Absent: Kotera. Motion carried.

## 2. Administrative Item

## 3. Reports

4. Agenda Items

5. Upcoming Events

Meeting adjourned 8:03 p.m.

Sara Van Cura  
Administrative Assistant

DRAFT

**PUBLIC HEARINGS**

1. Public Hearing 7:30pm: review a minor plat of Hofer Hills.

City of Seward Planning Commission

142 N 7<sup>th</sup> St. Seward, NE 68434

Staff Report

Tim Dworak, Building/Zoning &  
Code Enforcement Director

402-643-4000

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**APPLICATION TYPE**

Hofer Hills Minor Plat

**FINAL ACTION?**

**DEVELOPER/OWNER**

Diane and Greg Hofer

**PC HEARING DATE**

April 13, 2026

**RELATED APPLICATIONS**

Rezone

**PROPERTY ADDRESS, ZONING DISTRICT/USE**

PID 800039351, AG, Agriculture

**ADJACENT ZONING DISTRICTS/USE:**

North, RR, Residential – Joel & Gina Germer, Paul & Joann Hoff

East, AG/Residential – Ryon & Marla Baumbach, Jones Farms

South, RR, Residential – Greg & Diane Hofer

West, R-3, Residential – Bill & Jennifer Evans, Thomas & Kristi Rathje, Jon Backencamp, Doug & Abbie Oberhauser

**BRIEF SUMMARY OF REQUEST:**

A proposed Minor Plat application by Diane and Greg Hofer.



**APPLICATION CONTACT**

Diane Hofer, [REDACTED]

1545 252<sup>nd</sup> Rd, Seward, NE 68434

## **COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The plat complies with ULDO 410-38.3 requirements for a Minor plat and the Comprehensive Plan.

## **ANALYSIS**

Applicant has requested a minor plat to separate a parcel of land from agricultural property. It meets the requirements for a minor plat. The applicant has filed an application for rezoning the parcel to rural residential. The parcel does meet the zoning requirements of rural residential.

The property is located outside the city limits of the City of Seward but is within the Extra Territorial Jurisdiction of the City of Seward. The property is not serviced by city utilities and does not require extension of utilities or streets.

The notice of this Public Hearing was published in the Seward County Independent, letters were mailed to owners within 300 feet, and the subject land was posted.

## **APPROXIMATE LAND AREA:**

7.35 Acres or 360,269.60 Square Feet +/-

## **LEGAL DESCRIPTION:**

PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 22 TOWNSHIP 11 NORTH RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA. SAID TRACT SHALL BE DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 22 TOWNSHIP 11 NORTH RANGE 3 EAST, AND THE POINT OF BEGINNING; THENCE NORTH 89°49'34" WEST, (A SEWARD COUNTY LDP BEARING AND BASIS FOR BEARING OF THIS SUBDIVISION) ON THE SOUTH LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 685.00 FEET; THENCE NORTH 00°07'09" EAST AND PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 320.00 FEET; THENCE SOUTH 89°49'34" EAST, AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 247.00 FEET; THENCE NORTH 24°21'46" EAST, A DISTANCE OF 240.00 FEET; THENCE NORTH 74°40'50" EAST, A DISTANCE OF 352.16 FEET, TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER; THENCE SOUTH 00°07'09" WEST, ON THE EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 633.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING A CALCULATED AREA OF 360,269.60 SQUARE FEET OR 7.35 ACRES. (PID 800039351)

Prepared by

Tim Dworak

City of Seward Building - Zoning – Code Enforcement Director



Paid \$200  
-3-13-26

City of Seward Planning Commission  
Minor Subdivision Application

Applications shall be submitted a minimum of 30 days prior to the City Planning Commission Meeting.  
City Planning Commission meets the 2<sup>nd</sup> Monday of each month.

Date: 3/13/26 Application Fee: \$ 100 + Notification Fee: \$ 100 + Filing Fee: \_\_\_\_\_ = Amount Due: \$200

Owner/Developer: **Hofer Family Trust** Name of Subdivision: **Hofer Hills**  
Phone Number: **[REDACTED]** Number of Lots: **1**  
Email Address: **[REDACTED]** Present Zoning: **AG** Requested Zoning: **RR**  
Legal Description: **see attached**

Within City Limits: Yes No   
Adjacent to City Limits: Yes No   
Within 2 Mile Area: Yes  No  
Annexation Requested: Yes No   
Restrictive Covenants: Yes No   
(Copy Attached)

Project Engineer: Derek Beechblossom Signature of Owner/Developer: [Signature]

Office Use Only  
Plat Review

- Staff Review  
Electric Dept  
Street Dept  
Water/Waste  
Police Dept  
Park/Rec Dept  
County Roads

- Agency Review  
Cable TV  
Gas Co  
Phone Co  
School Board  
County P.C

Date of Action

City Planning Commission: \_\_\_\_\_

Zoning Administrator:





2. Public Hearing 7:30pm: review a rezone application for Lot 1, Hofer Hills, located in part of the South Half of the Northeast Quarter of Section 22, Township 11 North, Range 3 East of the 6th P.M. from AG Agricultural District to RR Rural Residential District.

City of Seward Planning Commission

142 N 7<sup>th</sup> St. Seward, NE 68434

Staff Report

Tim Dworak, Building/Zoning &  
Code Enforcement Director

402-643-4000

**APPLICATION TYPE**

Rezone

**FINAL ACTION?**

**DEVELOPER/OWNER**

Diane and Greg Hofer

**PC HEARING DATE**

April 13, 2026

**RELATED APPLICATIONS**

Minor Plat

**PROPERTY ADDRESS, ZONING DISTRICT/USE**

PID 800039351, AG, Agriculture

**ADJACENT ZONING DISTRICTS/USE:**

North, RR, Residential – Joel & Gina Germer, Paul & Joann Hoff

East, RR/AG, Residential – Ryon & Marla Baumbach, Jones Farms

South, RR, Residential – Greg & Diane Hofer

West, R-3, Residential – Bill & Jennifer Evans, Thomas & Kristi Rathje, Jon Backencamp, Doug & Abbie Oberhauser

**BRIEF SUMMARY OF REQUEST:**

A Rezone application to change the current zoning from AG (Agriculture) to RR (Rural Residential District) for purposes of creating a rural residential lot.



**APPLICATION CONTACT**

Diane Hofer, [REDACTED]

1545 252<sup>nd</sup> Rd, Seward, NE 68434

## **COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The plat complies with ULDO 410-38.3 requirements for a Minor plat and the Comprehensive Plan.

## **ANALYSIS**

Applicant is requesting a rezone from AG-Agricultural District to RR – Rural Residential District. A minor plat is subdividing a parcel of land to separate an existing residence from agricultural land. The parcel meets zoning requirements of rural residential.

The current property is located outside the city limits of the City of Seward but is within the Extra Territorial Jurisdiction (ETJ) of the City of Seward.

The notice of this Public Hearing was published in the Seward County Independent, letters were mailed to owners within 300 feet, and the subject land was posted.

## **APPROXIMATE LAND AREA:**

7.35 Acres or 360,269.60 Square Feet +/-

## **LEGAL DESCRIPTION:**

PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 22 TOWNSHIP 11 NORTH RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA. SAID TRACT SHALL BE DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

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Prepared by

Tim Dworak

City of Seward Building - Zoning – Code Enforcement Director



PAID  
3-13 CK

Request for Amendment to the Unified Land Development Ordinance

Date: 3/13/26 Application Fee: \$200 + Notification Fee: \$100 + Filing Fee: NA = Amount Due: \$300

Applicant: Hofer Family Trust Address: 1545 252nd, Seward, NE 68434

Phone: [REDACTED] Email: [REDACTED]

I wish to  Build  Alter Buildings/ Structures  Change the Use of Land or Structures  Premise Address: \_\_\_\_\_

Legal Description: see attached

The following change in the Unified Land Development ordinance is hereby requested:

Change in zoning of the subject property from its present classification: AG  
To the following proposed zoning classification: RR

