



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

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**Monday, May 11, 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, May 11, 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 April 13, 2026

# City of Seward Planning Commission

## Minute Record      April 13, 2026

The City of Seward Planning Commission met in regular session at 7:30p.m. April 13, 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: Clarence Kotera, Ron Wallman, Jake Miller, Ron Niemoth, Scott Seevers, Ron Jackson, 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: Dan Ellis and Lacey Koch.

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 March 9, 2026.

Moved by Commission Member Seevers; Seconded by Commission Member Niemoth to approve the minutes.

Aye: Kotera, Wallman, Miller, Niemoth, Seevers, Jackson, Menke.

Nay: None.

Absent: Ellis, Koch. Motion carried.

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

Chairperson Wallman opened the public hearing.

Dworak stated we have an application for a 7 acre parcel to be carved out of the current 50 acres for a family member. It's along 252<sup>nd</sup> Road on the west side. We spoke with Seward County regarding the driveway and they have no issue. We spoke with Norris and they have no issues as there's power on the west side already. There is a rezone to accompany this.

Diane Hofer, 1545 252<sup>nd</sup> Rd, stated there is an existing field road where the driveway will be, so they don't have to add one.

Chairperson Wallman suspended the public hearing.

Commission Member Millers moved to approve the minor plat of Hofer Hills; seconded by Commission Member Menke.

Aye: Kotera, Wallman, Miller, Niemoth, Seevers, Jackson, Menke.

Nay: None.

Absent: Ellis, Koch. Motion carried

Chairperson Wallman stated it conforms with the development plan of the City of Seward.

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 6<sup>th</sup> P.M. from AG Agricultural District to RR Rural Residential District.

Chairperson Wallman opened the public hearing.

Dworak stated it meets all the qualifiers for rural residential and conforms to what's needed.

Chairperson Wallman suspended the public hearing.

Commission Member Kotera moved to approve the 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 6<sup>th</sup> P.M. from AG Agricultural District to RR Rural Residential District; seconded by Commission Member Jackson.

Aye: Kotera, Wallman, Miller, Niemoth, Seevers, Jackson, Menke.

Nay: None.

Absent: Ellis, Koch. Motion carried

Chairperson Wallman stated the Planning Commission feels it conforms with the development plan.

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.

Chairperson Wallman opened the public hearing.

Dworak stated we removed a sentence from the basement definition and added to the height definition. We added the business campus definition. The definition of family has been updated. We changed up the definition of nuisance to include some obvious things, and we updated the townhouse definition to match our descriptor.

Chairperson Wallman closed the public hearing.

Commission Member Seevers moved to approve the text amendment to the City of Seward Unified Land Development Ordinance; Article 2 Definitions, 410-2.3 Terms Defined; seconded by Commission Member Kotera.

Commission Member Seevers asked if this will make it more enforceable or actionable.

Dworak stated not really. Just makes it more clear.

Chairperson Wallman stated these are all good changes.

Aye: Kotera, Wallman, Miller, Niemoth, Seevers, Jackson, Menke.

Nay: None.

Absent: Ellis, Koch. Motion carried

4. Administrative Item

5. Reports

6. Agenda Items

7. Upcoming Events

Meeting adjourned 7:50 p.m.

Sara Van Cura  
Administrative Assistant

DRAFT

**PUBLIC HEARINGS**

1. Public Hearing 7:30pm: review a minor plat of Deer 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**

Deer Hills Minor Plat

**FINAL ACTION?**

**DEVELOPER/OWNER**

HBH Farms, Tim Hughes

**PC HEARING DATE**

May 11, 2026

**RELATED APPLICATIONS**

Rezone

**PROPERTY ADDRESS, ZONING DISTRICT/USE**

PID 800102916, AG, Agriculture

**ADJACENT ZONING DISTRICTS/USE:**

North, RR, Residential – David & Jeanne Dryburgh, Jeff & Kirsten Volzke

East, AG, Agricultural – HBH Farms LLC, Sid & Karrol Beckler

South, AG, Agricultural – HBH Farms LL

West, RR, Residential – Mark & Teresa Heidemann

**BRIEF SUMMARY OF REQUEST:**

A proposed Minor Plat application by Tim Hughes.



**APPLICATION CONTACT**

Tim Hughes, 402-643-5035

1966 308th Rd, Staplehurst, NE 68439-8825

**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:**

5.01 Acres or 218235.6 Square Feet +/-

## **LEGAL DESCRIPTION:**

A DESCRIPTION OF A 5.01 ACRE TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH PRINCIPAL MERIDIAN, SEWARD COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 15; THENCE IN AN EASTERLY DIRECTION ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 15 AN ASSUMED BEARING OF N89°57'42"E , FOR A DISTANCE OF 45.46 FEET; THENCE S00°02'18"E, FOR A DISTANCE OF 43.00 FEET TO THE NORTHEAST CORNER OF AN EXISTING 4.96 ACRE TRACT OF LAND; THENCE CONTINUING S00°02'18"E, FOR A DISTANCE OF 331.07 FEET TO THE SOUTHEAST CORNER OF SAID 4.96 ACRE TRACT, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S00°02'18"E, FOR A DISTANCE OF 385.33 FEET; THENCE S89°57'42"W, FOR A DISTANCE OF 567.55 FEET TO AN EASTERLY LINE OF LOT 3, PLUM CREEK ACRES; THENCE N00°21'39"E ON AN EASTERLY LINE OF SAID LOT 3, FOR A DISTANCE OF 385.55 FEET TO AN EASTERLY CORNER OF SAID LOT 3, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID 4.96 ACRE TRACT; THENCE N89°59'00"E ON THE SOUTH LINE OF SAID 4.96 ACRE TRACT, FOR A DISTANCE OF 564.87 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 5. 01 ACRES MORE OR LESS. (PID 800102916)

Prepared by

Tim Dworak

City of Seward Building - Zoning – Code Enforcement Director




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: 4/13/26 Application Fee: \$ 100 + Notification Fee: \$ 100 + Filing Fee: \$ 16 = Amount Due: \$ 216

Owner/Developer: HBH Farms Name of Subdivision: Deer Hills  
 Phone Number: 402-643-5035 Number of Lots: 1  
 Email Address: tim@hughesbros.com Present Zoning: AG Requested Zoning: RR  
 Legal Description: part of the NE1/4 15-11-3

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: Dennis Simmonds Signature of Owner/Developer: 

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: \_\_\_\_\_

**LEGEND**

- = FD. MONUMENT AS NOTED
- ⊕ = SECTION CORNER AS NOTED IN TIES
- △ = CALCULATED POINT
- = SET 5/8"x24" REBAR W/ 867 PLASTIC CAP
- M = MEASURED DISTANCE
- D = DEED DISTANCE
- P = PLAT DISTANCE

**N1/4 COR SEC 15-11-3E**  
 Found 1" Brass Plug  
 N 53.28' to 1" Iron Pipe  
 N 43.75' to Spike in 12" Cottonwood  
 ESE 120.42' to Mag Nail in Power Pole  
 WNW 101.74' to Nail in Stub PP/Gate Post

**N1/16 COR NE 1/4 SEC 15-11-3E**  
 Found Chiseled "X" in Concrete  
 N 53.00' to Capped Rebar  
 N 52.04' to Capped Rebar  
 SSE 35.48' to 5/8" Rebar  
 SW 27.01' to Chiseled "X" in Curb

**NE COR SEC 15-11-3E**  
 Found 1" Brass Plug  
 NW 67.31' to Nail in Top of Corner Fence Post  
 NNW 62.51' to Capped Rebar  
 N 53.00' to Chiseled "X" in Concrete  
 SW 55.51' to Nail and Disk in Power Pole

# DEER HILLS

A 5.01 ACRE TRACT LOCATED IN THE NORTHEAST  
 QUARTER OF SECTION 15, TOWNSHIP 11 NORTH, RANGE 3  
 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA  
**MINOR PLAT**

**SURVEYOR'S CERTIFICATION**

I, Walker Reed Johnson, Nebraska Licensed Land Surveyor No. 867, duly licensed under the Land Surveyor's Regulation Act, do hereby state that I have performed a survey of the land depicted on the accompanying plat of "Deer Hills"; that said plat is a true delineation of said survey performed personally; that said survey was made with reference to known and recorded monuments marked as shown, and to the best of my knowledge and belief is true, correct, and in accordance with the Land Surveyors Regulation Act in effect at the time of this survey. All dimensions in feet and decimals of a foot.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2026

Walker Reed Johnson LS-867

**LEGAL DESCRIPTION**

A description of a 5.01 acre tract of land located in the Northeast Quarter of Section 15, Township 11 North, Range 3 East of the 6th Principal Meridian, Seward County, Nebraska, and more particularly described as follows:  
 Referring to the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 15; thence in an Easterly direction on the North line of the Northeast Quarter of the Northeast Quarter of said Section 15 an assumed bearing of N89°57'42"E, for a distance of 45.46 feet; thence S00°02'18"E, for a distance of 43.00 feet to the Northeast corner of an existing 4.96 acre tract of land; thence continuing S00°02'18"E, for a distance of 331.07 feet to the Southeast corner of said 4.96 acre tract, said point also being the **POINT OF BEGINNING**; thence continuing S00°02'18"E, for a distance of 385.33 feet; thence S89°57'42"W, for a distance of 567.55 feet to an Easterly line of Lot 3, Plum Creek Acres; thence N00°21'39"E on an Easterly line of said Lot 3, for a distance of 385.55 feet to an Easterly corner of said Lot 3, said point also being on the South line of said 4.96 acre tract; thence N89°59'00"E on the South line of said 4.96 acre tract, for a distance of 564.87 feet to the **POINT OF BEGINNING** and containing a calculated area of 5.01 acres more or less.  
 Subject to any and all easements and restrictions of record.

