



A UNIFIED LAND DEVELOPMENT ORDINANCE FOR THE CITY OF SEWARD

ZONING AND SUBDIVISION REGULATIONS

PREPARED WITH THE
CITY OF SEWARD
BY
RDG CROSE GARDNER SHUKERT

August, 2003

TABLE OF CONTENTS

GENERAL PROVISIONS AND DEFINITIONS

Article 1: General Provisions.....	1
Article 2: Definitions.....	3
Article 3: Use Types.....	22

ZONING DISTRICT REGULATIONS

Article 4: Zoning District Regulations.....	41
Article 5: AG Agriculture District.....	59
Article 6: RR Rural Residential.....	61
Article 7: R-1 Urban Residential Single-Family District (Low-Density).....	62
Article 8: R-2 Urban Residential Moderate Density District.....	63
Article 9: R-3 Urban Residential Mixed Density District.....	65
Article 10: R-4 Urban Residential Multi-family District (High Density).....	67
Article 11: RM Mobile Home Residential District.....	69
Article 12: UC Urban Corridor Mixed Use District.....	71
Article 13: C-1 Community Commercial/Mixed Use District.....	74
Article 14: C-2 Highway Commercial District.....	76
Article 15: CBD Downtown Seward Mixed Use District.....	77
Article 16: BP Business Park District.....	78
Article 17: I-1 Limited Industrial District.....	79
Article 18: I-2 General Industrial District.....	80
Article 19: Reserved.....	81

SPECIAL AND OVERLAY DISTRICTS

Article 20: Special Districts.....	82
Article 21: MU Mixed Use District.....	83
Article 22: U/MU University Mixed Use District.....	86
Article 23: C/OS Conservation and Open Space District.....	88
Article 24: Overlay Districts.....	89
Article 25: PUD Planned Unit Development District.....	90
Article 26: TND Traditional Neighborhood Design District.....	96
Article 27: RC Rural Conservation Development Overlay District.....	99
Article 28: HD Historic & Neighborhood Conservation Overlay District.....	106
Article 29: FP/FW Floodplain/Floodway Overlay District.....	108
Article 30: AV Aviation Overlay District.....	121

SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

Article 31: Supplemental Use Regulations.....	124
Article 32: Supplemental Development Regulations.....	145

LANDSCAPING AND SCREENING STANDARDS

Article 33: Landscaping and Screening Standards.....	153
Article 34: Off-Street Parking.....	159

SIGN REGULATIONS

Article 35: Sign Regulations.....	170
Article 36: Reserved.....	187

SUBDIVISION REGULATIONS

Article 37: Subdivisions: Basic Conditions.....	188
Article 38: Subdivision Approvals and Procedures.....	190

Article 39: Subdivision Design Criteria and General Standards.....	200
Article 40: Circulation System Design.....	203
Article 41: Public Improvements and Infrastructure.....	213
Article 42: Improvement Financing and Guarantees.....	223
NONCONFORMING DEVELOPMENT	
Article 43: Nonconforming Development.....	227
Article 44: Administration and Procedures.....	230

ARTICLE 1

GENERAL PROVISIONS

11.101 Title

This title of the Seward, Nebraska Municipal Code shall be known as the Unified Land Development Ordinance of the City of Seward.

11.102 Jurisdiction

The provisions of this ordinance shall be applicable to all property within the corporate limits of the City of Seward and its two-mile extra-territorial jurisdiction as provided by Chapter 19, Article 9, Sections 19-901 through 19-929, and Chapter 16, Article 9, Sections 16-901 through 16-904, Revised Statutes of Nebraska, 1943, with the exception of those properties owned or acquired by municipal, county, or state government for the advancement of government projects or purposes.

11.103 Purpose

The purposes of the Unified Land Development Ordinance of the City of Seward are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmentally sensitive areas.
- f. Further the objectives of the Comprehensive Development Plan of the City of Seward.

11.104 Consistency with Comprehensive Development Plan

The City of Seward intends that this Unified Land Development Ordinance and any amendments to it shall be consistent with the City's Comprehensive Development Plan. It is the City's intent to amend this ordinance whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Development Plan.

11.105 Conflicting Provisions

The Unified Land Development Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Unified Land Development Ordinance conflicts with any other provision of the Unified Land Development Ordinance, any other Ordinance of the City of Seward, or any applicable State or Federal law, the more restrictive provision shall apply.

11.106 Relief from Other Provisions

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

11.108 Severability of Provision

If any chapter, section, clause, or phrase of this Unified Land Development Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

11.109 Publication

This Ordinance shall be published in book or pamphlet form and shall, together with the maps being a part hereof, shall be filed with the City Clerk of the City of Seward, Nebraska.

ARTICLE 2

DEFINITIONS

11.201 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Unified Land Development Ordinance. The meaning and construction of words as set forth shall apply throughout the Unified Land Development Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

11.202 General Construction of Language

The following general rules of construction apply to the text of the Unified Land Development Ordinance.

a. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of the Unified Land Development Ordinance.

b. Illustration

In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

c. Shall, Must, and May

“Shall” and “must” are always mandatory. “May” is discretionary.

d. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items or provisions apply.
2. “Or” indicates that the connected items or provisions may apply singly or in any combination.
3. “Either ... or” indicates that the connected items or provisions shall apply singly but not in combination.

General Provisions and Definitions

f. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Ordinance are those of the City of Seward.

11.203 Definition of Terms

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.

11.204 A

1. **Abutting:** Having lot lines or district boundaries in common. Use interchangeably with adjacent.
2. **Accessory Structure:** A structure that is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use that is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **ADT or Average Daily Traffic:** The average number of motor vehicles per day that pass over a given point or segment of street.
6. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
7. **Alley:** A public right of way, other than a street and twenty feet or less in width which is used as a secondary means of access to abutting property.
8. **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.
9. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
10. **Approving Authority:** The City Council of the City of Seward or its designee.
11. **ASCE:** The American Society of Civil Engineers.
12. **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.

11.205 B

1. **Base Zoning District:** A district established by this Ordinance 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.
2. **Basement:** A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
3. **Beginning of Construction:** The initial incorporation of labor and materials within the foundation of a building or structure.
4. **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 non-motorized transportation or recreational movement, but will also accommodate motorized vehicles, such as motorized wheelchairs, designed specifically to provide access to people with disabilities.
5. **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.
6. **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 Seward.
7. **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 Ordinance.
8. **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.
9. **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.
10. **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.
11. **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.
12. **Building Elevation:** An exterior wall of a building exposed to public view.
13. **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.

General Provisions and Definitions

14. **Building Line:** The outer boundary of a building established by the location of its exterior walls.
15. **Building Official:** The city official, designated by the City Council, who is responsible for the enforcement of the applicable building code and conditional uses.
16. **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 ten (10) acres in size as regulated by this Ordinance or by the applicable building codes of the City of Seward. 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.
17. **Business:** Activities that include the exchange or manufacture of goods or services on a site.
18. **Business Center:** A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

11.206 C

1. **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.
2. **Centerline Offset:** The distance between the centerline of roads intersecting a common road from the same or opposite sides.
3. **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 finding of conformance with the applicable building code and this Unified Land Development Ordinance.
4. **Change of Use:** The replacement of an existing use type by a new use type.
5. **Channel:** The bed or banks of a natural stream or drainageway that convey the constant or intermittent flow of water, including storm run-off.
6. **City:** The City of Seward, Nebraska.
7. **City Council:** The City Council of Seward, Nebraska.
8. **Common Area:** An area held, designed, and designated for common or cooperative use within a development.
9. **Common Development:** A development proposed and planned as one unified project not separated by a public street or alley.
10. **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.