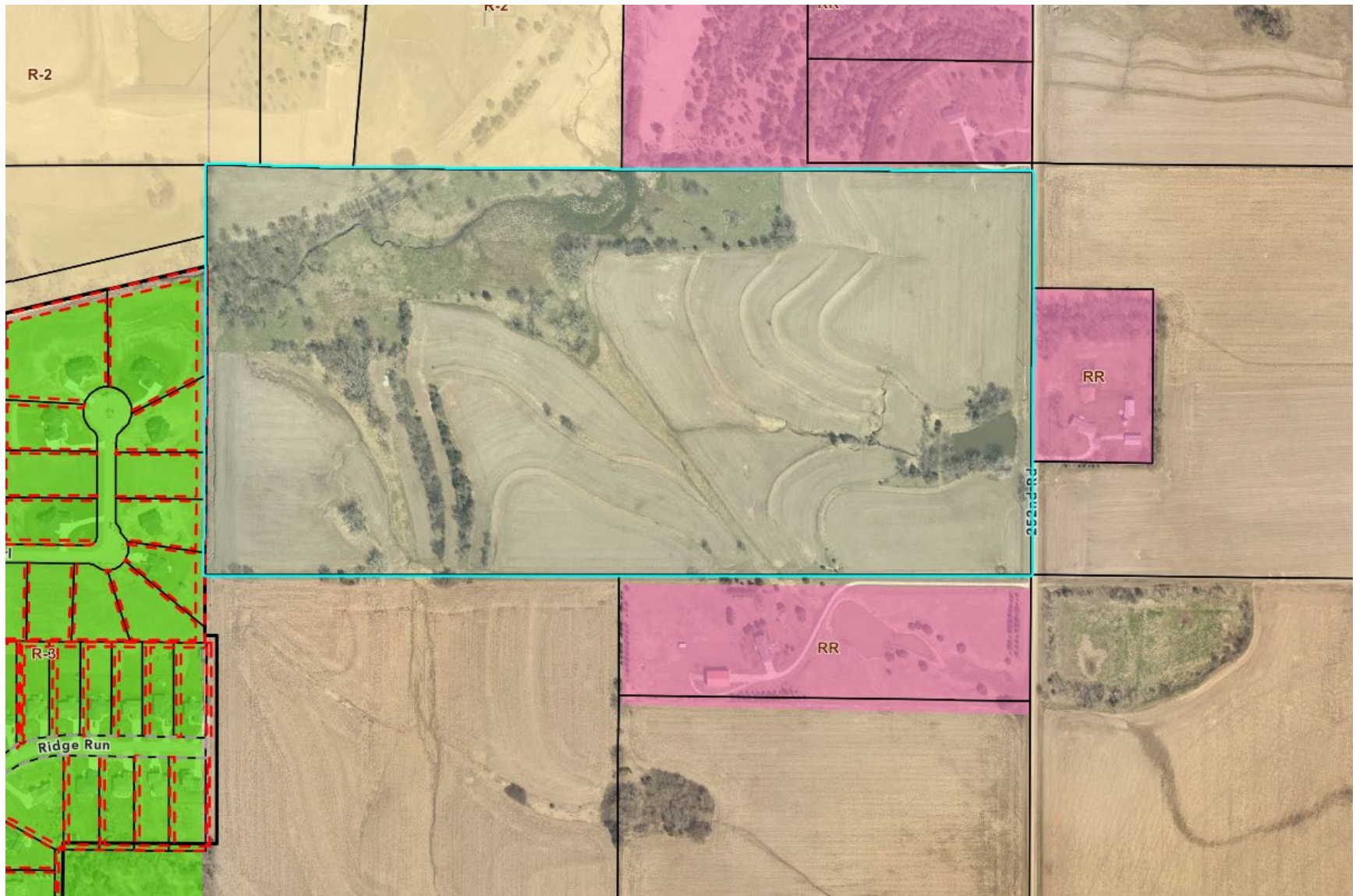
Amend the text or district regulations as follows: \_\_\_\_\_  
\_\_\_\_\_

To permit the following improvement or use: \_\_\_\_\_  
\_\_\_\_\_

The applicant shall furnish a plat of the area containing the property for which a zoning change is sought and including all the lots within 300 feet of the property lines of the subject property. The plat shall show existing and proposed zoning.

I certify that the above information and that required by section \_\_\_\_\_ of the \_\_\_\_\_ Unified Land Development Ordinance, as submitted herewith, is, to the best of my knowledge, true and accurate.

Applicate Signature: [Handwritten Signature]



ORDINANCE NO. 2026-

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SEWARD, NEBRASKA; TO REZONE CERTAIN PROPERTY WITHIN THE TWO-MILE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF SEWARD, NEBRASKA NOW ZONED AG AGRICULTURAL DISTRICT, TO RR RURAL RESIDENTIAL DISTRICT; SPECIFICALLY, TRACTS OF LAND SOUTH OF BLUFF ROAD AND WEST OF 252<sup>ND</sup> ROAD; TO DESCRIBE THE PROPERTY REZONED; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA:

Section 1. PROPERTY REZONED. The following described property located within the Two-Mile Extra Territorial Jurisdiction of the City of Seward, Nebraska is hereby rezoned from "AG Agricultural District", to "RR Rural Residential District" to wit:

PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 22 TOWNSHIP 11 NORTH RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA. SAID TRACT SHALL BE DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 22 TOWNSHIP 11 NORTH RANGE 3 EAST, AND THE POINT OF BEGINNING; THENCE NORTH 89°49'34" WEST, (A SEWARD COUNTY LDP BEARING AND BASIS FOR BEARING OF THIS SUBDIVISION) ON THE SOUTH LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 685.00 FEET; THENCE NORTH 00°07'09" EAST AND PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 320.00 FEET; THENCE SOUTH 89°49'34" EAST, AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 247.00 FEET; THENCE NORTH 24°21'46" EAST, A DISTANCE OF 240.00 FEET; THENCE NORTH 74°40'50" EAST, A DISTANCE OF 352.16 FEET, TO A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER; THENCE SOUTH 00°07'09" WEST, ON THE EAST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 633.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING A CALCULATED AREA OF 360,269.60 SQUARE FEET OR 7.35 ACRES. ALSO KNOWN AS HOFER HILLS.

Section 2. USES PERMITTED. Uses permitted by the ordinance of the City of Seward, Nebraska for "Rural Residential District" are hereby and herein authorized for said area and land described in Section 1 of this ordinance.

Section 3. ZONING MAP AMENDED. The official map of the City of Seward, Nebraska is amended, and it is ordered that the above described land shall now be shown as "RR Rural Residential District."

Section 4. PAMPHLET FORM; PUBLICATION; WHEN OPERATIVE. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval, and publication or posting as provided by law and city ordinance.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

THE CITY OF SEWARD, NEBRASKA

\_\_\_\_\_  
Joshua Eickmeier, Mayor

ATTEST:

\_\_\_\_\_  
Derek Bargmann  
City Clerk

3. Public Hearing 7:30pm: review a text amendment to the City of Seward Unified Land Development Ordinance; Article 2 Definitions, 410-2.3 Terms Defined.

**APPLICATION TYPE**

**FINAL ACTION?**

**DEVELOPER/OWNER**

ULDO Amendment

**PC HEARING DATE**

**RELATED APPLICATIONS**

**PROPERTY ADDRESS, ZONING DISTRICT/USE**

April 13, 2026

**BRIEF SUMMARY OF REQUEST**

Review of a City of Seward Unified Land Development Ordinance (ULDO). Article 2 Definitions, 410-2.3 Terms Defined.

**APPLICATION CONTACT**

Tim Dworak

City of Seward - Building and Zoning

**ANALYSIS**

Attached are the proposed amendment red line changes to add and/or update definitions, in the City of Seward Unified Land Development Ordinance (ULDO).

The notice of this Public Hearing was posted in the Seward County Independent.

Prepared by

Tim Dworak

City of Seward Building - Zoning – Code Enforcement Director

## ARTICLE 2 Definitions

### § 410-2.3. Terms defined.

For the purposes of this Unified Land Development Ordinance, certain terms and words are hereby defined. Certain sections contain definitions that are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

**ABUTTING** — Having lot lines or district boundaries in common. Used interchangeably with "adjacent."

**ACCESSORY STRUCTURE** — A structure that is incidental to and customarily associated with a specific principal use or building on the same site.

**ACCESSORY USE** — A use that is incidental to and customarily associated with a specific principal use on the same site.

**ADDITION** — Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

**ADT or AVERAGE DAILY TRAFFIC** — The average number of motor vehicles per day that pass over a given point or segment of street.

**AGENT OF OWNER** — Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

**ALLEY** — A public right-of-way other than a street and 20 feet or less in width which is used as a secondary means of access to abutting property.