**OWNER'S CERTIFICATION**

I the undersigned, Timothy J. Hughes, Manager of HBH Farms, LLC, owner of the real estate shown and described herein, do hereby certify that I have laid out, platted, and subdivided, said real estate in accordance with this plat.  
 This subdivision shall be known and designated as "Deer Hills", a part of the Northeast Quarter of Section 15, Township 11 North, Range 3 East of the 6th P.M., Seward County, Nebraska. Clear title to the land in this plat guaranteed.

Witness my Hand this \_\_\_\_\_ day of \_\_\_\_\_, 2026

Timothy J. Hughes, Manager of HBH Farms, LLC

**ACKNOWLEDGEMENT OF NOTARY**

State of Nebraska  
 S.S.  
 County of Seward

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Timothy J. Hughes, Manager of HBH Farms, LLC, and each separately and severally acknowledges the execution of the foregoing instrument as their voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2026

Notary Public

**APPROVAL OF THE CITY OF SEWARD PLANNING COMMISSION**

This minor plat of "Deer Hills" has been submitted to and approved by the Seward Planning Commission.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2026

Chair, Planning Commission

Attest:  
 Secretary of the Seward Planning Commission

**APPROVAL OF THE CITY OF SEWARD ZONING ADMINISTRATOR**

This minor plat of "Deer Hills" has been submitted to and approved by the Seward Zoning Administrator.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2026

Seward Zoning Administrator

**REGISTER OF DEEDS CERTIFICATE**

State of Nebraska  
 S.S.  
 County of Seward

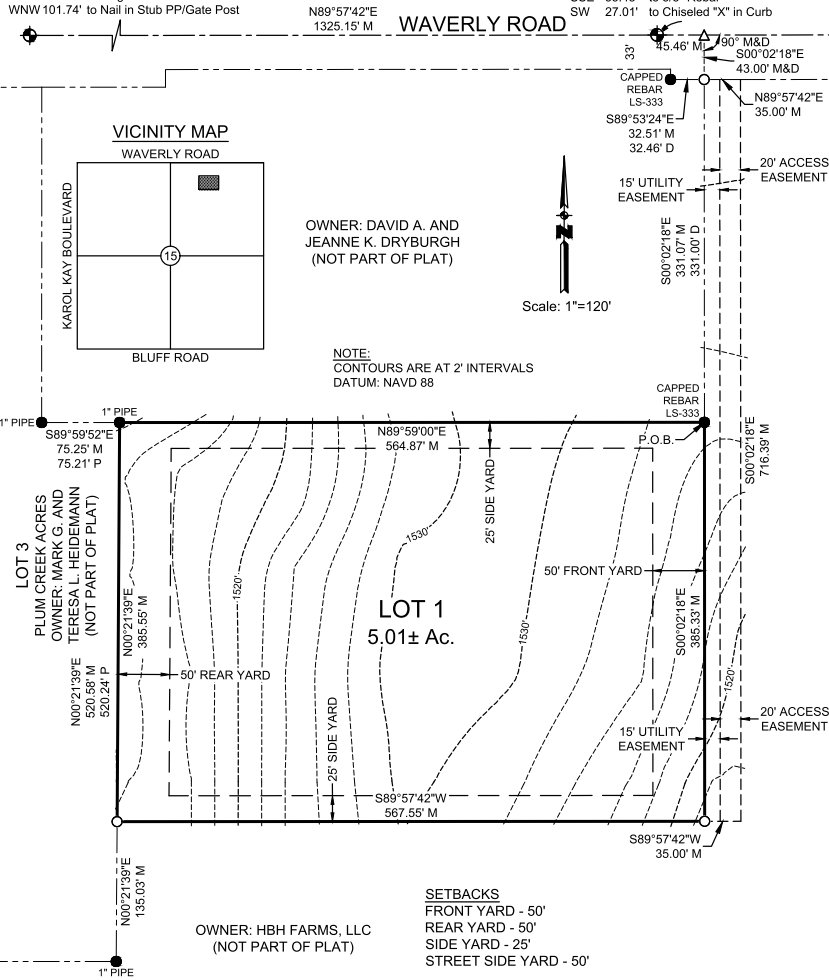
This is to certify that this instrument was filed for record in the register of deeds office.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Drawer No. \_\_\_\_\_ Fee: \_\_\_\_\_

Instrument No. \_\_\_\_\_ Register of Deeds



**ALLIED SURVEYING AND MAPPING**  
 8535 Executive Woods Drive - Suite 200 - Lincoln, Nebraska 68512  
 Phone (402) 434-2686  
 Project No. 2026-0006



OWNER: DAVID A. AND  
 JEANNE K. DRYBURGH  
 (NOT PART OF PLAT)

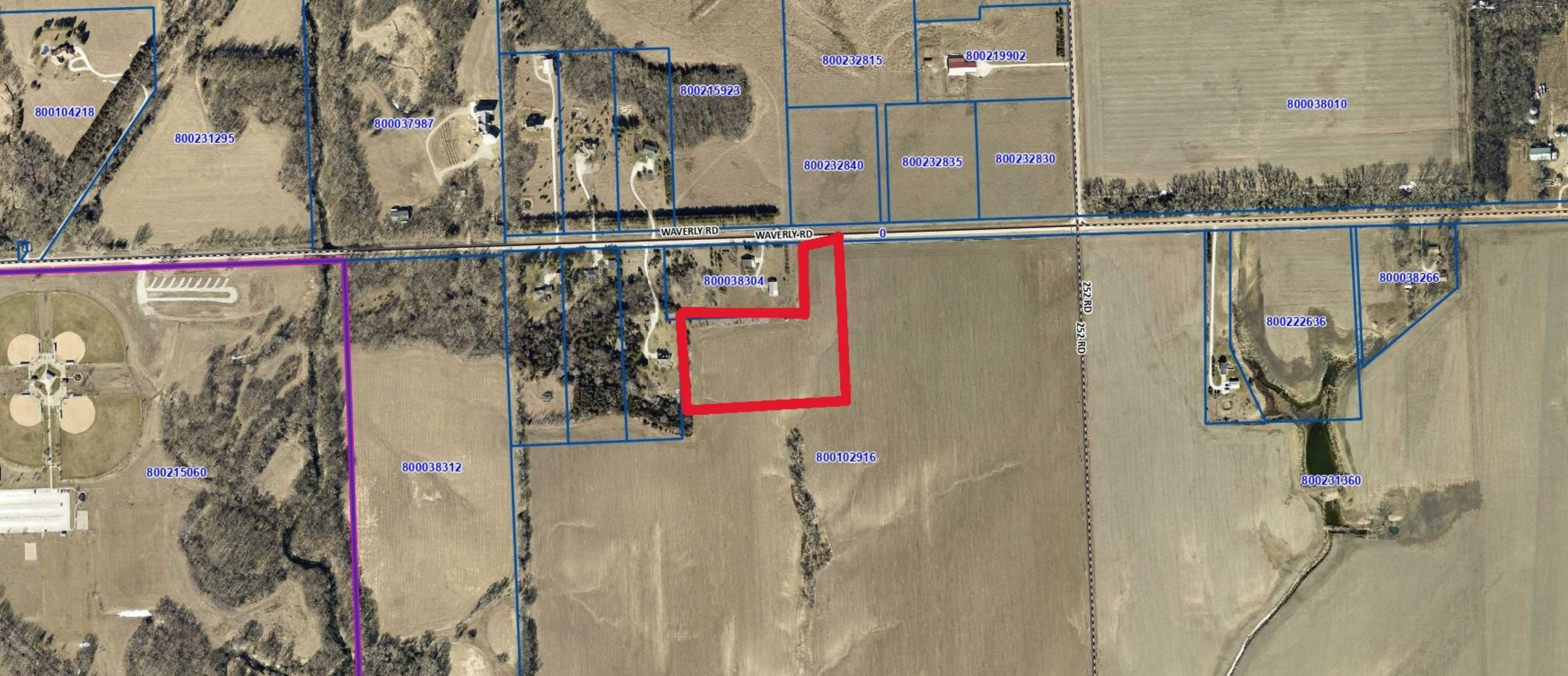
NOTE:  
 CONTOURS ARE AT 2' INTERVALS  
 DATUM: NAVD 88