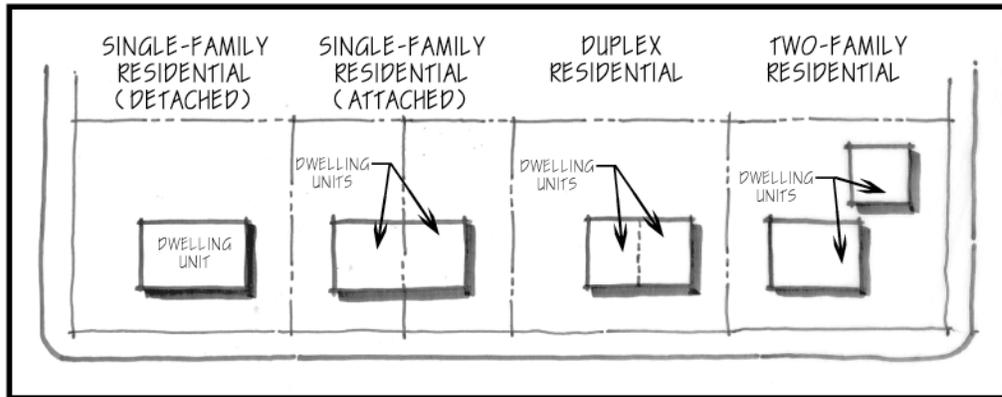
General Provisions and Definitions

11. **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.
12. **Comprehensive Plan:** The duly adopted Comprehensive Development Plan of the City of Seward.
13. **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.
14. **Special 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, as provided by Section 11.4403 of this Ordinance.
15. **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.
16. **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.
17. **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 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.
18. **County:** Seward County, Nebraska.
19. **Courtyard:** An open, unoccupied space, bounded on two or more sides by the walls of the building.
20. **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.
21. **Creative (or Innovative) Development or Subdivision:** A subdivision that, while complying with the Subdivision Ordinance, 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.
22. **Cul-de-sac:** A local street with only one outlet and with an opposite end providing for the reversal of traffic.
23. **Curb:** A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

11.207 D

1. Dedication: A grant of land to the City or another public agency for a public purpose.
2. Density: The amount of development per specific unit of a site.
3. Design standards: Standards that set forth specific improvement requirements.
4. 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.
5. 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.
6. Developer: The legal owner(s) or authorized agent of any land engaged in a proposed development.
7. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
8. 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.
9. Drive-in Services: Uses that involve the sale of products or provision of services to occupants in vehicles.
10. Drainage: The removal of surface or ground water from land by drains, grading, or other means.
11. Drainage system: The system through which water flows from the land.
12. Driveway: A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.
13. 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.

General Provisions and Definitions



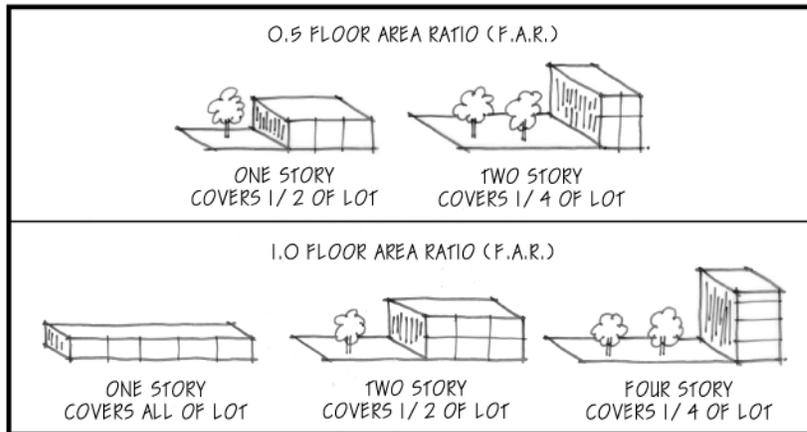
11.208 E

1. 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.
2. Enclosed: A roofed or covered space fully surrounded by walls.
3. Existing Use: The use of a lot or structure at the time of the effective date of this Ordinance.

11.209 F

1. Family: One (1) 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. 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.
2. 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.
3. Federal: Pertaining to the Government of the United States of America.
4. 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.
5. Floor Area Ratio (FAR): The quotient of gross floor area of all buildings on a site divided by gross site area of the site.

General Provisions and Definitions



6. Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court from which access is permitted.

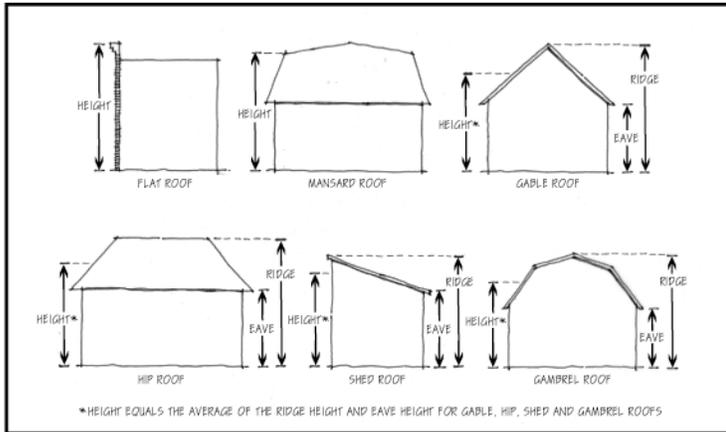
11.210 G

1. Garage: An accessory building or portion of a main building used primarily for storage of motor vehicles.
2. 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.
3. 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.

11.211 H

1. 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.

General Provisions and Definitions



2. 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.
3. Housing Unit or Dwelling 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.

11.212 I

1. 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.

11.213 I

11.214 K

11.215 L

1. 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.

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

General Provisions and Definitions

- (a) Serves twelve 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.

3. 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.

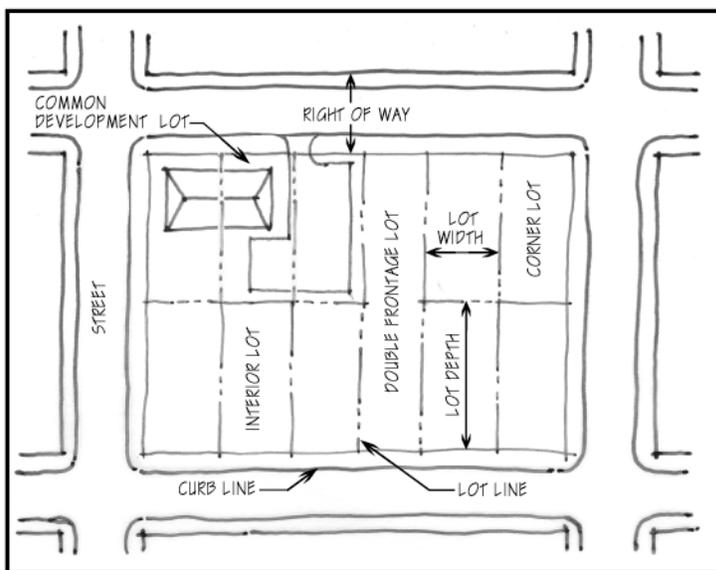
4. Lot: A platted parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the Office of the Seward County Register of Deeds. Each individual lot is subject to the provisions of a particular base Zoning District, and shall 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 degrees.