**ALTERATION** — Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.

**APARTMENT** — A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multifamily residential buildings.

**APPROVING AUTHORITY** — The City Council of the City of Seward or its designee.

**ASCE** — The American Society of Civil Engineers.

**ATTACHED** — Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway, facade wall extension, or archway.

**BASE ZONING DISTRICT** — A district established by this chapter that prescribes basic regulations governing land use and site development standards. No more than one base zoning district shall apply to any individually platted lot or parcel unless the lot or parcel is part of a planned unit development.

**BASEMENT** — A level of a building below street level that has at least 1/2 of its height below the surface of the adjacent ground. ~~A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.~~

**BEGINNING OF CONSTRUCTION** — The initial incorporation of labor and materials within the foundation of a building or structure.

**BICYCLE LANE AND PATH** — A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of nonmotorized transportation or recreational movement, but will also accommodate motorized vehicles, such as motorized wheelchairs, designed specifically to provide access to people with disabilities.

**BLOCK** — An area of land within a subdivision that is entirely bounded by streets and/or the exterior boundaries of the subdivision, or by a combination of the above with a watercourse, lake, railroad, or other significant natural or man-made barrier, and which has been designated as such on a plat for the purposes of legal description of a property

**BLOCK FACE** — The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of the City of Seward.

**BOARD OF ADJUSTMENT** — A body established by the City expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by this chapter.

**BOULEVARD** — A public street generally characterized by a wider-than-normal right-of-way and extensive green space in relation to pavement surface. Boulevards may either include dual street channels separated by a landscaped median; or by a single street channel with wider-than-normal greenway setbacks behind the curb.

**BUFFERYARD** — A landscaped area around the perimeter of a tract of land, usually intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**BUILDING** — A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.

**BUILDING COVERAGE** — The at-grade area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features; also referred to as the "building footprint."

**BUILDING ELEVATION** — An exterior wall of a building exposed to public view.

**BUILDING ENVELOPE** — The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

**BUILDING LINE** — The outer boundary of a building established by the location of its exterior walls.

**BUILDING OFFICIAL** — The City official, designated by the City Council, who is responsible for the enforcement of the applicable building code and conditional use permits.<sup>1</sup>

**BUILDING PERMIT** — A document that must be issued by the Building Official prior to erecting, constructing, enlarging, altering, moving, improving, removing, converting, or demolishing any building or structure on a platted lot(s) or a parcel exceeding 10 acres in size as regulated by this chapter or by the applicable building codes of the City of Seward.<sup>2</sup> Issuance of a building permit follows review of plans by the Building Official to determine that the proposed use of building or land complies with the provisions of the Unified Land Development Ordinance.

**BUSINESS** — Activities that include the exchange or manufacture of goods or services on a site.

**BUSINESS CAMPUS** – A centralized collection of multiple buildings operating under common management or ownership. The City reserves the right to review all ownership, management, structures, and relations between entities and individuals therein.

**BUSINESS CENTER** — A building containing more than one commercial business, or any group

of nonresidential buildings within a common development, characterized by shared parking and access.

**CARTWAY (or ROAD OR STREET CHANNEL)** — The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from back to back of curbs. On streets without curbs, the cartway is measured between the outer edges of the pavement.

**CENTER-LINE OFFSET** — The distance between the center line of roads intersecting a common road from the same or opposite sides.

**CERTIFICATE OF OCCUPANCY** — An official certificate issued by the Building Official or his/her designee prior to occupancy of a completed building or structure, upon a finding of conformance with the applicable building code and this Unified Land Development Ordinance.<sup>3</sup>

**CHANGE OF USE** — The replacement of an existing use type by a new use type.

**CHANNEL** — The bed or banks of a natural stream or drainageway that convey the constant or intermittent flow of water, including storm run-off.

**CITY** — The City of Seward, Nebraska.

**CITY COUNCIL** — The City Council of Seward, Nebraska.

**COMMON AREA** — An area held, designed, and designated for common or cooperative use within a development.

**COMMON DEVELOPMENT** — A development proposed and planned as one unified project not separated by a public street or alley.

**COMMON OPEN SPACE** — Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.

**COMPATIBILITY** — The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

**COMPREHENSIVE PLAN** — The duly adopted Comprehensive Development Plan of the City of Seward.

**CONCEPT PLAN** — A preliminary presentation that includes the minimum information necessary, as determined by the Zoning Administrator, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.

**CONDITIONAL USE PERMIT** — An approval of a use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Conditional uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Planning Commission and City Council, as provided by § 410-44.3 of this chapter.<sup>4</sup>

**CONDOMINIUM** — An ownership regime whereby the title to each unit of occupancy is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate. Condominiums may include residential, commercial, office, or industrial uses.

**CONSERVATION DEVELOPMENT** — A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common

open space, or the preservation of historically or environmentally sensitive features.

**CONSERVATION (OR CLUSTER) SUBDIVISION** — Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided:<sup>5</sup>

- A. There is no increase in the overall density permitted for a conventional subdivision in a given zoning district; and
- B. The remaining land area is used for common open space.

**CONVENTIONAL SUBDIVISION** — A subdivision which literally meets all nominal standards of the Unified Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.

**COUNTY** — Seward County, Nebraska.

**COURTYARD** — An open, unoccupied space, bounded on two or more sides by the walls of the building.

**CREATIVE (OR INNOVATIVE) DEVELOPMENT OR SUBDIVISION** — A subdivision that, while complying with the Subdivision Ordinance,<sup>6</sup> diverges from nominal compliance with site development regulations in the Unified Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of creative subdivisions include conservation subdivisions and traditional neighborhood districts.

**CUL-DE-SAC** — A local street with only one outlet and with an opposite end providing for the reversal of traffic.

**CURB** — A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

**DEDICATION** — A grant of land to the City or another public agency for a public purpose.

**DENSITY** — The amount of development per specific unit of a site.

**DESIGN STANDARDS** — Standards that set forth specific improvement requirements.

**DETACHED** — Fully separated from any other building or not jointed to another building in such a manner as to constitute an enclosed or covered connection.

**DETENTION BASIN** — An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.

**DEVELOPER** — The legal owner(s) or authorized agent of any land engaged in a proposed development.

**DEVELOPMENT** — A planning or construction project involving substantial improvement or change in the character and/or land use of a property.

**DIVIDED STREET** — A street with opposing lanes separated by a median strip, center island, or other form of physical barrier, which cannot be crossed except at designated locations.

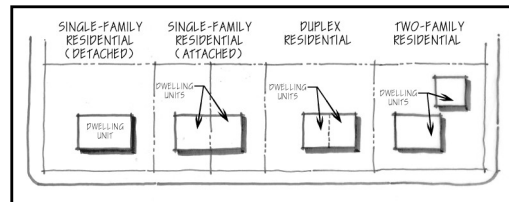
**DRAINAGE** — The removal of surface water or groundwater from land by drains, grading, or other means.

**DRAINAGE SYSTEM** — The system through which water flows from the land.

**DRIVE-IN SERVICES** — Uses that involve the sale of products or provision of services to occupants in vehicles.

**DRIVEWAY** — A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.

**DWELLING UNIT** — One or more rooms, designed, occupied or intended for occupancy as a separate place of residence, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of one family, as defined in this section, maintaining a household.



**EASEMENT** — A privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility, where fee simple title remains with the property owner.

**ENCLOSED** — A roofed or covered space fully surrounded by walls.

**EXISTING USE** — The use of a lot or structure at the time of the effective date of this chapter.

**EXPRESSWAY** — A major street with limited access for high traffic speeds and volumes designed to move traffic around the City rather than through it.

**FAMILY** — ~~One or more persons, related or unrelated, living together as a single housekeeping unit with or without domestic servants, caregivers, foster children, and supervisory personnel in a group living arrangement. Shall mean a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:~~

A. Any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship;

B. Two unrelated people;

C. Two unrelated people and any children related to either of them

The term "family" shall not include occupancy of a residence by persons living in fraternities, sororities, clubs, or transient or permanent commercial residential facilities catering to the general public. The term "family" also excludes the occupancy of nursing and convalescent homes.

**FASCIA** — A parapet-type wall used as part of the facade of a flat-roofed building and projecting no more than six feet from the immediately adjacent building face. Such a wall shall enclose at least three sides of the projecting flat roof and return to the parapet wall or the building.

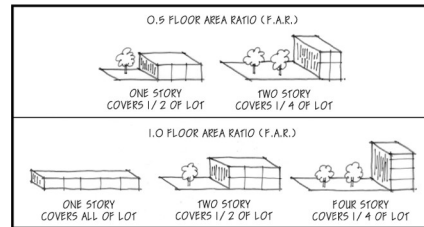
**FEDERAL** — Pertaining to the government of the United States of America.