**LOT 1**  
 5.01± Ac.

OWNER: HBH FARMS, LLC  
 (NOT PART OF PLAT)

**SETBACKS**  
 FRONT YARD - 50'  
 REAR YARD - 50'  
 SIDE YARD - 25'  
 STREET SIDE YARD - 50'

CURRENT ZONING: AG-AGRICULTURAL DISTRICT  
 PROPOSED ZONING: RR-RURAL RESIDENTIAL DISTRICT



800104218

800231295

800037987

800215923

800232815

800219902

800038010

800232840

800232835

800232830

WAVERLY RD

WAVERLY RD

0

800038304

252 RD  
252 RD

800038266

800222636

800215060

800038312

800102916

800231360

2. Public Hearing 7:30pm: review a rezone application for Lot 1, Deer Hills, located in the Northeast Quarter of Section 15, 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

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**APPLICATION TYPE**

Rezone

**FINAL ACTION?**

**DEVELOPER/OWNER**

HBH Farms, Tim Hughes

**PC HEARING DATE**

May 11, 2026

**RELATED APPLICATIONS**

Minor Plat

**PROPERTY ADDRESS, ZONING DISTRICT/USE**

PID 800102916, AG, Agriculture

**ADJACENT ZONING DISTRICTS/USE:**

North, RR, Residential – David & Jeanne Dryburgh, Jeff & Kirsten Volzke

East, AG, Agricultural – HBH Farms LLC, Sid & Karrol Beckler

South, AG, Agricultural – HBH Farms LL

West, RR, Residential – Mark & Teresa Heidemann

**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**

Tim Hughes, 402-643-5035

1966 308th Rd, Staplehurst, NE 68439-8825

**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:**

5.01 Acres or 218235.6 Square Feet +/-

## **LEGAL DESCRIPTION:**

A DESCRIPTION OF A 5.01 ACRE TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH PRINCIPAL MERIDIAN, SEWARD COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 15; THENCE IN AN EASTERLY DIRECTION ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 15 AN ASSUMED BEARING OF N89°57'42"E , FOR A DISTANCE OF 45.46 FEET; THENCE S00°02'18"E, FOR A DISTANCE OF 43.00 FEET TO THE NORTHEAST CORNER OF AN EXISTING 4.96 ACRE TRACT OF LAND; THENCE CONTINUING S00°02'18"E, FOR A DISTANCE OF 331.07 FEET TO THE SOUTHEAST CORNER OF SAID 4.96 ACRE TRACT, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S00°02'18"E, FOR A DISTANCE OF 385.33 FEET; THENCE S89°57'42"W, FOR A DISTANCE OF 567.55 FEET TO AN EASTERLY LINE OF LOT 3, PLUM CREEK ACRES; THENCE N00°21'39"E ON AN EASTERLY LINE OF SAID LOT 3, FOR A DISTANCE OF 385.55 FEET TO AN EASTERLY CORNER OF SAID LOT 3, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID 4.96 ACRE TRACT; THENCE N89°59'00"E ON THE SOUTH LINE OF SAID 4.96 ACRE TRACT, FOR A DISTANCE OF 564.87 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 5. 01 ACRES MORE OR LESS. (PID 800102916)

Prepared by

Tim Dworak

City of Seward Building - Zoning – Code Enforcement Director



Request for Amendment to the Unified Land Development Ordinance

Date: 4/13/20 Application Fee: \$200 + Notification Fee: \$100 + Filing Fee: \_\_\_\_\_ = Amount Due: \$300

Applicant: Tim Hughes Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: tim@hughesbros.com

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

Legal Description: Lot 1 Deer Hills

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

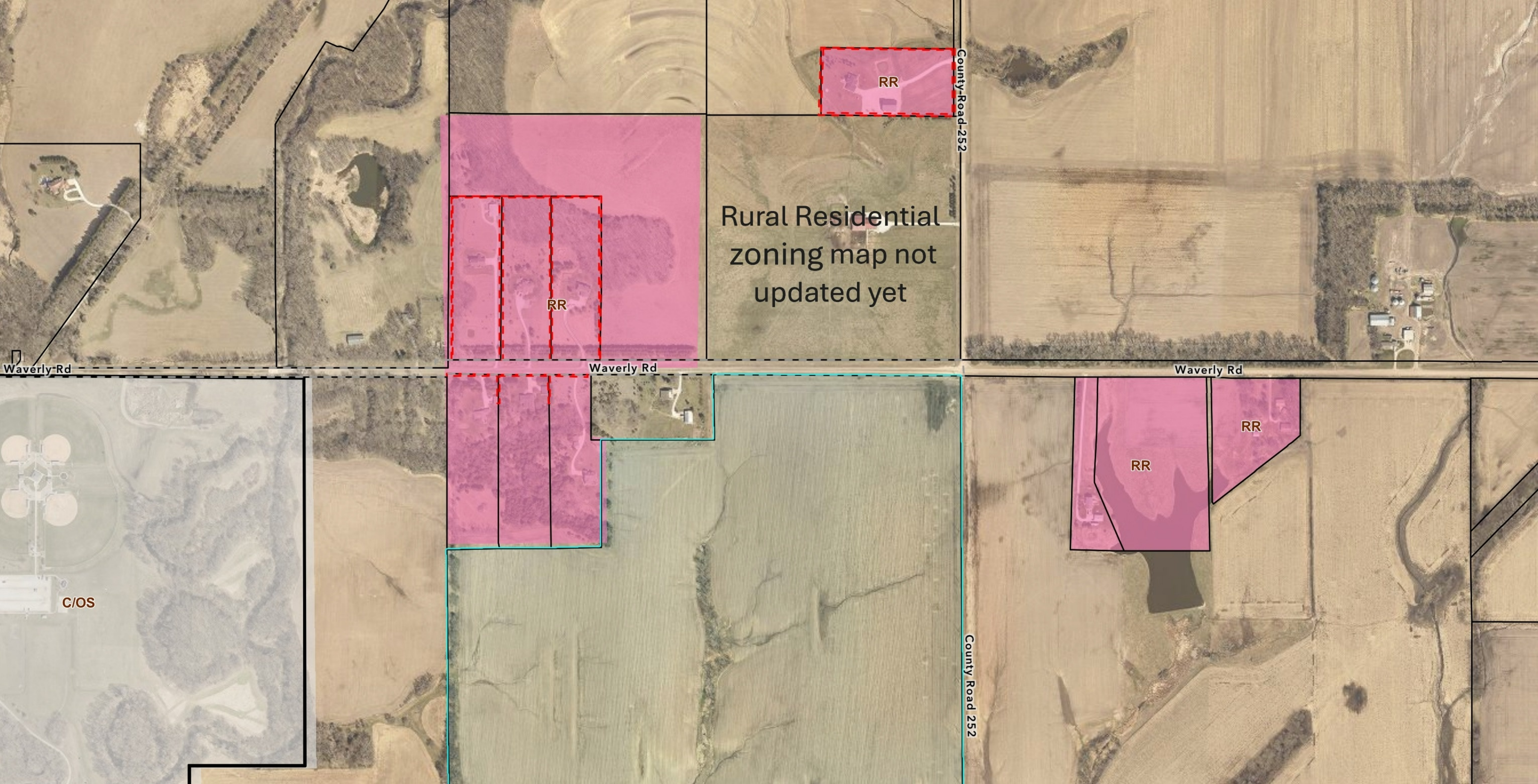
Amend the text or district regulations as follows: \_\_\_\_\_

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:  \_\_\_\_\_



RR

RR

Rural Residential  
zoning map not  
updated yet

RR

RR

Waverly Rd

Waverly Rd

Waverly Rd

County Road 252

C/OS

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 WAVERLY 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:

A DESCRIPTION OF A 5.01 ACRE TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH PRINCIPAL MERIDIAN, SEWARD COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 15; THENCE IN AN EASTERLY DIRECTION ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 15 AN ASSUMED BEARING OF N89°57'42"E , FOR A DISTANCE OF 45.46 FEET; THENCE S00°02'18"E, FOR A DISTANCE OF 43.00 FEET TO THE NORTHEAST CORNER OF AN EXISTING 4.96 ACRE TRACT OF LAND; THENCE CONTINUING S00°02'18"E, FOR A DISTANCE OF 331.07 FEET TO THE SOUTHEAST CORNER OF SAID 4.96 ACRE TRACT, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S00°02'18"E, FOR A DISTANCE OF 385.33 FEET; THENCE S89°57'42"W, FOR A DISTANCE OF 567.55 FEET TO AN EASTERLY LINE OF LOT 3, PLUM CREEK ACRES; THENCE N00°21'39"E ON AN EASTERLY LINE OF SAID LOT 3, FOR A DISTANCE OF 385.55 FEET TO AN EASTERLY CORNER OF SAID LOT 3, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID 4.96 ACRE TRACT; THENCE N89°59'00"E ON THE SOUTH LINE OF SAID 4.96 ACRE TRACT, FOR A DISTANCE OF 564.87 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 5. 01 ACRES MORE OR LESS. ALSO KNOWN AS DEER HILLS MINOR PLAT.