(b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two non-intersecting 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 ordinance. (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 ordinance.



4. Lot Area: The total horizontal area within the lot lines of a lot.

5. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.

General Provisions and Definitions

6. 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 or 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.

7. 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.

11.216 M

1. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.

2. Major subdivision: Any subdivision not defined and approved as a minor subdivision.

3. Manufactured Home Dwelling: A dwelling unit built in compliance with National Manufactured Housing Construction and Safety Standards Act, 42USC 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 Section 71-1559 of the Nebraska Revised Statutes.

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:

a. Any dwelling unit shall have no less than nine hundred (900) square feet of floor area.

b. Any dwelling shall have no less than eighteen (18) feet exterior width.

c. The roof shall be pitched with a minimum vertical rise of two (2) and one-half (1/2) inches for each twelve (12) inches of horizontal run.

d. The exterior shall be of a color, material and scale comparable with existing residential site-built single-family dwellings. The home shall have a non-reflective roof material, which is or simulates asphalt or wood shingles, tile or rock.

General Provisions and Definitions

- e. The dwellings shall have wheels, axles, transporting lights, and removable towing apparatus removed if present.
- f. The dwelling shall be placed upon a permanent foundation approved by the City of Seward.
- g. All utility services shall be directly connected to the structure.

B. Manufactured homes which do not meet all of the standards in paragraph (1.) above, may be placed in a manufactured home park or as permitted by code, provided the structure is transportable in one (1) or more sections which in the traveling mode are eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, are three hundred twenty (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.

4. **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 pre-existing zoning requirements; and has not been subject to a previous administrative or minor subdivision.

5. **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.

6. **Mixed Use Development:** A single development that incorporates complementary land use types into a single development.

7. **Mobile Homes:** 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 US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.

8. **Mobile Home Park:** A unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient 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.

9. **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.

10. **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 Ordinance.

11. **Moving lane:** Any traffic lane within a cartway where traffic movement is the primary or sole function.

General Provisions and Definitions

11.217 **N**

1. **Nonconforming Development:** A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Unified Development Ordinance but which complied with applicable regulations at the time of construction.
2. **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 Development Ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.
3. **Nonconforming Sign:** A sign that was legally erected prior to the adoption, revision, or amendment of this Unified Development Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Unified Development Ordinance.
4. **Nonconforming Structure:** A structure which was lawful prior to the adoption, revision, or amendment of this Unified Development Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Unified Development Ordinance. No action can be taken which would increase the non-conforming characteristics of the structure.
5. **Nonconforming Use:** A land use which was lawful prior to the adoption, revision, or amendment of this Unified 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 non-conforming characteristics of the land use.
6. **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.

11.218 **O**

1. **Off-site:** Located outside the boundaries of the parcel that is the subject of an application.
2. **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.
3. **Outdoor Storage:** The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
4. **Overlay District:** A district established by this Ordinance that prescribes special regulations to be applied to a site only in combination with a base district.
5. **Owner:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

11.219 **P**

1. **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 Development Ordinance. Parking facilities include parking lots, private garages, and

General Provisions and Definitions

parking structures. Vehicle storage is a use distinct from parking. Vehicle storage is also governed by applicable provisions of Section 34, Parking Regulations.

2. **Parking Lane:** A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
3. **Parking Spaces:** 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.
4. **Paved:** Permanently surfaced with poured concrete, concrete pavers, or asphalt.
5. **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 Ordinance.
6. **Permitted Use:** A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Unified Development Ordinance.
7. **Planning Commission:** The Planning Commission of the City of Seward.
8. **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.
9. **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 ten 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.
10. **Porch, Unenclosed:** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
11. **Premises:** A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
12. **Principal use:** The main use of land or structures as distinguished from an accessory use.

General Provisions and Definitions

13. 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.

14. 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.

11.220 Q

11.221 R

1. 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.

2. Regulation: A specific requirement set forth by this Unified Development Ordinance that must be followed.

3. Remote Parking: A supply of off-street parking at a location not on the site of a given development.

4. 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.

5. Rural Subdivisions: 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.

11.222 S

1. 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.

2. 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.

General Provisions and Definitions

3. **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.
4. **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 ordinance.
5. **Setback:** The distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.
6. **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.
7. **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.
8. **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 ordinance.
9. **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.
10. **State:** The State of Nebraska.
11. **Storm Sewer:** A conduit that conducts storm drainage from a development or subdivision, ultimately to a drainageway or stream.
12. **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.
13. **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

General Provisions and Definitions

14. **Street, Arterial:** Street 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.

15. **Street, Collector:** A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.

16. **Street, Designed:** A future street designated on the Comprehensive Development Plan to insure 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.

17. **Expressway:** A major street with limited access for high traffic speeds and volumes designed to move traffic around the city rather than through it.

18. **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.

19. **Street, Local:** A street which is used primarily for access to the abutting properties.

20. **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.

21. **Street Yard:** The distance between a lot line adjacent to a public street and the wall or façade 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 façade from the street lot line.

22. **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.

23. **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 ten acres or less.

11.223 I

1. **Townhouse:** A dwelling unit having a common wall with or abutting one 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.

2. **Townhouse Structure:** A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

General Provisions and Definitions

11.224 U

1. Urban Subdivision: A residential subdivision generally located within the corporate limits of the City of Seward or less than 1/2 mile of such corporate limits; or within an area designated for future urban development by the Comprehensive Development Plan.
2. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
3. Utilities: Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, storm water, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

11.225 V

1. Vacation: The official abandonment of public right-of-way or easement by the City in accordance with State law.
2. Variance: A modification of the application of certain regulations or provisions of this Ordinance by the Board of Adjustment, under the authority provided by this Ordinance and State Statutes.
3. Vehicle, motor: Any passenger vehicle, motorcycle, recreational vehicle, or truck that is propelled or drawn by mechanical power.

11.226 W

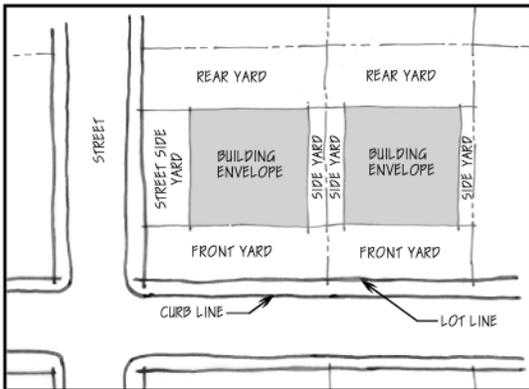
11.227 X

11.228 Y

1. 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 ordinance.
 - (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 to rear lot lines, lying between the side yard setback line and the interior lot line.

General Provisions and Definitions

(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.



11.229 Z

1. Zoning Administrator: The city official authorized by the City Council to administer this Unified Development Ordinance.

2. 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.