**FENESTRATION** – Glazed openings in a wall including windows and doors.

**FINAL PLAT APPROVAL** — The final official action of the City Council, upon a recommendation by the Planning Commission, permitting the filing of a subdivision with the Seward County Register of Deeds and the conveyance of individual parcels and lots to subsequent

owners.

**FLOOR AREA RATIO (FAR)** — The quotient of gross floor area of all buildings on a site divided by the gross site area of the site.



**FRONTAGE** — The length of a property line of any one premises abutting and parallel to a public street, private way, or court from which access is permitted.

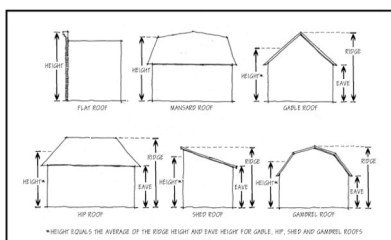
**GARAGE** — An accessory building or portion of a main building used primarily for storage of motor vehicles.

**GRADE** — The elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.

- A. For buildings having walls facing one street only, the grade shall be the elevation of the ground at the center of the wall facing the street.
- B. For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
- C. For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

**GROSS FLOOR AREA (GFA)** — The total enclosed horizontal area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of mechanical equipment rooms, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

**HEIGHT** — The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.



**HOME-BASED BUSINESS; HOME OCCUPATION** — An accessory occupational use

conducted within a dwelling unit or accessory structure by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

**HOUSING UNIT** — A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.<sup>7</sup>

**IMPERVIOUS COVERAGE** — The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of swimming pools is excluded from this definition.

**LANDSCAPED AREA** — The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

- A. **PERIMETER LANDSCAPED AREA** — Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
- B. **INTERIOR LANDSCAPED AREA** — Any landscaped area within a site, exclusive of required perimeter landscaping.

**LANE** — An approved private right-of-way that provides access to residential properties and meets at least three of the following conditions:

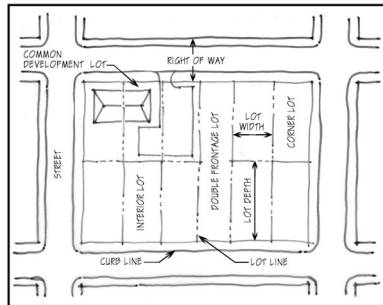
- A. Serves 12 or fewer housing units or platted lots.
- B. Does not function as a local street because of its alignment, design, or location.
- C. Is completely internal to a development.
- D. Does not exceed 600 feet in length.

**LOADING AREA** — An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

**LOT** — A platted parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the office of the Seward County Register of Deeds. Each individual lot is subject to the provisions of a particular base zoning district, and shall have a minimum frontage of 20 feet, except as provided in an approved planned unit development, conservation development, or traditional neighborhood development.

- A. **CORNER LOT** — A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135°.
- B. **DOUBLE-FRONTAGE LOT** — A lot, other than a corner lot, having frontage on two nonintersecting streets, private ways or courts. Primary access shall be restricted on a double-frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by this chapter; also known as a "through lot."
- C. **INTERIOR LOT** — A lot other than a corner lot whose sides do not abut a street.
- D. **COMMON DEVELOPMENT LOT** — When two or more contiguous lots are developed as part of a single development, these lots may be considered a single lot for purposes of this

chapter.



**LOT AREA** — The total horizontal area within the lot lines of a lot.

**LOT DEPTH** — The mean horizontal distance measured between the front and rear lot lines.

**LOT LINE** — A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement.

A. **FRONT LOT LINE** — The lot line separating a lot and a public or private street right-of-way or easement.

(1) For an interior lot, the lot line separating the lot from the right-of-way or easement.

(2) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Building Official, or as may be noted on the final plat.

(3) For a double-frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Building Official at the time of application for the original building permit for the lot, or as may be noted on the final plat.

B. **REAR LOT LINE** — The lot line that is opposite and most distant from the front line.

C. **SIDE LOT LINE** — Any lot line that is neither a front nor rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT WIDTH** — The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

**MAIN** — The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected

**MAJOR SUBDIVISION** — Any subdivision not defined and approved as a minor subdivision.

**MANUFACTURED HOME DWELLING** — A dwelling unit built in compliance with National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. §§ 5401 to 5426 et seq., and the regulations promulgated by the United States Department of Housing and Urban Development, and when constructed shall bear the seal of the Department of Health and Human Services Regulation and Licensure as required by Neb. RS 71-1559.

A. Dwelling units built in compliance with the above may be placed in any zoning district where

single-family dwelling units are permitted when the following additional requirements are met:

- (1) Any dwelling unit shall have no less than 900 square feet of floor area.
- (2) Any dwelling shall have no less than 18 feet exterior width.
- (3) The roof shall be pitched with a minimum vertical rise of 2 1/2 inches for each 12 inches of horizontal run.
- (4) The exterior shall be of a color, material and scale comparable with existing residential site-built single-family dwellings. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock.
- (5) The dwellings shall have wheels, axles, transporting lights, and removable towing apparatus removed if present.
- (6) The dwelling shall be placed upon a permanent foundation approved by the City of Seward.
- (7) All utility services shall be directly connected to the structure.

B. Manufactured homes which do not meet all of the standards in Subsection A above may be placed in a manufactured home park or as permitted by code, provided the structure is transportable in one or more sections which in the traveling mode are eight body feet or more in width or 40 body feet or more in length or, when erected on site, are 320 or more square feet and which are built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

MINOR SUBDIVISION — A subdivision of land which creates no more than four lots from any single parcel of land; requires no extension of streets, sewers, utilities, or other municipal facilities; no dedication of easements or rights-of-way or annexation; complies with all preexisting zoning requirements; and has not been subject to a previous administrative or minor subdivision.

MIXED-USE BUILDING — A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual base zoning district in which the building or structure is to be located.

MIXED-USE DEVELOPMENT — A single development that incorporates complementary land use types into a single development.

MOBILE HOME — A building type designed to be transportable in one or more sections constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the United States Department of Housing and Urban Development; or not otherwise satisfying the definition of "manufactured home dwellings."

MOBILE HOME PARK — A unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for nontransient use. Mobile home parks include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

**MOBILE HOME SUBDIVISION** — A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile home subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.

**MONUMENT** — An identification marker established by a registered land surveyor at each section corner, block corner, lot corner, or other point as required by this chapter.

**MOVING LANE** — Any traffic lane within a cartway where traffic movement is the primary or sole function.

**NONCONFORMING DEVELOPMENT** — A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Unified Land Development Ordinance but which complied with applicable regulations at the time of construction.

**NONCONFORMING LOT** — A lot which was lawful prior to the adoption, revision, or amendment of this Unified Land Development Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Unified Land Development Ordinance. No action can be taken which would increase the nonconforming characteristics of the lot.

**NONCONFORMING SIGN** — A sign that was legally erected prior to the adoption, revision, or amendment of this Unified Land Development Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Unified Land Development Ordinance.

**NONCONFORMING STRUCTURE** — A structure which was lawful prior to the adoption, revision, or amendment of this Unified Land Development Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Unified Land Development Ordinance. No action can be taken which would increase the nonconforming characteristics of the structure.

**NONCONFORMING USE** — A land use which was lawful prior to the adoption, revision, or amendment of this Unified Land Development Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Unified Land Development Ordinance. No action can be taken which would increase the nonconforming characteristics of the land use.

**NUISANCE** — ~~An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.~~ A land use or activity that unreasonably interferes with others' use or enjoyment of their property, such as by causing excessive noise, odor, smoke, light, or other conditions that are harmful, or disruptive to a reasonable person or that may reduce nearby property values.

**OFF-SITE** — Located outside the boundaries of the parcel that is the subject of an application.

**OPEN SPACE** — Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.

**OUTDOOR STORAGE** — The outdoor storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.<sup>8</sup>

**OVERLAY DISTRICT** — A district established by this chapter that prescribes special regulations to be applied to a site only in combination with a base district.

**OWNER** — An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

**PARKING FACILITY** — An area on a lot and/or within a building, including one or more parking spaces, along with provision for access, circulation, maneuvering, and landscaping, meeting the requirements of this Unified Land Development Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is a use distinct from parking. Vehicle storage is also governed by applicable provisions of Article 34, Off-Street Parking.

**PARKING LANE** — A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.

**PARKING SPACE** — An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall." Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhouse residential uses shall be considered to have a means of access to a public street.