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; 410 Attachment 1 Use Matrix in reference to Alternative Energy Production Devices.

**APPLICATION TYPE**

**FINAL ACTION?**

**DEVELOPER/OWNER**

ULDO Amendment

**PC HEARING DATE**

**RELATED APPLICATIONS**

**PROPERTY ADDRESS, ZONING DISTRICT/USE**

May 11, 2026

**BRIEF SUMMARY OF REQUEST**

A review of a Text Amendment to the City of Seward Unified Land Development Ordinance; 410 Attachment 1 Use Matrix to add Alternative Energy Production Devices.

**APPLICATION CONTACT**

Tim Dworak

City of Seward - Building and Zoning

**ANALYSIS**

Attached are the proposed amendment red line changes to add Alternative Energy Production Devices to the Use Matrix as it's listed in our Use Types, 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

ZONING AND SUBDIVISION

410 Attachment 1

City of Seward

Use Matrix

[Amended 11-20-2018 by Ord. No. 2018-19; 2-8-2019 by Ord. No. 2019-05; 2-19-2019 by Ord. No. 2019-04;  
7-16-2019 by Ord. No. 2019-21; 6-16-2020 by Ord. No. 2020-13; 11-17-2020 by Ord. No. 2020-31; 7-6-2021 by Ord. No. 2021-15;  
8-17-2021 by Ord. No. 2021-18; 10-4-2022 by Ord. No. 2022-17; 9-16-2025 by Ord. No. 2025-24]

KEY:

- P Permitted by right or by right subject to supplemental regulations
- S Permitted by conditional use permit (§ 410-44.3)
- S(x) Expansion of an existing use is permitted subject to approval of a conditional use permit
- E Permitted by right if lawfully existing on the effective date of this chapter
- Blank Use not permitted in zoning district
- \* Use subject to site plan review (§ 410-44.2)

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
<b>Agricultural Uses</b>																
Horticulture	L	P	P													§ 410-31.2
Crop production	L	P	P													§ 410-31.2
Animal production	M	P	P													§ 410-31.2
Confined animal feeding operations	I	S(x)														§§ 410-31.2, 410-31.3
Livestock sales	H	S														
<b>Residential Uses</b>																
Single-family detached	L	P	P	P	P	P	P	P	P	P	S/E	S/E	E	E	E	
Single-family attached	L			P	P	P	P	P	P	P	S/E	S/E	E	E	E	
Duplex	L			P	P	P	P	P	P	P	S	S	E	E	E	
Two-family*	L			S	S	P	P	S	P	S	S	S				
Townhouse*	L				P	P	P	S	P	P	S	P	E	E	E	
Multiple-family*	M					S	P		P	P	S	P	E	E	E	
Downtown residential*	L								P			P				§ 410-31.3

SEWARD CODE

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Group residential*	M	S			S	S	P	S	S	S/E	E	E	E	E	E	§ 410-31.3
Boardinghouse*	M						S		S	E	E	E	E	E	E	
Manufactured housing residential	L	P	P	P	P	P	P	P	P	P	S/E	S	E	E	E	
Mobile home park*	M							P								§ 410-31.3
Mobile home subdivision	L							P								§ 410-31.3
Retirement residential*	M	S	S	S	P	P	P	S	P	S	S	P				
<b>Civic Uses</b>																
Administration	L	P	S		S	S	P	S	P	P	P	P	P	P	P	
Cemetery*	L	S	S	S	S	S	S	S								
Clubs (recreational)*	L	S	S	S	S	S	P	S	P	P	P	P	P	P	P	§ 410-31.4
Clubs (social)*	M	S	S	S	S	S	P	S	P	P	P	P	P	P	P	§ 410-31.4
College/University*	H	S	S	S	S	S	S	S	S	P	P	P	P	P		
Convalescent services*	L	S	S	S	S	S	P	S	P	P	P	S	S			
Cultural services*	M	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Day care (limited)	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 410-31.4
Day care (general)*	M	S	S	S	S	S	P	P	P	P	P	P	P	P	P	§ 410-31.4
Detention facilities*	I	S									S	S		S	S	
Emergency residential	L	P	P	P	P	P	P	P	P	P	P	P				
Group-care facility*	M			S	S	P	P	S	P	P	P	P				§ 410-31.4
Group home	L	P	P	P	P	P	P	P	P	P	P	P				§ 410-31.4
Guidance services	L					S	P	S	P	P	P	P	P	P	P	
Health care*	M	S			S	S	P	S	P	P	P	P	P	P	P	
Hospitals*	I	S			S	S	S		S	S	P	P	P	S	S	
Maintenance facility*	H	S	S				S			S	P	S	P	P	P	
Park and recreation	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal facilities*	M					S	S		P	P	P	P	P	P	P	
Primary education*	H	P	P	P	P	P	P	P	P	P	S	S				

ZONING AND SUBDIVISION

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Public assembly*	H								S	S	P	P	S	P	P	
Religious assembly*	M	P	S	S	S	S	S	S	P	P	P	P	P	P	C	
Safety services*	M	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary education*	I	S	S	S	S	S	P	S	P	S	P	S	S	S		
Utilities*	M	P	S	S	S	S	S	S	S	S	P	S	P	P	P	
<b>Office Uses</b>																
Corporate offices*	M					S	S		P	P	P	P	P	P	P	
General offices	M					S	S		P	P	P	P	P	P	P	
Financial services A	L						S		P	P	P	P	P	P	P	
Financial services B*	M								S	P	P	P	P	P	P	
Medical offices A	L						S		P	P	P	P	P	P	P	
Medical offices B*	M						S		P	P	P	P	P	P	P	
<b>Commercial Uses</b>																
Agricultural sales/service*	H	S									P		S	P	P	
Auto auction lots*	H										S			P	P	§ 410-31.5
Auto rental/sales*	H									S	P	P	S	P	P	§ 410-31.5
Auto services*	H								S	S	P	P	P	P	P	§ 410-31.5
Aviation maintenance repair*	M										S			P	P	§ 410-31.5
Body repair*	I										P	S	S	P	P	§ 410-31.5
Dog day care	M	S	S						S	S	S	S		S		§ 410-31.5
Equipment rental/sales*	H									S	P	S	S	P	P	§ 410-31.5
Equipment repair*	H										P	S		P	P	§ 410-31.5
Bed-and-breakfast*	L	S	S	S	P	P	P	S	P	P	P	P	S	S	S	§ 410-31.5
Business support services*	M						S		P	P	P	P	P	P	P	
Business/Trade school*	H						S		P	S	P	P	P	P	P	
Campground*	M	S	S								S					§ 410-31.5
Cocktail lounge*	H									S	P	P	P	P	P	
Commercial recreation	H									S	P	P	P	P	P	

SEWARD CODE

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
(controlled-impact)*																
Commercial recreation (high-impact)*	H	S									P		S	P	P	
Communication service*	M					S			P	S	P	P	P	P	P	
Construction sales/service*	H										P	S	P	P	P	§ 410-31.5
Consumer service*	M								P	P	P	P	P	P	P	
Convenience storage*	H						S					P	P	P	P	§ 410-31.5
Food sales (convenience)*	H								S	P	P	P	S	P	S	
Food sales (limited)*	L								P	P	P	P	S			
Food sales (general)*	M								S	P	P	P	S	P		
Food sales (supermarkets)*	I									S	P	S				
Funeral service*	M				S	S	P		P	P	P	P	P	P	P	
Gaming facilities*	H									S	P	P		P	P	
Kennels*	M	S	S								S			P	P	§ 410-31.5
Laundry services*	H										P	P	P	P	P	
Liquor sales*	H									S	P	P		P		
Lodging*	H								S	S	P	P	P			
Personal improvement	M						S		P	P	P	P	P	P	P	
Personal services*	M						S		P	P	P	P	P	P	P	
Pet services*	M								P	P	P	P	P	P		
Research services*	M								S	S	P	P	P	P	P	
Restaurants (drive-through or fast-food)*	H								S	S	S	S	S	S	S	
Restaurants (general)*	H								P	P	P	P	P	P	P	
Restricted business*	I										S			P	P	§ 410-31.5
Retail services (limited)	M								P	P	P	P	P			
Retail services (medium)	M								P	P	P	P	P			
Retail services (large)*	H								S	S	S	S				
Retail services (mass)*	I									S	S					