ARTICLE 3

USE TYPES

11.301 Purpose

Article Three shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

11.302 Determinations

a. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Zoning Administrator of the City of Seward shall have the authority to determine the appropriate use type. A determination of the Zoning Administrator may be appealed to the Board of Adjustment. In making such determinations, the Zoning Administrator and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

b. Records

The Zoning Administrator shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

11.303 Agricultural Use Types

Agricultural use types include the planting, cultivating, harvesting, and storage of grains, hay, or plants commonly grown in Seward or Seward Counties; or the raising and feeding of livestock or poultry.

a. Horticulture

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

b. Crop Production

The raising and harvesting of tree crops, row crops or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

c. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational or educational use. Typical uses include grazing, ranching, free ranch dairy farming, and poultry farming.

General Provisions and Definitions

d. Confined Animal Feeding Operation (CAFO)

The use of a site of any size for the confined feeding or holding of 1,000 or more animal units of livestock or poultry, or of a site with a gross density of 2 or more animal units per acre, within buildings, lots, pens, or other close quarters which are not used for crop production or where grazing of natural vegetation is not the major feed source. Livestock and poultry shall include any animal or fowl that are used primarily for use as food or food products for human consumption, or for laboratory or testing purposes. A CAFO does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed. For the purpose of calculating animal units, the animal unit equivalents for each type of livestock are established as follows:

<u>Type of Livestock</u>	<u>Equivalent Animal Units Per Acre</u>
Slaughter and feed cattle	1.00
Mature dairy cattle	1.40
Swine	0.75
Sheep	0.20
Horses	2.00
Turkeys	0.20
Ducks	0.20
Chickens	0.10

e. Livestock Sales

The use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sales barns.

11.304 Residential Use Types

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

a. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family. Mobile home units, as defined by this Section, are not a single-family residential use type.

1. Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
2. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot.

b. Duplex Residential

The use of a legally-described lot for two dwelling units, each occupied by one family within a single building, excluding manufactured or mobile home units, but including modular housing units.

General Provisions and Definitions

c. Two-Family Residential

The use of a site for two dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit.

d. Townhouse Residential

The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

e. Multiple-Family Residential

The use of a site for three or more dwelling units within one building not otherwise defined as townhouse units.

f. Downtown Residential

The use of upper levels above street level of a building within the Central Business District of the City of Seward for single- or multiple-family residential uses.

g. Group Residential

The use of a site for the residence of more than three unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. Group Residential uses are limited to facilities that are officially recognized or operated by a college or university, government agency, or nonprofit organization. Typical uses include fraternity or sorority houses and dormitories not incorporated into a College and University use type.

h. Lodging House

The use of a site for the residence of more than four unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units.

i. Manufactured Home Residential

Use of a site for one or more manufactured home dwellings, as defined in Section 11.216.

j. Mobile Home Park

Use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility.

k. Mobile Home Subdivision

Division of a tract of land into lots that meet all the requirements of the City of Seward's subdivision ordinance for the location of mobile homes. Generally, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot.

General Provisions and Definitions

1. Retirement Residence

A building or group of buildings which provide residential facilities, provided that 75% of the residents are at least sixty years of age, or households headed by a householder of at least sixty years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

11.305 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses that are strongly vested with social importance.

a. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

b. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

c. Clubs

Uses providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests.

1. Clubs (Recreational): Clubs that provide indoor and/or outdoor athletic facilities, with or without social or meeting facilities. Typical uses include country clubs, private or nonprofit community or recreation centers, and private golf courses and driving ranges.
2. Clubs (Social): Clubs that provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations.

d. College and University Facilities

An educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

e. Convalescent Services

A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing

General Provisions and Definitions

care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

f. Cultural Services

A library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

g. Day Care Services (Limited)

This Use Type includes all classifications of day care facilities regulated by the State of Nebraska that operate providing care for not more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

h. Day Care Services (General)

This Use Type includes all classifications of day care facilities regulated by the State of Nebraska that operate providing care for more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

i. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

j. Emergency Residential Services

A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

k. Group Care Facility

A facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than four unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the:

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight persons.
3. Rehabilitation from the effects of drug or alcohol abuse.
4. Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.

General Provisions and Definitions

l. Group Home

A facility licensed by the State of Nebraska in which no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental retardation.

m. Guidance Services

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

n. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.

o. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.

p. Maintenance Facilities

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

q. Park and Recreation Services

Publicly owned and operated parks, playgrounds, recreation facilities including publicly-owned community centers, and open spaces.

r. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.

s. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Nebraska.

t. Public Assembly

Facilities owned and operated by a public agency, charitable nonprofit, or private organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes.

General Provisions and Definitions

Typical uses include civic or community auditoriums, sports stadiums and arenas, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

u. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Nebraska shall constitute prima facie evidence of religious assembly use.

v. Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

w. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Nebraska.

x. Utilities

Any above ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

11.306 Office Use Types

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

a. Corporate Offices

Use of a site for administrative, processing, or research offices, which generally does not provide service to clientele from Seward and the surrounding region. Corporate offices are destinations for commuters drawn from a relatively wide region around Seward, as well as from the community itself. Typical uses include corporate headquarters offices, telemarketing, or information processing offices.

b. General Offices

Use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices.

c. Financial Services

Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, credit unions,

General Provisions and Definitions

savings banks, and loan companies. An ATM (Automatic Teller Machine) that is not accompanied on-site by an office of its primary financial institution is considered within the Personal Services Use Type. The Financial Services use type is divided into two categories. Financial Services A includes less than 4,000 square feet of floor area and has no more than two drive-up lanes (including ATM lanes). Financial Services B includes 4,000 square feet or more of floor area and/or has more than two drive-up lanes.

d. Medical Offices

Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical practitioners licensed for practice in the State of Nebraska.

The Medical Offices use type is divided into two categories. Medical Offices A includes less than 3,000 square feet of floor area. Medical Offices B includes 3,000 square feet or more of floor area.

11.307 Commercial Use Types

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

a. Agricultural Sales and Service

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

b. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. **Automobile Auction Lots:** Sale of motor vehicles through a process of periodic auctions or bid procedures. Automobile auction lots usually include large on-site storage areas of motor vehicles and lack showrooms, auto repair facilities and other structures and facilities that are typical of new car dealerships.
2. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
3. **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
4. **Body Repair:** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural

General Provisions and Definitions

implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.

5. **Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

6. **Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

c. Bed and Breakfast

A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than four units, and accommodate each guest or visitor for no more than 14 consecutive days during any one month period.

d. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying.

e. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

f. Campground

Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than 14 consecutive days during any one month period.

g. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

General Provisions and Definitions

h. Commercial Recreation (Controlled Impact)

Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Controlled Impact Commercial Recreation uses typically take place entirely within enclosed buildings or, when outdoors, have limited effects related to lighting, hours of operation, or noise. Typical uses include theaters, private dance halls, billiard or bowling centers, game arcades, indoor skating facilities, miniature golf courses, and private golf courses.

i. Commercial Recreation (High Impact)

Private businesses, or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. High Impact Commercial Recreation uses are typically located outdoors and have operating effects caused by lighting, noise, traffic, or hours of operation that create substantial environmental impacts. Typical uses include shooting ranges, lighted driving ranges, go-kart tracks, amusement parks, race tracks, and private baseball complexes.

j. Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast and communications towers, and their minor ancillary ground structures are classified as "Miscellaneous Use Types."

k. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.