**PAVED** — Permanently surfaced with poured concrete, concrete pavers, or asphalt.

**PERFORMANCE BOND** — A surety bond or cash deposit posted by a contractor or developer made out to the City in an amount equal to the full cost of the improvements. The bond amount shall be that of the contract price and shall be legally sufficient to secure to the City that said improvements will be constructed in accordance with the terms of the contract documents within a period specified by this chapter.

**PERMITTED USE** — A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Unified Land Development Ordinance.

**PLANNED UNIT DEVELOPMENT** — A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

**PLANNING COMMISSION** — The Planning Commission of the City of Seward.

**PLAT** — A document, usually a map or maps, expressing the designation or division of land into one or more lots or parcels, any one of which is 10 acres or less. Plats include preliminary and final plats.

A. **PRELIMINARY PLAT** — A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Seward County Register of Deeds.

B. **FINAL PLAT** — The final map of the subdivision which is presented for final approval. The final plat contains detailed information and documentation and is designed to be filed with the Register of Deeds.

**PORCH, UNENCLOSED** — A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than 30 inches above its floor other than wire screening and a roof with supporting structure.

**PREMISES** — A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

**PRINCIPAL USE** — The main use of land or structures, as distinguished from an accessory use.

**PRIVATE GARAGE** — A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.

**PROPERTY LINE** — The boundary between separate property ownerships, as recorded by the legal description of a parcel and defined by the Seward County Register of Deeds. In subdivisions, property lines are usually but not in every case coincident with lot lines.

**RECREATIONAL VEHICLE** — A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses; and trucks, boats, and boat trailers.

**REGULATION** — A specific requirement set forth by this Unified Land Development Ordinance that must be followed.

**REMOTE PARKING** — A supply of off-street parking at a location not on the site of a given development.

**RIGHT-OF-WAY** — A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

**RURAL SUBDIVISION** — A residential subdivision located more than one-half mile past the corporate limits but within the two-mile planning jurisdiction of the City; or outside of areas designated for future urban development by the Comprehensive Plan.

**SALVAGE YARD (or SALVAGE SERVICES)** — Places of business engaged in the storage, sale, dismantling or other processing of used or waste materials that are not intended for reuse in their original forms, including automotive wrecking yards, junkyards, or paper salvage yards.

**SANITARY SEWER** — A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, local, and lateral sewers.

- A. **INTERCEPTOR** — A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.
- B. **OUTFALL** — A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.
- C. **LOCAL** — A pipe that connects lateral sewers to an outfall or interceptor sewer.
- D. **LATERAL** — A private service line connecting buildings to local sewers.

**SCREENING** — The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this chapter.

**SEPTIC SYSTEM** — An underground system, utilizing a watertight receptacle to receive the discharge of sewage and a soil absorption leach field, which provides for the decomposition of wastes produced by development on a single lot.

**SETBACK** — The distance as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.

**SHIPPING CONTAINER** — Include standardized reusable vessels that were originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on

a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of shipping containers.[Added 11-20-2018 by Ord. No. 2018-19]

**SIDEWALK** — A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.

**SIGN** — A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

**SITE** — The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this chapter.

**SITE PLAN** — A plan, prepared to scale, showing accurately and with complete dimensioning the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably requested by the City in order that an informed decision can be made on the associated request.

**STATE** — The State of Nebraska.

**STORM SEWER** — A conduit that conducts storm drainage from a development or subdivision, ultimately to a drainageway or stream.

**STORY** — The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.

**STREET** — Land dedicated for public use, from right-of-way line to right-of-way, which affords a primary means of access to the abutting property. Streets may be categorized in a hierarchy or conceptual arrangement of streets based on function. The hierarchical approach classifies streets from courts or lanes, which provide private access to a limited number of lots, to arterials, which accommodate large volumes of high-speed, regional traffic. Street types contained within the hierarchy include:

- A. Court or lane.
- B. Local.
- C. Collector.
- D. Expressway.
- E. Minor arterial.
- F. Major arterial.

**STREET, ARTERIAL** — Streets or highways intended to provide for through traffic movement between areas of the City or across the City. Major arterials usually imply relatively high speeds and traffic volumes, and are often subject to control of access to individual properties. Minor arterials are generally intended to provide trips of moderate lengths and imply lower operating speeds and more frequent points of local access than major arterial streets.

**STREET, COLLECTOR** — A street connecting neighborhoods within the same communities,

designed to carry traffic from local to arterial streets.

**STREET, DESIGNED** — A future street designated on the Comprehensive Development Plan to ensure traffic-carrying capacity between neighborhoods, connections between neighborhoods and major activity centers and accommodation of major through traffic. Such streets may be designated as "collectors," "arterials" or "expressways," with the tentative location of the street shown on the Transportation Plan.

**STREET, INTERSECTING AND PRINCIPAL** — In regard to a site, the principal street shall be the street to which the majority of lots on a blockface are oriented; the intersecting street shall be a street other than a principal street.

**STREET, LOCAL** — A street which is used primarily for access to the abutting properties.

**STREET, MAJOR** — A street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or expressways by the Comprehensive Development Plan.

**STREET YARD** — The distance between a lot line adjacent to a public street and the wall or facade of a building parallel to such lot line. If the building wall is not parallel to the lot line, the street yard depth shall be the distance between the street lot line and a parallel line that equals the average distance of the building wall or facade from the street lot line.

**STRUCTURE** — Any object constructed or built and attached or anchored permanently or semi-permanently to the ground in such a way as to prevent routine movement.

**SUBDIVISION** — The division of a lot, tract, or parcel into two or more lots, tracts, parcels, or other units of land for title transfer or development, when one of the resultant lots is equal to 10 acres or less.

**TOWNHOUSE** — A dwelling unit having a common wall with or abutting ~~one~~ three or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.

**TOWNHOUSE STRUCTURE** — A building formed by at least ~~two~~ three contiguous townhouses and not more than 12 contiguous townhouses with common or abutting walls.

**URBAN SUBDIVISION** — A residential subdivision generally located within the corporate limits of the City of Seward or within less than 1/2 mile of such corporate limits; or within an area designated for future urban development by the Comprehensive Development Plan.

**USE** — The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

**UTILITIES** — Installations, either above ground or below ground, necessary for the production, generation, transmission, delivery, collection, treatment, or storage of water, solid or fluid wastes, stormwater, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

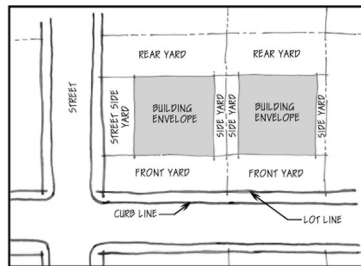
**VACATION** — The official abandonment of a public right-of-way or easement by the City in accordance with state law.

**VARIANCE** — A modification of the application of certain regulations or provisions of this chapter by the Board of Adjustment, under the authority provided by this chapter and state statutes.

**VEHICLE, MOTOR** — Any passenger vehicle, motorcycle, recreational vehicle, or truck that is propelled or drawn by mechanical power.

**YARD, REQUIRED** — That portion of a lot that lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this chapter.

- A. **FRONT YARD** — The space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street which meets one of the following two criteria:
  - (1) The yard along the blockface to which a greater number of structures are oriented; or
  - (2) The yard along a street that has the smaller horizontal dimension.
- B. **REAR YARD** — The space extending the full width of a lot, lying between the rear lot line and the rear setback line.
- C. **SIDE YARD** — The space extending the depth of a lot from the front lot line to the rear lot line, lying between the side yard setback line and the interior lot line.
- D. **STREET SIDE YARD** — On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.



**ZONING ADMINISTRATOR** — The City official authorized by the City Council to administer this Unified Land Development Ordinance.

**ZONING DISTRICT** — A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Unified Land Development Ordinance.

ORDINANCE NO. 2026-

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SEWARD, CHAPTER 410 ZONING AND SUBDIVISION, ARTICLE 2 DEFINITIONS; TO AMEND TERMS DEFINED; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD AS FOLLOWS:

That Chapter 410 of the Municipal Code of the City of Seward is hereby amended as follows:

Section 1. That §410-2.3 B be amended as follows:

§410-2.3 Terms Defined.

For the purposes of this Unified Land Development Ordinance, certain terms and words are hereby defined. Certain sections contain definitions that are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

ABUTTING - Having lot lines or district boundaries in common.  
Used interchangeably with "adjacent."