ZONING AND SUBDIVISION

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Stables*	M	P	S													
Surplus sales*	I										P		P	P	P	
Trade services*	M								S	S	P	S	P	P	P	
Travel centers	H									S	P		S	P	P	§ 410-31.5
Truck stops	I										S		S	S	P	§ 410-31.5
Veterinary services (general)*	M	S	S						P	P	P	P	P	P	P	
Veterinary services (large animal)	H	S												P	P	
<b>Parking Uses</b>																
Off-street parking*	H								S		P	S		P	P	
Parking structure*	H									S	P	P	P	P	P	
<b>Transportation Uses</b>																
Aviation (general)*	I	S											S	S	P	
Aviation (private)*	M	S	S											S	S	
Railroad facilities*	I											S	S	P	P	
Truck terminal*	H													S	P	
Transportation terminal*	H									S	P	P	P	P	P	
<b>Industrial Uses</b>																
Agricultural industry*	I	S												S	P	
Construction yards*	H													P	P	
Custom manufacturing	M								S	S	P	P	P	P	P	
Data Center*	M									S	S			S	S	§ 410-31.6
Light industry*	M												S	P	P	
General industry*	H													P	P	
Heavy industry*	I														S	
Recycling collection*	M									S	P	S	S	P	P	
Recycling processing*	H										S			P	P	
Resource extraction*	I	S													S	§ 410-31.6
Salvage services*	I	S													S	§ 410-31.6

SEWARD CODE

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Vehicle storage*	H													S	S	§ 410-31.6
Warehousing (enclosed)*	M	S									S	S	P	P	P	
Warehousing (open)*	H													S	P	
<b>Miscellaneous Uses</b>																
<u>Alternative Energy Production Devices</u>	<u>L</u>	<u>S</u>												<u>S</u>	<u>S</u>	
Amateur radio tower	L	P	P	P	P	P	P	P	P	P	P	S	P	P	P	
Communications tower	M	S	S						S		S	S	P	P	P	
Construction batch plant*	H													S	P	
Landfill (nonputrescible)*	H	S													S	§ 410-31.9
Landfill (putrescible)*	I															§ 410-31.9
WECS	L	P	S	S	S	S	S	S	S	S	S	S	P	P	P	§ 410-31.9
Shipping containers	H	P									S		S	P	P	§ 410-31.13

ORDINANCE NO. 2026-

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SEWARD, CHAPTER 410 ZONING AND SUBDIVISION; TO AMEND ATTACHMENT 1 USE MATRIX; 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 Attachment 1 Use Matrix is amended as follows:

*410 Attachment 1*

**City of Seward Use Matrix**

[Amended 11-20-2018 by Ord. No. 2018-19; 2-8-2019 by Ord. No. 2019-05; 2-19-2019 by Ord. No. 2019-04; 7-16-2019 by Ord. No. 2019-21; 6-16-2020 by Ord. No. 2020-13; 11-17-2020 by Ord. No. 2020-31; 7-6-2021 by Ord. No. 2021-15; 8-17-2021 by Ord. No. 2021-18; 10-4-2022 by Ord. No. 2022-17; 9-16-2025 by Ord. No. 2025-24]

**KEY:**

- P Permitted by right or by right subject to supplemental regulations
- S Permitted by conditional use permit (§ 410-44.3)
- S(x) Expansion of an existing use is permitted subject to approval of a conditional use permit
- E Permitted by right if lawfully existing on the effective date of this chapter
- Blank Use not permitted in zoning district
- \* Use subject to site plan review (§ 410-44.2)

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CB	DB	BP	I-1	I-2	Supplemental Regulations
<b>Agricultural Uses</b>																	
Horticulture	L	P	P														§ 410-31.2
Crop production	L	P	P														§ 410-31.2
Animal production	M	P	P														§ 410-31.2
Confined animal feeding operations	I	S(x)															§§ 410-31.2, 410-31.3
Livestock sales	H	S															
<b>Residential Uses</b>																	
Single-family detached	L	P	P	P	P	P	P	P	P	P	S/E	S/E	E	E	E		
Single-family attached	L			P	P	P	P	P	P	P	S/E	S/E	E	E	E		
Duplex	L			P	P	P	P	P	P	P	S	S	E	E	E		
Two-family*	L			S	S	P	P	S	P	S	S	S					
Townhouse*	L				P	P	P	S	P	P	S	P	E	E	E		
Multiple-family*	M					S	P		P	P	S	P	E	E	E		
Downtown residential*	L								P			P					§ 410-31.3



<b>Commercial Uses</b>																
Agricultural sales/service*	H	S									P		S	P	P	
Auto auction lots*	H										S			P	P	§ 410-31.5
Auto rental/sales*	H								S	P	P	S	P	P		§ 410-31.5
Auto services*	H							S	S	P	P	P	P	P		§ 410-31.5
Aviation maintenance repair*	M									S			P	P		§ 410-31.5
Body repair*	I									P	S	S	P	P		§ 410-31.5
Dog day care	M	S	S					S	S	S	S		S			§ 410-31.5
Equipment rental/sales*	H								S	P	S	S	P	P		§ 410-31.5
Equipment repair*	H									P	S		P	P		§ 410-31.5
Bed-and-breakfast*	L	S	S	S	P	P	P	S	P	P	P	P	S	S	S	§ 410-31.5
Business support services*	M					S		P	P	P	P	P	P	P		
Business/Trade school*	H					S		P	S	P	P	P	P	P		
Campground*	M	S	S							S						§ 410-31.5
Cocktail lounge*	H								S	P	P	P	P	P		
Commercial recreation	H								S	P	P	P	P	P		

<b>Use Types</b>	<b>Impact Rating</b>	<b>AG</b>	<b>R</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RM</b>	<b>UC</b>	<b>C-1</b>	<b>C-2</b>	<b>CBD</b>	<b>BP</b>	<b>I-1</b>	<b>I-2</b>	<b>Supplemental Regulations</b>
(controlled-impact)*																
Commercial recreation (high-impact)*	H	S									P		S	P	P	
Communication service*	M					S			P	S	P	P	P	P	P	
Construction sales/service*	H										P	S	P	P	P	§ 410-31.5
Consumer service*	M								P	P	P	P	P	P	P	
Convenience storage*	H						S					P	P	P	P	§ 410-31.5
Food sales (convenience)*	H								S	P	P	P	S	P	S	
Food sales (limited)*	L								P	P	P	P	S			
Food sales (general)*	M								S	P	P	P	S	P		
Food sales (supermarkets)*	I									S	P	S				
Funeral service*	M				S	S	P		P	P	P	P	P	P	P	
Gaming facilities*	H									S	P	P		P	P	
Kennels*	M	S	S								S			P	P	§ 410-31.5
Laundry services*	H										P	P	P	P	P	
Liquor sales*	H									S	P	P		P		
Lodging*	H								S	S	P	P	P			
Personal improvement	M						S		P	P	P	P	P	P	P	
Personal services*	M						S		P	P	P	P	P	P	P	
Pet services*	M								P	P	P	P	P	P		
Research services*	M								S	S	P	P	P	P	P	
Restaurants (drive-through or fast-food)*	H								S	S	S	S	S	S	S	
Restaurants (general)*	H								P	P	P	P	P	P	P	
Restricted business*	I										S			P	P	§ 410-31.5
Retail services (limited)	M								P	P	P	P	P			

Retail services (medium)	M									P	P	P	P	P			
Retail services (large)*	H									S	S	S	S				
Retail services (mass)*	I										S	S					

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CB	DB	BP	I-1	I-2	Supplemental Regulations
Stables*	M	P	S														
Surplus sales*	I										P			P	P	P	
Trade services*	M								S	S	P	S		P	P	P	
Travel centers	H									S	P			S	P	P	§ 410-31.5
Truck stops	I										S			S	S	P	§ 410-31.5
Veterinary services (general)*	M	S	S						P	P	P	P		P	P	P	
Veterinary services (large animal)	H	S													P	P	
<b>Parking Uses</b>																	
Off-street parking*	H								S		P	S			P	P	
Parking structure*	H									S	P	P		P	P	P	
<b>Transportation Uses</b>																	
Aviation (general)*	I	S												S	S	P	
Aviation (private)*	M	S	S												S	S	
Railroad facilities*	I											S		S	P	P	
Truck terminal*	H														S	P	
Transportation terminal*	H									S	P	P		P	P	P	
<b>Industrial Uses</b>																	
Agricultural industry*	I	S													S	P	
Construction yards*	H														P	P	
Custom manufacturing	M								S	S	P	P		P	P	P	
Data Center*	M									S	S				S	S	§ 410-31.6
Light industry*	M													S	P	P	
General industry*	H														P	P	
Heavy industry*	I															S	
Recycling collection*	M									S	P	S		S	P	P	
Recycling processing*	H										S				P	P	
Resource extraction*	I	S													S	§ 410-31.6	
Salvage services*	I	S													S	§ 410-31.6	