l. Consumer Services

Establishments that provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

m. Convenience Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

n. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food Sales establishments may include the sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

General Provisions and Definitions

1. Convenience Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and the sales of fuel for motor vehicles.
2. Limited Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
3. General Food Sales: Establishments selling a wide variety of food commodities and related items, using facilities larger than 10,000 but less than 40,000 square feet. Typical uses include grocery stores and locker plants.
4. Supermarkets: Establishments selling a wide variety of food commodities, related items, and often providing a variety of non-food goods and services, using facilities larger than 40,000 square feet. Typical uses include large grocery stores.

o. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

p. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to regulations of the City of Seward and/or the State of Nebraska.

q. Kennels

Boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which more than four animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities; pet motels, or dog training centers.

r. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plans, diaper services, or linen supply services.

s. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

General Provisions and Definitions

t. Lodging

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels.

u. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, handicraft and hobby instruction.

v. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or dry cleaning stations serving individuals and households. Personal Services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the State of Nebraska when performing massage services as a part of the profession or trade for which licensed or persons performing massage services under the direction of a person so licensed; or persons performing massage services or therapy pursuant to the written direction of a licensed physician.

w. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

x. RV (Recreation Vehicle) Storage

Establishments that include the storage and/or display of boats, campers, and motorized recreational vehicles for the purpose of rental or sale.

y. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

z. Restaurants

A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use.

1. Restaurant (Drive-in or Fast Food): An establishment that principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.

General Provisions and Definitions

2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.

aa. Restricted (or Adult) Businesses

Any business activity that offers the opportunity to view specified sexual activities or view and touch specified anatomical areas in a manner that lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet this criteria if the sale of such material constitutes more than 20% of the sales or retail floor area of the establishment. For the purposes of this definition, specified anatomical areas include the following if less than opaquely covered: human genitals, the pubic region, pubic hair, or the female breast below a point immediately above the top of the areola. Specified sexual activities include any of the following conditions:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts or representations of acts of human masturbation, sexual intercourse with humans or animals, oral sex, or flagellation.
- (3) Fondling or erotic touching of human genitals, public region, buttock, or female breast.
- (4) Excretory functions as part of or in connection with any activities set forth in (1) through (3) above.

Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize primarily sexual content in their inventory and marketing practices; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters. Businesses may be classified as adult entertainment businesses without regard to service of alcoholic beverages.

bb. Retail Services

Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). General Retail Services include:

1. Limited Retail Services: Establishments providing retail services, occupying facilities of 3,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Seward and its surrounding vicinity.

General Provisions and Definitions

2. Medium Retail Services: Establishments providing retail services, occupying facilities between 3,001 and 10,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Seward and its surrounding vicinity.

3. Large Retail Services: Establishments providing retail services, occupying facilities between 10,001 and 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general retailing oriented to Seward and its surrounding vicinity.

4. Mass Retail Services: Establishments providing retail services, occupying facilities over 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for general retailing oriented to Seward and the surrounding region.

cc. Stables and/or Riding Academies

The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

dd. Surplus Sales

Businesses engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales uses sometimes include regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators.

ee. Trade Services

Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

ff. Travel Centers

Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks, in which less than 30% of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for Diesel fuel, truck washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near Interstate Highways or other principal State and Federal designated highway routes.

gg. Truck Stops

Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks, in which 30% or more of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for Diesel fuel, truck washing facilities, truck parking areas, and associated maneuvering

General Provisions and Definitions

areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near Interstate Highways or other principal State and Federal designated highway routes.

hh. Vehicle Storage (Short-term)

Short-term storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage. Long-term storage beyond 21 days constitutes an Industrial Use Type.

ii. Veterinary Services (General)

Veterinary services and hospitals for small animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoria, and veterinary hospitals for livestock and large animals.

jj. Veterinary Services (Large Animal)

Veterinary services and hospitals for large animals such as cows, bulls, horses, and other livestock. Typical uses include veterinary hospitals for livestock and large animals.

11.308 Parking Use Types

a. Off-Street Parking

Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.

b. Parking Structure

The use of a site for a multilevel building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

11.309 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by nonagricultural methods, and the storage and distribution of products.

a. Agricultural Industry

Establishments which include the storage, manufacture, sale, or distribution of agricultural supplies or products that create major external effects, including substantial truck or rail traffic and/or significant potential for hazard. Typical uses include grain elevators, storage of agricultural chemicals such as anhydrous ammonia. Agricultural industries do not include retailers of farm equipment or other, generally non-hazardous agricultural supplies.

General Provisions and Definitions

b. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

c. Custom Manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, candle making shops.

d. Light Industry

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

e. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines, but often including outdoor storage of materials or products.

f. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

g. Recycling Collection

Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

General Provisions and Definitions

h. Recycling Processing

Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

i. Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding site grading for a specific construction project or preparation of a site for subsequent development. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and removal of dirt for off-site use.

j. 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. Typical uses include automotive wrecking yards, junkyards, or paper salvage yards.

k. Vehicle Storage (Long-term)

Long-term storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage. Long-term storage of 21 days or less constitutes a Commercial Use Type.

l. Warehousing (Enclosed)

Uses including storage, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

m. Warehousing (Open)

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.

11.310 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

a. Aviation (General)

Airports, including take-off and landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Typical uses include private or municipal airports.

b. Aviation (Private)

Take-off or landing strips or fields within a parcel generally put to other uses and primarily used for the convenience of the owner of the parcel. Typical uses include private airstrips within a large property.

General Provisions and Definitions

c. Railroad Facility

Fixed railroad facilities, including switching yards, equipment servicing facilities, and freight terminal facilities, but not including normal right-of-way.

d. Transportation Terminal

Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities.

d. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

11.311 Miscellaneous Type Uses

a. Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities.

b. Amateur Radio Tower

A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC licensed Amateur Radio operators.

c. Communications Tower

A structure(s) for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Typical uses include broadcasting towers and cellular communications towers.

d. Construction Batch Plant

A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

e. Landfill A (Non-putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

f. Landfill B (Putrescible and Non-putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Nebraska. Typical disposal material would

General Provisions and Definitions

include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.

g. Wind Energy Conservation System (WECS)

Any device that converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

ARTICLE 4

ZONING DISTRICT REGULATIONS

11.401 Purpose

Zoning Districts are established in the Zoning Regulations to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

4.2 Establishment of Districts

The following base districts and overlay districts are hereby established.

BASE ZONING DISTRICTS

DISTRICT NAMES

AG	Agricultural/Urban Reserve District
RR	Rural Residential District
R-1	Urban Residential Low-Density District
R-2	Urban Residential Moderate-Density District
R-3	Urban Residential Mixed-Density District
R-4	Urban Residential High-Density
RM	Mobile Home Residential District
UC	Urban Corridor Mixed Use District
C-1	Community Commercial District
C-2	Highway Commercial District
CBD	Downtown Seward Mixed Use District
BP	Business Park District
I-1	Limited Industrial District
I-2	General Industrial District

SPECIAL DISTRICTS

MU	Mixed Use Special District
U/MU	University Mixed Use District
C/OS	Conservation/Open Space District

OVERLAY DISTRICTS

PUD	Planned Unit Development Overlay District
TND	Traditional Neighborhood Development Overlay District
RC	Rural Conservation Development Overlay District
ND	Historic and Neighborhood Conservation Overlay District
FP/FW	Floodplain Overlay District
AV	Aviation Overlay District

11.403 Application of Districts

A base district designation shall apply to each lot or site within the city and its planning jurisdiction. A site must be in one base district.