ACCESSORY STRUCTURE - A structure that is incidental to and customarily associated with a specific principal use or building on the same site.

ACCESSORY USE - A use that is incidental to and customarily associated with a specific principal use on the same site.

ADDITION - Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

ADT or AVERAGE DAILY TRAFFIC - The average number of motor vehicles per day that pass over a given point or segment of street.

AGENT OF OWNER - Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

ALLEY - A public right-of-way other than a street and 20 feet or less in width which is used as a secondary means of access to abutting property.

ALTERATION - Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.

APARTMENT - A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multifamily residential buildings.

APPROVING AUTHORITY – The City Council of the City of Seward or its designee.

ASCE – The American Society of Civil Engineers.

ATTACHED – Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway, facade wall extension, or archway.

BASE ZONING DISTRICT – A district established by this chapter that prescribes basic regulations governing land use and site development standards. No more than one base zoning district shall apply to any individually platted lot or parcel unless the lot or parcel is part of a planned unit development.

BASEMENT – A level of a building below street level that has at least 1/2 of its height below the surface of the adjacent ground.

BEGINNING OF CONSTRUCTION – The initial incorporation of labor and materials within the foundation of a building or structure.

BICYCLE LANE AND PATH – A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of nonmotorized transportation or recreational movement, but will also accommodate motorized vehicles, such as motorized wheelchairs, designed specifically to provide access to people with disabilities.

BLOCK – An area of land within a subdivision that is entirely bounded by streets and/or the exterior boundaries of the subdivision, or by a combination of the above with a watercourse, lake, railroad, or other significant natural or man-made barrier, and which has been designated as such on a plat for the purposes of legal description of a property.

BLOCK FACE – The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of the City of Seward.

BOARD OF ADJUSTMENT – A body established by the City expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by this chapter.

BOULEVARD – A public street generally characterized by a wider-than-normal right-of-way and extensive green space in relation to pavement surface. Boulevards may either include dual street channels separated by a landscaped median; or by a single street channel with wider-than-normal greenway setbacks behind the curb.

BUFFERYARD – A landscaped area around the perimeter of a tract of land, usually intended to separate and partially obstruct

the view of two adjacent land uses or properties from one another.

BUILDING - A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.

BUILDING COVERAGE - The at-grade area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features; also referred to as the "building footprint."

BUILDING ELEVATION - An exterior wall of a building exposed to public view.

BUILDING ENVELOPE - The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

BUILDING LINE - The outer boundary of a building established by the location of its exterior walls.

BUILDING OFFICIAL - The City official, designated by the City Council, who is responsible for the enforcement of the applicable building code and conditional use permits.<sup>11</sup>

BUILDING PERMIT - A document that must be issued by the Building Official prior to erecting, constructing, enlarging, altering, moving, improving, removing, converting, or demolishing any building or structure on a platted lot(s) or a parcel exceeding 10 acres in size as regulated by this chapter or by the applicable building codes of the City of Seward.<sup>12</sup> Issuance of a building permit follows review of plans by the Building Official to determine that the proposed use of building or land complies with the provisions of the Unified Land Development Ordinance.

BUSINESS - Activities that include the exchange or manufacture of goods or services on a site.

BUSINESS CAMPUS - A centralized collection of multiple buildings operating under common management or ownership. The City reserves the right to review all ownership, management, structures, and relations between entities and individuals therein.

BUSINESS CENTER - A building containing more than one commercial business, or any group of nonresidential buildings within a common development, characterized by shared parking and access.

CARTWAY (or ROAD OR STREET CHANNEL) - The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from back to back of curbs. On streets without curbs, the cartway is measured between the outer edges of the pavement.

CENTER-LINE OFFSET – The distance between the center line of roads intersecting a common road from the same or opposite sides.

CERTIFICATE OF OCCUPANCY – An official certificate issued by the Building Official or his/her designee prior to occupancy of a completed building or structure, upon a finding of conformance with the applicable building code and this Unified Land Development Ordinance.<sup>[3]</sup>

CHANGE OF USE – The replacement of an existing use type by a new use type.

CHANNEL – The bed or banks of a natural stream or drainageway that convey the constant or intermittent flow of water, including storm run-off.

CITY – The City of Seward, Nebraska.

CITY COUNCIL – The City Council of Seward, Nebraska.

COMMON AREA – An area held, designed, and designated for common or cooperative use within a development.

COMMON DEVELOPMENT – A development proposed and planned as one unified project not separated by a public street or alley.

COMMON OPEN SPACE – Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.

COMPATIBILITY – The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

COMPREHENSIVE PLAN – The duly adopted Comprehensive Development Plan of the City of Seward.

CONCEPT PLAN – A preliminary presentation that includes the minimum information necessary, as determined by the Zoning Administrator, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.

CONDITIONAL USE PERMIT – An approval of a use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Conditional uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Planning Commission and City Council, as provided by § 410-44.3 of this chapter.<sup>[4]</sup>

CONDOMINIUM – An ownership regime whereby the title to each unit of occupancy is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate. Condominiums may include residential, commercial, office, or industrial uses.

CONSERVATION DEVELOPMENT — A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

CONSERVATION (OR CLUSTER) SUBDIVISION — Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided:<sup>[5]</sup>

- A. There is no increase in the overall density permitted for a conventional subdivision in a given zoning district; and
- B. The remaining land area is used for common open space.

CONVENTIONAL SUBDIVISION — A subdivision which literally meets all nominal standards of the Unified Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.

COUNTY — Seward County, Nebraska.

COURTYARD — An open, unoccupied space, bounded on two or more sides by the walls of the building.

CREATIVE (OR INNOVATIVE) DEVELOPMENT OR SUBDIVISION — A subdivision that, while complying with the Subdivision Ordinance,<sup>[6]</sup> diverges from nominal compliance with site development regulations in the Unified Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of creative subdivisions include conservation subdivisions and traditional neighborhood districts.

CUL-DE-SAC — A local street with only one outlet and with an opposite end providing for the reversal of traffic.

CURB — A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

DEDICATION — A grant of land to the City or another public agency for a public purpose. DENSITY — The amount of development per specific unit of a site.

DESIGN STANDARDS — Standards that set forth specific improvement requirements.

DETACHED — Fully separated from any other building or not jointed to another building in such a manner as to constitute an enclosed or covered connection.

DETENTION BASIN — An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.

DEVELOPER – The legal owner(s) or authorized agent of any land engaged in a proposed development.

DEVELOPMENT – A planning or construction project involving substantial improvement or change in the character and/or land use of a property.

DIVIDED STREET – A street with opposing lanes separated by a median strip, center island, or other form of physical barrier, which cannot be crossed except at designated locations.

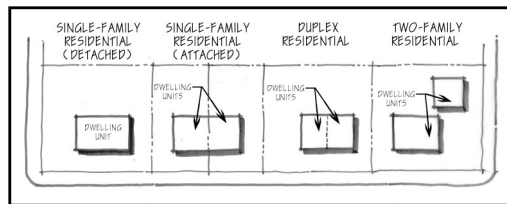
DRAINAGE – The removal of surface water or groundwater from land by drains, grading, or other means.

DRAINAGE SYSTEM – The system through which water flows from the land.

DRIVE-IN SERVICES – Uses that involve the sale of products or provision of services to occupants in vehicles.

DRIVEWAY – A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.

DWELLING UNIT – One or more rooms, designed, occupied or intended for occupancy as a separate place of residence, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of one family, as defined in this section, maintaining a household.



EASEMENT – A privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility, where fee simple title remains with the property owner.

ENCLOSED – A roofed or covered space fully surrounded by walls.

EXISTING USE – The use of a lot or structure at the time of the effective date of this chapter.

EXPRESSWAY – A major street with limited access for high traffic speeds and volumes designed to move traffic around the City rather than through it.

FAMILY – Shall mean a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

A. Any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship;

B. Two unrelated people;

C. Two unrelated people and any children related to either of them.

The term "family" shall not include occupancy of a residence by persons living in fraternities, sororities, clubs, or transient or permanent commercial residential facilities catering to the general public. The term "family" also excludes the occupancy of nursing and convalescent homes.

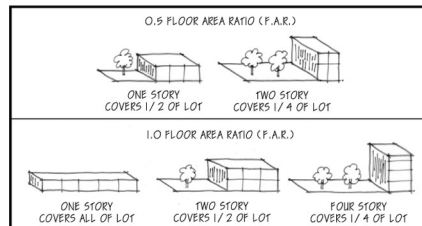
FASCIA - A parapet-type wall used as part of the facade of a flat-roofed building and projecting no more than six feet from the immediately adjacent building face. Such a wall shall enclose at least three sides of the projecting flat roof and return to the parapet wall or the building.