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC	C-1	C-2	CB	DB	BP	I-1	I-2	Supplemental Regulations
Vehicle storage*	H														S	S	§ 410-31.6
Warehousing (enclosed)*	M	S									S	S		P	P	P	
Warehousing (open)*	H														S	P	
<b>Miscellaneous Uses</b>																	
<u>Alternative Energy Production Devices</u>	<u>L</u>	<u>S</u>													<u>S</u>	<u>S</u>	
Amateur radio tower	L	P	P	P	P	P	P	P	P	P	P	S		P	P	P	
Communications tower	M	S	S						S		S	S		P	P	P	

Construction batch plant*	H															S	P	
Landfill (nonputrescible)*	H	S															S	§ 410-31.9
Landfill (putrescible)*	I																	§ 410-31.9
WECS	L	P	S	S	S	S	S	S	S	S	S	S	S	P	P	P		§ 410-31.9
Shipping containers	H	P										S		S	P	P		§ 410-31.13

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

4. Public Hearing 7:30pm: review a text amendment to the City of Seward Unified Land Development Ordinance; Article 44 Administrative Procedures and Penalties, 410-44.8 Board of Adjustment Establishment; Appeals Procedure; 410-44.9 Board of Adjustment Powers and Duties; and 410-44.16 Granting of Variances (exceptions) and conditions.

**APPLICATION TYPE**

**FINAL ACTION?**

**DEVELOPER/OWNER**

ULDO Amendment

**PC HEARING DATE**

**RELATED APPLICATIONS**

**PROPERTY ADDRESS, ZONING DISTRICT/USE**

May 11, 2026

**BRIEF SUMMARY OF REQUEST**

A review of Text Amendments to the City of Seward Unified Land Development Ordinance; Article 44 Administrative Procedures and Penalties, 410-44.8 Board of Adjustment Establishment; Appeals Procedure; 410-44.9 Board of Adjustment Powers and Duties; and 410-44.16 Granting of Variances (exceptions) and conditions.

**APPLICATION CONTACT**

Tim Dworak

City of Seward - Building and Zoning

**ANALYSIS**

Attached are the proposed amendment red line changes to update the Board of Adjustment establishment, appeals procedures, powers and duties to the City Council, 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

**§ 410-44.8. Board of Adjustment establishment; appeals procedure.**

A. Establishment; appointment of members; rules and regulations; meetings.

- (1) A Board of Adjustment is hereby established to provide relief in situations of hardship or to hear appeals as provided by this section. ~~The Board shall consist of five regular members, plus one additional alternate member who shall attend and vote only when one member is unable to attend for any reason.~~
- (2) ~~The City Council shall serve as the Board of Adjustment. Each member shall be appointed by the Mayor with the approval of the City Council for a three-year term and is removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member of the Board shall be appointed from the Planning Commission, and the loss of membership on the Commission by such member shall also result in his/her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board.~~
- (3) The Board of Adjustment shall adopt rules and regulations in accordance with these regulations and the laws of the State of Nebraska pursuant to Neb. RS 19-901 to 19-914. The President of the City council shall serve as the Chairperson. Meetings shall be held at the call of the ~~Chairman~~Chairperson and at such other times as the Board may determine. Such ~~Chairman~~Chairperson, or, in ~~his=~~ their absence, ~~the an~~ acting ~~Chairman~~Chairperson, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. ~~A majority~~ Two-thirds of the Board shall constitute a quorum for the transaction of business.
- ~~(4) At least one member of the Board of Adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction.<sup>†</sup>~~

B. Procedure for appeals.

- (1) Appeals shall be made to the Board of Adjustment through the office of the Zoning Administrator in written form as determined by the Zoning Administrator. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within 30 days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board that by reason of the facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property.
- (2) The Board shall provide a minimum of 10 days' notice of a public hearing on any question before it. Notice of the hearing shall be posted in a conspicuous place on or near the property on which the application has been made; by publication in a newspaper of general circulation in the City of Seward and by written notice to the appealing party.
- (3) Upon the public hearing, any party may appear in person or by agent or attorney. The

concurring vote of ~~four out of five member~~two-thirds of the members of the Seward City Council, acting as the Board of Adjustment, of such Board as so composed shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any Unified Land Development Ordinance, or to effect any variation in such regulations.

**§ 410-44.9. Board of Adjustment powers and duties.**

A. The Board of Adjustment shall have only the following powers and duties:

- (1) Administrative review: to hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Building Official, or his/her designee, in the enforcement of these regulations or any regulation relating to the location or soundness of structures, except that the authority to hear and decide appeals shall not apply to decisions made under Neb. RS 19-929(3).<sup>2</sup>
- (2) Interpretation of Zoning Map: to hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.
- (3) Variances to relieve hardships relating to property: to authorize, upon appeal, variances from the strict application of these regulations where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.
  - (a) Requirements for grant of a variance. No such variance shall be authorized by the Board unless it finds that:
    - [1] Strict application of the zoning regulations will produce undue hardship.
    - [2] Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
    - [3] The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.
    - [4] The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
    - [5] The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to these zoning regulations.
    - [6] The granting of the variance will not cause substantial detriment to the public

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

good and will not substantially impair the intent and purpose of any ordinance or resolution.

(b) Findings by Board. The Board of Adjustment shall make findings that ~~the~~ all requirements of Subsection A(3)(a) have been met by the applicant for a variance.

(c) Conditions for grant of variance.

[1] In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and punishable under § 410-44.15 of these regulations.

[2] Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district.

[3] No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

B. Board has powers of Building Official on appeals; reversing decisions of Building Official.

(1) In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken.

(2) The concurring vote of ~~four two-thirds of the Seward City Council, acting as the Board of Adjustment, members of the Board~~ shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to effect any variation in the application of these regulations.

~~§ 410-44.16. Granting of variances (exceptions) and conditions. [Added 11-1-2005 by Ord. No. 55-05]~~

~~In addition to the exceptions contained in this chapter, the Planning Commission may recommend and the City Council may grant variances from the provisions of these regulations, but only after determining that:~~

~~A.—There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.~~

~~B.—The variance is necessary for the reasonable and acceptable development of the property in question.~~

~~C.—The granting of the variance will not be detrimental to the public or injurious to adjacent and~~

| nearby properties.

ORDINANCE NO. 2026-

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SEWARD, CHAPTER 410 ZONING AND SUBDIVISION, ARTICLE 44.8 BOARD OF ADJUSTMENT ESTABLISHMENT; APPEALS PROCEDURE; TO AMEND ARTICLE 44.9 BOARD OF ADJUSTMENT POWERS AND DUTIES; & TO AMEND ARTICLE 44.16 GRANTING OF VARIANCES (EXCEPTIONS) AND CONDITIONS; 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 §410-44.8 is amended as follows:

§ 410-44.8 **Board of Adjustment establishment; appeals procedure.**

A. Establishment; appointment of members; rules and regulations; meetings.

- (1) A Board of Adjustment is hereby established to provide relief in situations of hardship or to hear appeals as provided by this section. ~~The Board shall consist of five regular members, plus one additional alternate member who shall attend and vote only when one member is unable to attend for any reason.~~
- (2) ~~The City Council shall serve as the Board of Adjustment. Each member shall be appointed by the Mayor with the approval of the City Council for a three-year term and is removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member of the Board shall be appointed from the Planning Commission, and the loss of membership on the Commission by such member shall also result in his/her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board.~~
- (3) The Board of Adjustment shall adopt rules and regulations in accordance with these regulations and the laws of the State of Nebraska pursuant to Neb. RS 19-901 to 19-914. The President of the City Council shall serve as the Chairperson. Meetings shall be held at the call of the ~~Chairman~~ Chairperson and at such other times as the Board may determine. Such ~~Chairman~~ Chairperson, or, in his their absence, the an acting ~~Chairman~~ Chairperson, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. ~~A majority Two-thirds~~ of the Board shall constitute a quorum for the transaction of business.
- (4) ~~At least one member of the Board of Adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction.~~

B. Procedure for appeals.

- (1) Appeals shall be made to the Board of Adjustment through the office of

the Zoning Administrator in written form as determined by the Zoning Administrator. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within 30 days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board that by reason of the facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property.

- (2) The Board shall provide a minimum of 10 days' notice of a public hearing on any question before it. Notice of the hearing shall be posted in a conspicuous place on or near the property on which the application has been made; by publication in a newspaper of general circulation in the City of Seward and by written notice to the appealing party.
- (3) Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of ~~four out of five members~~ two-thirds of the members of the Seward City Council, acting as the Board of Adjustment, of such Board as so composed shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any Unified Land Development Ordinance, or to effect any variation in such regulations.