Overlay districts may be applied to any lot or site or any portion thereof, in addition to a base district designation. Special districts stand alone as a base district.

11.404 Hierarchy

References in the Unified Development Ordinance to less intensive or more intensively urbanized districts shall be deemed to refer to those agricultural, residential, commercial, and industrial base zoning districts established in Section 4.2, and shall represent a progression from the AG Agricultural District as the least intensively urbanized to the I-2 General Industrial District as the most intensively urbanized.

11.405 Development Regulations

For each Zoning District, permitted uses are set forth in the Use Matrix. Individual sections describe the purpose and specific development regulations for each zoning district. Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Use Matrix

11.406 Zoning Map

a. Adoption of Zoning Map

Boundaries of zoning districts established by this Zoning Regulations shall be shown on the Zoning Map maintained by the City Clerk. This map shall bear the signature of the Mayor attested by the City Clerk under the certification that this is the Official Zoning Map referred to by this Ordinance. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with these Regulations. Said Zoning Map shall be on file with the City Clerk and shall be readily accessible to the public at Seward City Hall.

b. Changes to the Zoning Map

The City Council may from time to time adopt a new official zoning map which shall supersede the prior official zoning map, in the event that the official zoning map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending the original Unified Development Ordinance or any subsequent amendment thereof.

11.407 Interpretation of District Boundaries

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

a. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.

Zoning District Regulations

- b. Where district boundaries are indicated as within street or alley, railroad, streams or creeks, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.
- c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.
- d. Where district boundaries are indicated as approximately following corporate limits, such corporate limits shall be considered the district boundaries.
- e. Where district boundaries are indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines, such lines shall be considered the district boundaries.
- f. Boundaries not capable of being determined as set forth in 11.407a through e shall be as dimensioned on the official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

11.408 Vacation of Streets and Alleys

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

11.409 Annexation of Territory

All unimproved or agricultural territory that may hereafter be annexed to the City shall be considered as lying in the AG Agricultural District until such classification shall be changed as provided by this ordinance. Any improved property that is annexed into the city shall be zoned according to the zoning district that most nearly describes either its present use or the use proposed by Seward's Comprehensive Development Plan. This zoning shall be established by the Planning Commission and the City Council at the time of annexation.

11.410 Required Conformance

Except as specified in this chapter, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this title for the district in which the building or land is located.

11.411 Required Frontage

No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty feet on at least one public street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty feet wide to a street; and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least fifty feet wide may be provided for two or more such single-family dwellings or for one or more two-family or multiple dwellings.

11.412 Use Matrix: Levels of Permitted Uses

Within zoning districts in Seward, different uses are permitted with different conditions. These are displayed in the Use Matrix. Levels of permission include:

- a. Uses which are permitted by right. These uses are permitted subject to issuance of a building permit by the Building Official, subject only to compliance with all regulations of this Ordinance. Uses permitted by right might be subject to supplemental regulations contained in this Ordinance. These uses are indicated in the Use Matrix by a "P" in the applicable cell.
- b. Special Uses. These uses are subject to approval of a Special Use Permit by the Planning Commission, following the procedure set forth in Section 11.4403. These uses are indicated in the Use Matrix by a "S" in the applicable cell.
- c. Site plan approval. Some use types require an additional site plan approval by the Zoning Administrator/Building Official, based on specific criteria for review. This procedure is set forth in Section 11.4402. These uses are indicated in the Use Matrix by an asterisk (*) following the citing of a specific use type.

11.413 Guide to Site Development Regulators

The regulators set forth in the tables in Articles 5 through 19 establish the limits and requirements for most development in the City of Seward and its extra-territorial jurisdiction. This section is intended to provide guidance for applying the regulators contained in these tables.

a. Site area per housing unit. This indicates the gross land area per unit within a residential development. For example, a 40-lot subdivision on a 10-acre (435,600 square foot tract) will have a site area per unit of 10,890 square feet. Site area per unit, which measures gross density, may differ from minimum lot size. In conservation development, the site area per unit will be larger than minimum lot size, permitting the clustering of lots in exchange for common open space. In multi-family development, the site area per unit will usually be smaller than minimum lot size, because the lot is the legal parcel on which a multiple-unit building is built.

b. Minimum lot area. This indicates the minimum size of a legally described and recorded parcel upon which development can take place. As noted above, minimum lot area and site area per unit may not be the same.

c. Minimum lot width. This is the required minimum distance connecting at points along opposite side lot lines, measured at the required front yard setback. For example, the lot width of an irregular lot in a district requiring a 25-foot front yard setback is determined by:

1. Locating the points along each side lot line at a distance of 25 feet back from the front property line.
2. Drawing a line connecting these two points.
3. Measuring the length of this line. The length is the lot width.

Zoning District Regulations

d. Minimum yards. These define the required setbacks of buildings from front, side, and rear property lines. While the yard requirements apply to a majority of development, the Ordinance provides for a number of exceptions. Some of these include:

1. *Planned developments.* Front yard setbacks can be varied within Planned Developments, which are reviewed and approved by the City Council after a recommendation from the Planning Commission.
2. *Major streets.* The City may require greater than normal setbacks along segments of the city's arterial street system, as defined in the comprehensive development plan.
3. *Flexibility provided by Supplemental Development Regulations.* Section 32 establishes supplemental regulations, many of which provide flexibility or variations in setback regulations for specific contexts.
4. *Maximum setbacks.* Some specific zoning districts provide maximum as well as minimum setbacks. These setbacks establish "build-to" lines that may be necessary to protect the appearance and character of special urban districts.

e. Maximum height. Height normally measures the vertical distance from the established grade to the highest point of a building. However, as established by the definition of height, the point of measurement may vary for different types of buildings and roof slopes.

f. Maximum building coverage. This measures the percentage of a site that may be covered by the footprint of buildings. Thus, a 20,000 square foot building on a 40,000 square foot site has a building coverage of 50%. This is a method of regulating the scale of buildings in an area.

g. Maximum Impervious Coverage. This measures the percentage of a site that may be covered by buildings and other surfaces and development features which prevent the penetration of water into the ground (such as driveways, porches, parking lots, and other features). Limits on impervious coverage help control the velocity and quantity of stormwater runoff and provide for groundwater recharge.

h. Floor area ratio. Just as site area per unit controls the density of residential development, floor area ratio (FAR) controls the density of non-residential development. FAR is the ratio of gross floor area of a building to total site area. Thus, in an area with a maximum permitted FAR of 1.0, a 40,000 square foot building may be located on a 40,000 square foot site. Naturally, because of coverage ratios, landscaping, and parking requirements, such a building will be multi-story.

i. Maximum amount of total parking in street yard. This controls the maximum amount of parking that can be located in the area between a building facade and the street. When applied in certain zoning districts, it is intended to reduce the number of cars seen from the street, encourage site planning which locates parking in rear and side yards, and produce a stronger relationship between buildings and streets. For example, a project with 100 parking stalls and a 50% limit on the amount of parking located in street yards must locate 50 of its stalls in rear or side yards without street exposure.

j. Minimum Depth of Landscaping Adjacent to Street Right-of-Ways. This establishes the depth of landscaping that must be provided on private property adjacent and in from the right-of-way line. Thus, if the required minimum depth is fifteen feet, a project must landscape the first fifteen feet of its site back from the right-of-way line. All landscaping must be done in accordance with Section 11.33, establishing landscaping standards.