FEDERAL - Pertaining to the government of the United States of America.

FENESTRATION - Glazed openings in a wall including windows and doors.

FINAL PLAT APPROVAL - The final official action of the City Council, upon a recommendation by the Planning Commission, permitting the filing of a subdivision with the Seward County Register of Deeds and the conveyance of individual parcels and lots to subsequent owners.

FLOOR AREA RATIO (FAR) - The quotient of gross floor area of all buildings on a site divided by the gross site area of the site.



FRONTAGE - The length of a property line of any one premises abutting and parallel to a public street, private way, or court from which access is permitted.

GARAGE - An accessory building or portion of a main building used primarily for storage of motor vehicles.

GRADE - The elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.

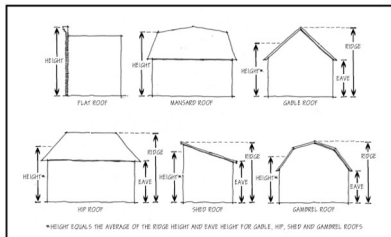
A. For buildings having walls facing one street only, the grade shall be the elevation of the ground at the center of the wall facing the street.

B. For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.

C. For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

GROSS FLOOR AREA (GFA) – The total enclosed horizontal area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of mechanical equipment rooms, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

HEIGHT – The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.



HOME-BASED BUSINESS; HOME OCCUPATION – An accessory occupational use

conducted within a dwelling unit or accessory structure by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

HOUSING UNIT – A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.<sup>[7]</sup>

IMPERVIOUS COVERAGE – The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of swimming pools is excluded from this definition.

LANDSCAPED AREA – The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

- A. PERIMETER LANDSCAPED AREA – Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
- B. INTERIOR LANDSCAPED AREA – Any landscaped area within a site, exclusive of required perimeter landscaping.

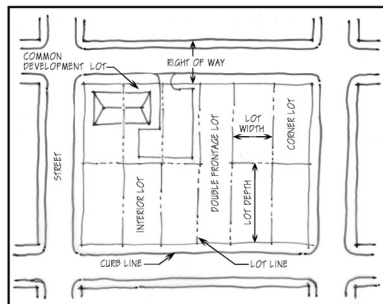
LANE – An approved private right-of-way that provides access to residential properties and meets at least three of the following conditions:

- A. Serves 12 or fewer housing units or platted lots.
- B. Does not function as a local street because of its alignment, design, or location.
- C. Is completely internal to a development.
- D. Does not exceed 600 feet in length.

LOADING AREA – An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

LOT – A platted parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the office of the Seward County Register of Deeds. Each individual lot is subject to the provisions of a particular base zoning district, and shall have a minimum frontage of 20 feet, except as provided in an approved planned unit development, conservation development, or traditional neighborhood development.

- A. CORNER LOT – A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135°.
- B. DOUBLE-FRONTAGE LOT – A lot, other than a corner lot, having frontage on two nonintersecting streets, private ways or courts. Primary access shall be restricted on a double-frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by this chapter; also known as a "through lot."
- C. INTERIOR LOT – A lot other than a corner lot whose sides do not abut a street.
- D. COMMON DEVELOPMENT LOT – When two or more contiguous lots are developed as part of a single development, these lots may be considered a single lot for purposes of this chapter.



LOT AREA – The total horizontal area within the lot lines of a lot.

LOT DEPTH – The mean horizontal distance measured between the front and rear lot lines.

LOT LINE – A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement.

A. FRONT LOT LINE – The lot line separating a lot and a public or private street right-of-way or easement.

(1) For an interior lot, the lot line separating the lot from the right-of-way or easement.

(2) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Building Official, or as may be noted on the final plat.

(3) For a double-frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Building Official at the time of application for the original building permit for the lot, or as may be noted on the final plat.

B. REAR LOT LINE – The lot line that is opposite and most distant from the front line.

C. SIDE LOT LINE – Any lot line that is neither a front nor rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT WIDTH – The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MAIN – The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected

MAJOR SUBDIVISION – Any subdivision not defined and approved as a minor subdivision.

MANUFACTURED HOME DWELLING – A dwelling unit built in compliance with National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. §§ 5401 to 5426 et seq., and the regulations promulgated by the United States Department of Housing and Urban Development, and when constructed shall bear the seal of the Department of Health and Human Services Regulation and Licensure as required by Neb. RS 71-1559.

A. Dwelling units built in compliance with the above may be placed in any zoning district where single-family dwelling units are permitted when the following additional requirements are met:

- (1) Any dwelling unit shall have no less than 900 square feet of floor area.
- (2) Any dwelling shall have no less than 18 feet exterior width.
- (3) The roof shall be pitched with a minimum vertical rise of 2 1/2 inches for each 12 inches of horizontal run.
- (4) The exterior shall be of a color, material and scale comparable with existing residential site-built single-family dwellings. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile or rock.
- (5) The dwellings shall have wheels, axles, transporting lights, and removable towing apparatus removed if present.
- (6) The dwelling shall be placed upon a permanent foundation approved by the City of Seward.
- (7) All utility services shall be directly connected to the structure.

B. Manufactured homes which do not meet all of the standards in Subsection A above may be placed in a manufactured home park or as permitted by code, provided the structure is transportable in one or more sections which in the traveling mode are eight body feet or more in width or 40 body feet or more in length or, when erected on site, are 320 or more square feet and which are built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

MINOR SUBDIVISION - A subdivision of land which creates no more than four lots from any single parcel of land; requires no extension of streets, sewers, utilities, or other municipal facilities; no dedication of easements or rights-of-way or annexation; complies with all preexisting zoning requirements; and has not been subject to a previous administrative or minor subdivision.

MIXED-USE BUILDING - A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual base zoning district in which the building or structure is to be located.

MIXED-USE DEVELOPMENT - A single development that incorporates complementary land use types into a single development.

MOBILE HOME - A building type designed to be transportable in one or more sections constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the United States Department of Housing and Urban Development; or

not otherwise satisfying the definition of "manufactured home dwellings."

MOBILE HOME PARK – A unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for nontransient use. Mobile home parks include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

MOBILE HOME SUBDIVISION – A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile home subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.

MONUMENT – An identification marker established by a registered land surveyor at each section corner, block corner, lot corner, or other point as required by this chapter.

MOVING LANE – Any traffic lane within a cartway where traffic movement is the primary or sole function.

NONCONFORMING DEVELOPMENT – A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Unified Land Development Ordinance but which complied with applicable regulations at the time of construction.

NONCONFORMING LOT – A lot which was lawful prior to the adoption, revision, or amendment of this Unified Land Development Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Unified Land Development Ordinance. No action can be taken which would increase the nonconforming characteristics of the lot.

NONCONFORMING SIGN – A sign that was legally erected prior to the adoption, revision, or amendment of this Unified Land Development Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Unified Land Development Ordinance.

NONCONFORMING STRUCTURE – A structure which was lawful prior to the adoption, revision, or amendment of this Unified Land Development Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Unified Land Development Ordinance. No action can be taken which would increase the nonconforming characteristics of the structure.

NONCONFORMING USE – A land use which was lawful prior to the adoption, revision, or amendment of this Unified Land Development Ordinance but that fails by reason of such

adoption, revision, or amendment to conform to the present requirements of the Unified Land Development Ordinance. No action can be taken which would increase the nonconforming characteristics of the land use.

NUISANCE - A land use or activity that unreasonably interferes with others' use or enjoyment of their property, such as by causing excessive noise, odor, smoke, light, or other conditions that are harmful, or disruptive to a reasonable person or that may reduce nearby property values.

OFF-SITE - Located outside the boundaries of the parcel that is the subject of an application.

OPEN SPACE - Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.

OUTDOOR STORAGE - The outdoor storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.<sup>[8]</sup>

OVERLAY DISTRICT - A district established by this chapter that prescribes special regulations to be applied to a site only in combination with a base district.

OWNER - An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

PARKING FACILITY - An area on a lot and/or within a building, including one or more parking spaces, along with provision for access, circulation, maneuvering, and landscaping, meeting the requirements of this Unified Land Development Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is a use distinct from parking. Vehicle storage is also governed by applicable provisions of Article 34, Off-Street Parking.

PARKING LANE - A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.

PARKING SPACE - An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall." Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhouse residential uses shall be considered to have a means of access to a public street.