Section 2. That §410-44.9 is amended as follows:

**§ 410-44.9 Board of Adjustment powers and duties.**

A. The Board of Adjustment shall have only the following powers and duties:

- (1) Administrative review: to hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Building Official, or his/her designee, in the enforcement of these regulations or any regulation relating to the location or soundness of structures, except that the authority to hear and decide appeals shall not apply to decisions made under Neb. RS 19-929(3).<sup>2</sup>
- (2) Interpretation of Zoning Map: to hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.
- (3) Variances to relieve hardships relating to property: to authorize, upon appeal, variances from the strict application of these regulations where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.
  - (a) Requirements for grant of a variance. No such variance shall be authorized by the Board unless it finds that:
    - [1] Strict application of the zoning regulations will produce undue hardship.
    - [2] Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
    - [3] The authorization of such variance will not be of substantial

detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

[4] The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

[5] The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to these zoning regulations.

[6] The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any ordinance or resolution.

(b) Findings by Board. The Board of Adjustment shall make findings that ~~the~~ all requirements of Subsection A(3)(a) have been met by the applicant for a variance.

(c) Conditions for grant of variance.

[1] In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and punishable under § 410-44.15 of these regulations.

[2] Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district.

[3] No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

B. Board has powers of Building Official on appeals; reversing decisions of Building Official.

(1) In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Building Official from whom the appeal is taken.

(2) The concurring vote of ~~four~~ two-thirds of the Seward City Council, acting as the Board of Adjustment, members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to effect any variation in the application of these regulations.

Section 3. That §410-44.16 is amended as follows:

~~§ 410-44.16 Granting of variances (exceptions) and conditions.~~

~~In addition to the exceptions contained in this chapter, the Planning Commission may recommend and the City Council may grant variances from the provisions of these regulations, but only after determining that:~~

- ~~A. There are unique circumstances or conditions affecting the property that are not the result of action by the subdivider.~~
- ~~B. The variance is necessary for the reasonable and acceptable development of the property in question.~~
- ~~C. The granting of the variance will not be detrimental to the public or injurious to adjacent and nearby properties.~~

Section 4. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. 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**

1. Discussion Only: Rod Lyons, Lyons Creek Development, South Half of the Southeast Quarter in Section 14, Township 11 North, Range 3 East of the 6th P.M.

APPROVAL OF THE CITY OF SEWARD PLANNING COMMISSION:  
 THE BELOW PRELIMINARY PLAT "LYONS CREEK DEVELOPMENT" (WORKING TITLE TO BE FINALIZED AND IN PLACE ON FINAL PLAT) HAS BEEN SUBMITTED TO AND APPROVED BY THE SEWARD PLANNING COMMISSION ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

CHAIRPERSON \_\_\_\_\_

SECRETARY OF PLANNING COMMISSION \_\_\_\_\_

APPROVAL OF THE SEWARD CITY COUNCIL:  
 THE BELOW PRELIMINARY PLAT "LYONS CREEK DEVELOPMENT" (WORKING TITLE TO BE FINALIZED AND IN PLACE ON FINAL PLAT) HAS BEEN SUBMITTED TO AND APPROVED BY THE SEWARD CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

MAYOR \_\_\_\_\_

ATTEST: CITY CLERK \_\_\_\_\_

APPROVAL OF THE CITY OF SEWARD ZONING ADMINISTRATOR:  
 THE BELOW PRELIMINARY PLAT "LYONS CREEK DEVELOPMENT" (WORKING TITLE TO BE FINALIZED AND IN PLACE ON FINAL PLAT) HAS BEEN SUBMITTED TO AND APPROVED BY THE SEWARD ZONING COMMITTEE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

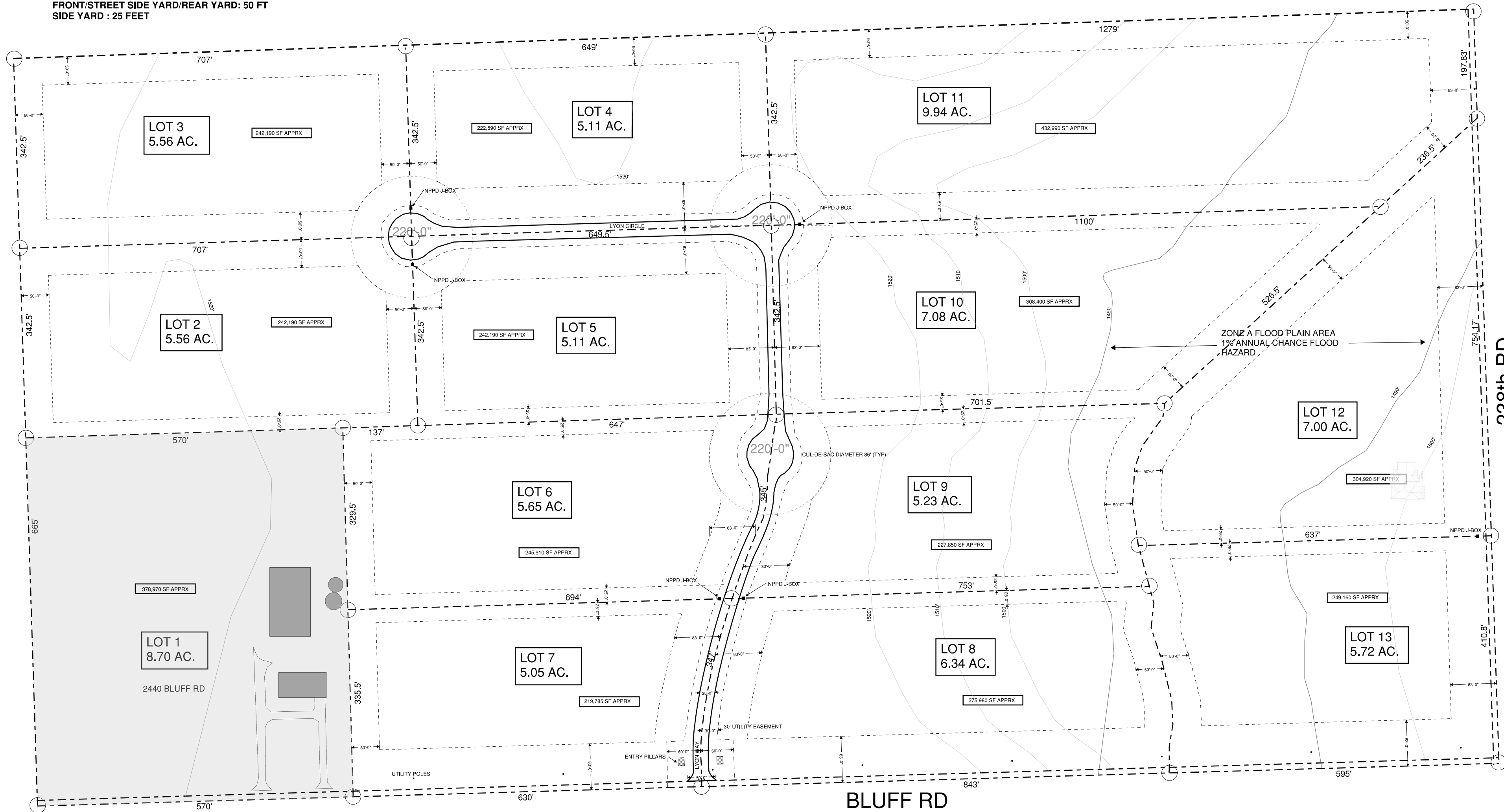
SEWARD ZONING ADMINISTRATOR \_\_\_\_\_



**ZONING INFORMATION:**

PRESENT ZONING - AG  
 REQUESTED ZONING - RR  
 LOTS - 12

SETBACKS SHOWN - RR  
 FRONT/STREET SIDE YARD/REAR YARD: 50 FT  
 SIDE YARD : 25 FEET



**PRELIMINARY PLAT**

\*CUSTOM SCALE USED BASED OFF GIS\*  
 1" = 136.25'

**LEGAL DESCRIPTION:**

THE SOUTH HALF OF THE SOUTHEAST QUARTER (S1/2 SE1/4) OF SECTION FOURTEEN (14), TOWNSHIP ELEVEN (11) NORTH, RANGE THREE (3), EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA

**LEGEND:**

- FLOOD PLAIN AREA
- - - - - BUILDABLE AREA
- - - - - LOT LINES
- - - - - LOT PIN LOCATIONS
- PRELIMINARY TOPOGRAPHY
- PROPOSED JBOX LOCATION FOR NPPD (REVIEWED BY NPPD)

1. ALL DIMENSIONS AND LABELS ARE APPROXIMATE AND TO BE FIELD VERIFIED AND SURVEYED INTO FINAL LEGAL PLAT AFTER APPROVAL TO PROCEED. THIS IS FOR PLANNING PURPOSES ONLY.