Zoning District Regulations

k. Minimum bufferyard requirements. This establishes the depth of a bufferyard that must be provided by intensive land uses adjacent to primarily residential land uses in residential zoning districts. All landscaping must be done in accordance with Section 11.33, establishing landscaping standards.

l. Supplemental use regulations. Certain permitted uses require satisfaction of specific requirements in order to function successfully in their urban or rural contexts. These supplemental requirements are set forth in Section 11.31. These requirements are cross-referenced in the “Supplementary Regulations” column of the Use Matrix.

Zoning District Regulations

Table 11.401: Use Matrix: Agricultural and Residential Types (AG through UC Districts)

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC
Agricultural Uses									
Horticulture	L	P	P						
Crop Production	L	P	P						
Animal Production	M	P	P						
Confined Animal Feeding Operations	I	S(x)							
Livestock Sales	H	S							
Residential Uses									
Single-Family Detached	L	P	P	P	P	P	P	P	P
Single-Family Attached	L			P	P	P	P	P	P
Duplex	L			P	P	P	P	P	P
Two-Family*	L			S	S	P	P	S	P
Townhouse*	L				P	P	P	S	P
Multiple-Family*	M					S	P		P
Downtown Residential*	L								P
Group Residential*	M	S			S	S	P	S	S
Boarding House*	M						S		S
Manufactured Housing Residential	L	P	P	P	P	P	P	P	P
Mobile Home Park*	M							P	
Mobile Home Subdivision	L							P	
Retirement Residential*	M	S	S	S	P	P	P	S	P

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit (Section 11.4403)

S(x) Expansion of an existing use is permitted subject to approval of a Special Use Permit

E Permitted by right if lawfully existing on the effective date of this Ordinance

Blank Use not permitted in zoning district

***** Use subject to Site Plan review (Section 11.4402)

Zoning District Regulations

Table 11.401: Use Matrix: Agricultural and Residential Use Types (C-1 through I-2 Districts)

Use Types	Impact Rating	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Agricultural Uses								
Horticulture	L							11.3102
Crop Production	L							11.3102
Animal Production	M							11.3102
Confined Animal Feeding Operations	I							11.3102, 11.3103
Livestock Sales	H							
Residential Uses								
Single-Family Detached	L	P	S/E	S/E	E	E	E	
Single-Family Attached	L	P	S/E	S/E	E	E	E	
Duplex	L	P	S	S	E	E	E	
Two-Family	L	S	S	S				
Townhouse*	L	P	S	P	E	E	E	
Multiple-Family*	M	P	S	P	E	E	E	
Downtown Residential*	L			P				11.3103
Group Residential*	M	S/E	E	E	E	E	E	11.3103
Boarding House*	M	E	E	E	E	E	E	
Manufactured Housing Residential	L	P	S/E	S	E	E	E	
Mobile Home Park*	M							11.3103
Mobile Home Subdivision	L							11.3103
Retirement Residential*	M	S	S	P				

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit (Section 11.4403)

E Permitted by right if lawfully existing on the effective date of this Ordinance

Blank Use not permitted in zoning district

***** Use subject to Site Plan review (Section 11.4402)

Zoning District Regulations

Table 11.402: Use Matrix: Civic Use Types (AG through UC Districts)

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC
Civic Uses									
Administration	L	P	S		S	S	P	S	P
Cemetery*	L	S	S	S	S	S	S	S	
Clubs (Recreational)*	L	S	S	S	S	S	P	S	P
Clubs (Social)*	M	S	S	S	S	S	P	S	P
College/Univ*	H	S	S	S	S	S	S	S	S
Convalescent Services*	L	S	S	S	S	S	P	S	P
Cultural Services*	M	P	P	P	P	P	P	P	P
Day Care (Limited)	L	P	P	P	P	P	P	P	P
Day Care (General)*	M	S	S	S	S	S	P	P	P
Detention Facilities*	I	S							
Emergency Residential	L	P	P	P	P	P	P	P	P
Group Care Facility*	M			S	S	P	P	S	P
Group Home	L	P	P	P	P	P	P	P	P
Guidance Services	L					S	P	S	P
Health Care*	M	S			S	S	P	S	P
Hospitals*	I	S			S	S	S		S
Maintenance Facility*	H	S	S						
Park and Recreation	L	P	P	P	P	P	P	P	P
Postal Facilities*	M					S	S		P
Primary Education*	H	P	P	P	P	P	P	P	P
Public Assembly*	H								S
Religious Assembly*	M	P	S	S	S	S	S	S	P
Safety Services*	M	P	P	P	P	P	P	P	P
Secondary Educ*	I	S	S	S	S	S	P	S	P
Utilities*	M	P	S	S	S	S	S	S	S

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit (Section 11.4403)

Blank Use not permitted in zoning district

***** Use subject to Site Plan review (Section 11.4402)

Zoning District Regulations

Use Matrix: Civic Use Types

Use Types	Impact Rating	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Civic Uses								
Administration	L	P	P	P	P	P	P	
Cemetery*	L							
Clubs (Recreational)*	L	P	P	P	P	P	P	11.3104
Clubs (Social)*	M	P	P	P	P	P	P	11.3104
College/Univ*	H	P	P	P	P	P		
Convalescent Services*	L	P	P	S	S			
Cultural Services*	M	P	P	P	P	P	P	
Day Care (Limited)	L	P	P	P	P	P	P	11.3104
Day Care (General) *	M	P	P	P	P	P	P	11.3104
Detention Facilities*	I		S	S		S	S	
Emergency Residential	L	P	P	P				
Group Care Facility*	M	P	P	P				11.3104
Group Home	L	P	P	P				11.3104
Guidance Services	L	P	P	P	P	P	P	
Health Care*	M	P	P	P	P	P	P	
Hospitals*	I	S	P	P	P	S	S	
Maintenance Facility*	H	S	P	S	P	P	P	
Park and Recreation	L	P	P	P	P	P	P	
Postal Facilities*	M	P	P	P	P	P	P	
Primary Education*	H	P	S	S				
Public Assembly*	H	S	P	P	S	P	P	
Religious Assembly*	M	P	P	P	P	P	C	
Safety Services*	M	P	P	P	P	P	P	
Secondary Educ*	I	S	P	S	S	S		
Utilities*	M	S	P	S	P	P	P	

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit (Section 11.4403)

Blank Use not permitted in zoning district

***** Use subject to Special Site Plan review (Section 11.4402)

Zoning District Regulations

Table 11.403: Use Matrix: Office Use Types (AG through UC Districts)

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC
Office Uses									
Corporate Offices*	M					S	S		P
General Offices	M					S	S		P
Financial Services A	L						S		P
Financial Services B*	M								S
Medical Offices A	L						S		P
Medical Offices B*	M						S		P

Table 11.403: Use Matrix: Office Use Types (C-1 through I-2 Districts)

Use Types	Impact Rating	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Office Uses								
Corporate Offices*	M	P	P	P	P	P	P	
General Offices	M	P	P	P	P	P	P	
Financial Services A	L	P	P	P	P	P	P	
Financial Services B*	M	P	P	P	P	P	P	
Medical Offices A	L	P	P	P	P	P	P	
Medical Offices B*	M	P	P	P	P	P	P	