PAVED - Permanently surfaced with poured concrete, concrete pavers, or asphalt.

PERFORMANCE BOND - A surety bond or cash deposit posted by a contractor or developer made out to the City in an amount equal to the full cost of the improvements. The bond amount shall be that of the contract price and shall be legally sufficient to secure to the City that said improvements will

be constructed in accordance with the terms of the contract documents within a period specified by this chapter.

PERMITTED USE - A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Unified Land Development Ordinance.

PLANNED UNIT DEVELOPMENT - A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION - The Planning Commission of the City of Seward.

PLAT - A document, usually a map or maps, expressing the designation or division of land into one or more lots or parcels, any one of which is 10 acres or less. Plats include preliminary and final plats.

A. PRELIMINARY PLAT - A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Seward County Register of Deeds.

B. FINAL PLAT - The final map of the subdivision which is presented for final approval. The final plat contains detailed information and documentation and is designed to be filed with the Register of Deeds.

PORCH, UNENCLOSED - A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than 30 inches above its floor other than wire screening and a roof with supporting structure.

PREMISES - A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

PRINCIPAL USE - The main use of land or structures, as distinguished from an accessory use.

PRIVATE GARAGE - A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.

PROPERTY LINE - The boundary between separate property ownerships, as recorded by the legal description of a parcel and defined by the Seward County Register of Deeds. In subdivisions, property lines are usually but not in every case coincident with lot lines.

RECREATIONAL VEHICLE - A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses; and trucks, boats, and boat trailers.

REGULATION — A specific requirement set forth by this Unified Land Development Ordinance that must be followed.

REMOTE PARKING — A supply of off-street parking at a location not on the site of a given development.

RIGHT-OF-WAY — A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

RURAL SUBDIVISION — A residential subdivision located more than one-half mile past the corporate limits but within the two-mile planning jurisdiction of the City; or outside of areas designated for future urban development by the Comprehensive Plan.

SALVAGE YARD (or SALVAGE SERVICES) — Places of business engaged in the storage, sale, dismantling or other processing of used or waste materials that are not intended for reuse in their original forms, including automotive wrecking yards, junkyards, or paper salvage yards.

SANITARY SEWER — A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, local, and lateral sewers.

A. INTERCEPTOR — A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.

B. OUTFALL — A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.

C. LOCAL — A pipe that connects lateral sewers to an outfall or interceptor sewer.

D. LATERAL — A private service line connecting buildings to local sewers.

SCREENING — The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this chapter.

SEPTIC SYSTEM — An underground system, utilizing a watertight receptacle to receive the discharge of sewage and a soil absorption leach field, which provides for the decomposition of wastes produced by development on a single lot.

SETBACK — The distance as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.

SHIPPING CONTAINER — Include standardized reusable vessels that were originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a

chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of shipping containers. **[Added 11-20-2018 by Ord. No. 2018-19]**

**SIDEWALK** – A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.

**SIGN** – A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

**SITE** – The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this chapter.

**SITE PLAN** – A plan, prepared to scale, showing accurately and with complete dimensioning the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably requested by the City in order that an informed decision can be made on the associated request.

**STATE** – The State of Nebraska.

**STORM SEWER** – A conduit that conducts storm drainage from a development or subdivision, ultimately to a drainageway or stream.

**STORY** – The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.

**STREET** – Land dedicated for public use, from right-of-way line to right-of-way, which affords a primary means of access to the abutting property. Streets may be categorized in a hierarchy or conceptual arrangement of streets based on function. The hierarchical approach classifies streets from courts or lanes, which provide private access to a limited number of lots, to arterials, which accommodate large volumes of high-speed, regional traffic. Street types contained within the hierarchy include:

- A. Court or lane.
- B. Local.
- C. Collector.
- D. Expressway.
- E. Minor arterial.
- F. Major arterial.

**STREET, ARTERIAL** – Streets or highways intended to provide for through traffic movement between areas of the City or across

the City. Major arterials usually imply relatively high speeds and traffic volumes, and are often subject to control of access to individual properties. Minor arterials are generally intended to provide trips of moderate lengths and imply lower operating speeds and more frequent points of local access than major arterial streets.

STREET, COLLECTOR - A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.

STREET, DESIGNED - A future street designated on the Comprehensive Development Plan to ensure traffic-carrying capacity between neighborhoods, connections between neighborhoods and major activity centers and accommodation of major through traffic. Such streets may be designated as "collectors," "arterials" or "expressways," with the tentative location of the street shown on the Transportation Plan.

STREET, INTERSECTING AND PRINCIPAL - In regard to a site, the principal street shall be the street to which the majority of lots on a blockface are oriented; the intersecting street shall be a street other than a principal street.

STREET, LOCAL - A street which is used primarily for access to the abutting properties.

STREET, MAJOR - A street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or expressways by the Comprehensive Development Plan.

STREET YARD - The distance between a lot line adjacent to a public street and the wall or facade of a building parallel to such lot line. If the building wall is not parallel to the lot line, the street yard depth shall be the distance between the street lot line and a parallel line that equals the average distance of the building wall or facade from the street lot line.

STRUCTURE - Any object constructed or built and attached or anchored permanently or semi-permanently to the ground in such a way as to prevent routine movement.

SUBDIVISION - The division of a lot, tract, or parcel into two or more lots, tracts, parcels, or other units of land for title transfer or development, when one of the resultant lots is equal to 10 acres or less.

TOWNHOUSE - A dwelling unit having a common wall with or abutting three or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.

TOWNHOUSE STRUCTURE - A building formed by at least three contiguous townhouses and not more than 12 contiguous townhouses with common or abutting walls.

URBAN SUBDIVISION - A residential subdivision generally located within the corporate limits of the City of Seward or within less than 1/2 mile of such corporate limits; or within an area designated for future urban development by the Comprehensive Development Plan.

USE - The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

UTILITIES - Installations, either above ground or below ground, necessary for the production, generation, transmission, delivery, collection, treatment, or storage of water, solid or fluid wastes, stormwater, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

VACATION - The official abandonment of a public right-of-way or easement by the City in accordance with state law.

VARIANCE - A modification of the application of certain regulations or provisions of this chapter by the Board of Adjustment, under the authority provided by this chapter and state statutes.

VEHICLE, MOTOR - Any passenger vehicle, motorcycle, recreational vehicle, or truck that is propelled or drawn by mechanical power.

YARD, REQUIRED - That portion of a lot that lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this chapter.

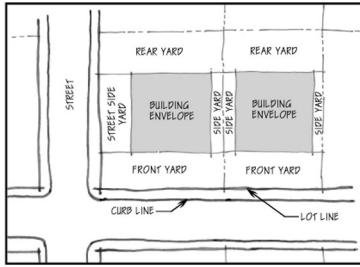
A. FRONT YARD - The space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street which meets one of the following two criteria:

- (1) The yard along the blockface to which a greater number of structures are oriented; or
- (2) The yard along a street that has the smaller horizontal dimension.

B. REAR YARD - The space extending the full width of a lot, lying between the rear lot line and the rear setback line.

C. SIDE YARD - The space extending the depth of a lot from the front lot line to the rear lot line, lying between the side yard setback line and the interior lot line.

D. STREET SIDE YARD - On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.



ZONING ADMINISTRATOR – The City official authorized by the City Council to administer this Unified Land Development Ordinance.

ZONING DISTRICT – A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Unified Land Development Ordinance.

SECTION 2. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. WHEN OPERATIVE; PUBLICATION IN PAMPHLET FORM. This ordinance shall be published in pamphlet form and shall be in full force from and after its passage, approval and publication or posting as required by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2026

CITY OF SEWARD, NEBRASKA

\_\_\_\_\_  
Joshua Eickmeier, Mayor

ATTEST: \_\_\_\_\_  
Derek Bargmann  
City Clerk

**ADMINISTRATIVE ITEMS  
REPORTS**

1. Report on Meetings Attended

**FUTURE REQUESTS FOR COMMISSION AGENDA ITEMS OR  
ADMINISTRATIVE ACTION  
ANNOUNCEMENT OF UPCOMING EVENTS  
MOTION TO ADJOURN**

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I, Derek Bargmann, the duly appointed qualified and acting City Clerk of the City of Seward, Nebraska, hereby certify that the foregoing Notice of Meeting and Agenda for such meeting has been posted in the following places: Seward City Hall, Seward Memorial Library, and CityofSewardNE.gov

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City.

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Derek Bargmann, City Clerk

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Date