2. THIS PLAT IS REPRESENTATIVE OF LAND LOCATED AT 14-11-3 S 1/2 SE 1/4 80 AC.

3. LOT 1 IS AN EXISTING PROPERTY THAT IS APPROXIMATELY LOCATED AS SHOWN.

4. PRIVATE DRIVEWAY EASEMENT CONSTRUCTED AND NOT DEVELOPED FOR FUTURE ARTERIAL USE. LOT OWNERS WILL HAVE EXCLUSIVE EASEMENT RIGHTS FOR ONLY AUTHORIZED USE.

5. LOTS 12 AND 13 WILL HAVE PRIVATE DRIVEWAY ACCESS FROM 238TH RD.

6. FUTURE OWNERS OF LOTS WILL BE RESPONSIBLE FOR SWPPP/DRAINAGE PLANS, WELL INSTALLATIONS, SEPTIC INSTALLATIONS, AND PERC TESTS AT TIME OF BUILDING PERMIT

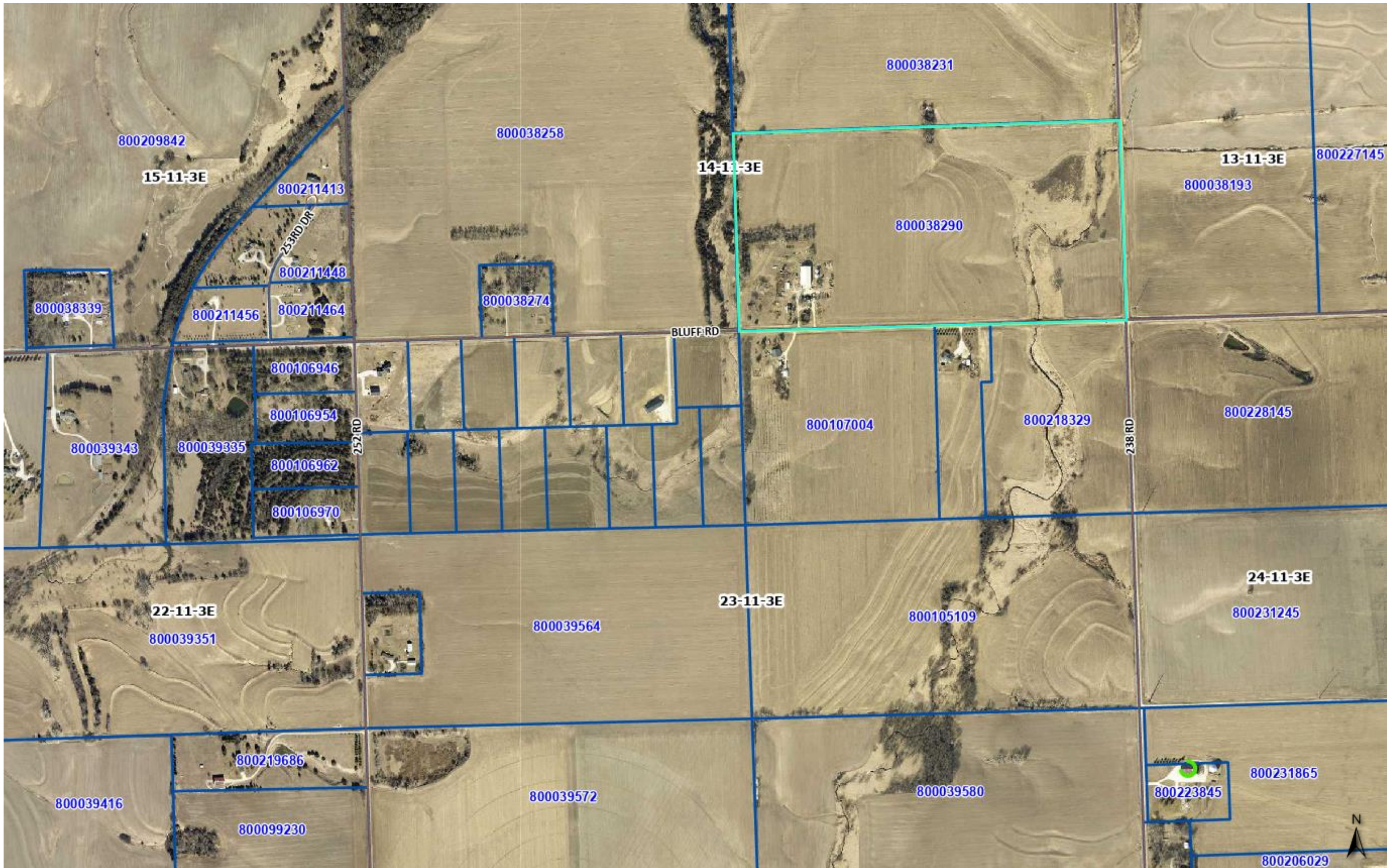
SCHEELE-KAYTON  
CUSTOM HOMES

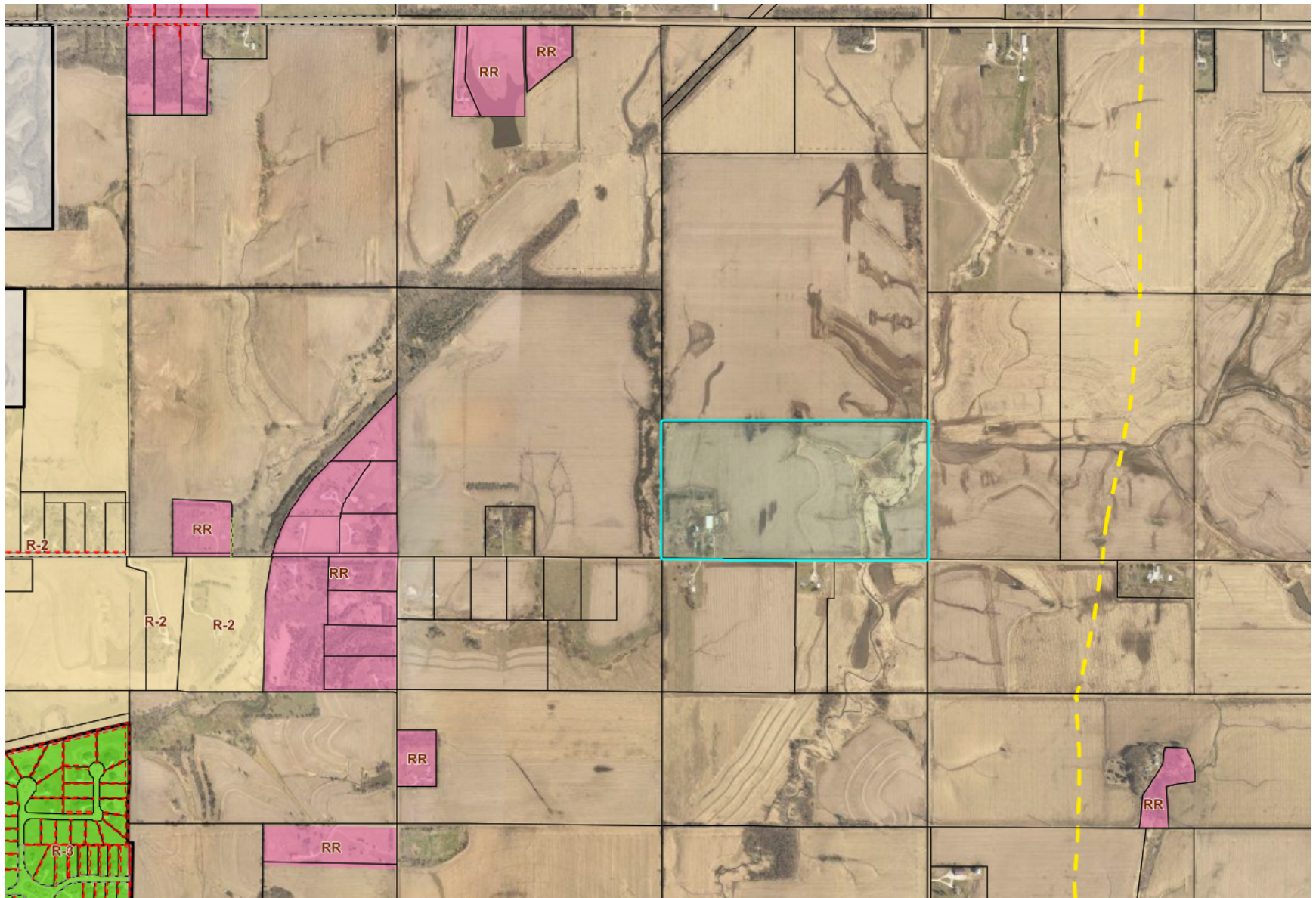


OWNER INFORMATION:  
 RODNEY LYON  
 2440 BLUFF ROAD  
 SEWARD, NE 68434

DATE : 4/9/2026

LYONS CREEK DEVELOPMENT  
 (FORMAL TITLE TBD)  
 14-11-3 S 1/2 SE 1/4 80AC





**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