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit (Section 11.4403)

Blank Use not permitted in zoning district

***** Use subject to Special Site Plan review (Section 11.4402)

Zoning District Regulations

Table 11.404: Use Matrix: Commercial Use Types (AG through UC Districts)

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC
Commercial Uses									
Ag Sales/Service*	H	S							
Auto Auction Lots*	H								
Auto Rental/Sales*	H								
Auto Services*	H								S
Body Repair*	I								
Equip Rental/Sales*	H								
Equipment Repair*	H								
Bed and Breakfast*	L	S	S	S	P	P	P	S	P
Business Support Services*	M						S		P
Business/Trade School*	H						S		P
Campground*	M	S	S						
Cocktail Lounge*	H								
Commercial Rec (Controlled Impact)*	H								
Commercial Rec (High Impact)*	H	S							
Communication Service*	M					S			P
Construction Sale/Service*	H								
Consumer Service*	M								P
Convenience Storage*	H						S		
Food Sales (Convenience)*	H								S
Food Sales (Limited)*	L								P
Food Sales (General)*	M								S
Food Sales (Super markets)*	I								

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit (Section 11.4403)

Blank Use not permitted in zoning district

***** Use subject to Special Site Plan review (Section 11.4402)

Zoning District Regulations

Table 11.404: Use Matrix: Commercial Use Types (C-1 through I-2 Districts)

Use Types	Impact Rating	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Commercial Uses								
Ag Sales/Service*	H		P		S	P	P	
Auto Auction Lots*	H		S			P	P	11.3105
Auto Rental/Sales*	H	S	P	P	S	P	P	11.3105
Auto Services*	H	S	P	P	P	P	P	11.3105
Body Repair*	I		P		S	P	P	11.3105
Equip Rental/Sales*	H	S	P	S	S	P	P	11.3105
Equipment Repair*	H		P	S		P	P	11.3105
Bed and Breakfast*	L	P	P	P	S	S	S	11.3105
Business Support Services*	M	P	P	P	P	P	P	
Business/Trade School*	H	S	P	P	P	P	P	
Campground*	M		S					11.3105
Cocktail Lounge*	H	S	P	P	P	P	P	
Commercial Rec (Controlled Impact)*	H	S	P	P	P	P	P	
Commercial Rec (High Impact)*	H		P		S	P	P	
Communication Service*	M	S	P	P	P	P	P	
Construction Sale/Service*	H		P	S	P	P	P	11.3105
Consumer Service*	M	P	P	P	P	P	P	
Convenience Storage*	H				P	P	P	11.3105
Food Sales (Convenience)*	H	P	P	P	S	P	S	
Food Sales (Limited)*	L	P	P	P	S			
Food Sales (General)*	M	P	P	P	S	P		
Food Sales (Super markets)*	I	S	P	S				

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit (Section 11.4403)

Blank Use not permitted in zoning district

***** Use subject to Special Site Plan review (Section 11.4402)

Zoning District Regulations

Table 11.404 (continued): Use Matrix: Commercial Use Types (AG through UC Districts)

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC
Commercial Uses									
Funeral Service*	M				S	S	P		P
Gaming Facilities*	H								
Kennels*	M	S	S						
Laundry Services*	H								
Liquor Sales*	H								
Lodging*	H								S
Personal Improvement	M						S		P
Personal Services*	M						S		P
Pet Services*	M								P
RV Storage	H	S							
Research Services*	M								S
Restaurants (Drive-in)*	H								S
Restaurants (General)*	H								P
Restricted Business*	I								
Retail Services (Limited)	M								P
Retail Services (Medium)	M								P
Retail Services (Large)*	H								S
Retail Services (Mass)*	I								
Stables*	M	P	S						
Surplus Sales*	I								
Trade Services*	M								S
Travel Centers	H								
Truck Stops	I								
Vehicle Storage (Short-term)*	M	S							
Veterinary Services (General)*	M	S	S						P
Veterinary Services (Large Animal)	H	S							

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit (Section 11.4403)

Blank Use not permitted in zoning district

***** Use subject to Special Site Plan review (Section 11.4402)

Zoning District Regulations

Table 11.404 (continued): **Use Matrix: Commercial Use Types (C-1 through I-2 Districts)**

Use Types	Impact Rating	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Commercial Uses								
Funeral Service*	M	P	P	P	P	P	P	
Gaming Facilities*	H	S	P	P		P	P	
Kennels*	M		S			P	P	11.3105
Laundry Services*	H		P	P	P	P	P	
Liquor Sales*	H	S	P	P		P		
Lodging*	H	S	P	P	P			
Personal Improvement	M	P	P	P	P	P	P	
Personal Services*	M	P	P	P	P	P	P	
Pet Services*	M	P	P	P	P	P		
RV Storage	H		S			S	S	11.3105
Research Services*	M	S	P	P	P	P	P	
Restaurants (Drive-in)*	H	S	P	S		P	P	
Restaurants (General)*	H	P	P	P	P	P	P	
Restricted Business*	I		S			P	P	11.3105
Retail Services (Limited)	M	P	P	P	P			
Retail Services (Medium)	M	P	P	P	P			
Retail Services (Large)*	H	S	S	S				
Retail Services (Mass)*	I	S	S					
Stables*	M							
Surplus Sales*	I		P		P	P	P	
Trade Services*	M	S	P	S	P	P	P	
Travel Centers*	H	S	P		S	P	P	11.3105
Truck Stops*	I		S		S	S	P	11.3105
Veh. Storage (Short-term)*	M		P			P	P	
Veterinary Services (General)*	M	P	P	P	P	P	P	
Veterinary Services (Large Animal)*	H					P	P	

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit (Section 11.4403)

Blank Use not permitted in zoning district

***** Use subject to Special Site Plan review (Section 11.4402)

Zoning District Regulations

Table 11.405: Use Matrix: Parking and Transportation Use Types (AG through UC Districts)

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC
Parking Uses									
Off-Street Parking*	H								S
Parking Structure*	H								
Transportation Uses									
Aviation (General)*	I	S							
Aviation (Private)*	M	S	S						
Railroad Facilities*	I								
Truck Terminal*	H								
Transportation Terminal*	H								

Table 11.405: Use Matrix: Parking and Transportation Use Types (C-1 through I-2 Districts)

Use Types	Impact Rating	C-1	C-2	CBD	BP	I-1	I-2	Supplemental Regulations
Parking Uses								
Off-Street Parking*	H		P	S		P	P	
Parking Structure*	H	S	P	P	P	P	P	
Transportation Uses								
Aviation (General)*	I				S	S	P	
Aviation (Private)*						S	S	
Railroad Facilities*	I			S	S	P	P	
Truck Terminal*	H					S	P	
Transportation Terminal*	H	S	P	P	P	P	P	

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit (Section 11.4403)

Blank Use not permitted in zoning district

***** Use subject to Special Site Plan review (Section 11.4402)

Zoning District Regulations

Table 11.406: Use Matrix: Industrial Use Types (AG through UC Districts)

Use Types	Impact Rating	AG	RR	R-1	R-2	R-3	R-4	RM	UC
Industrial Uses									
Agricultural Industry*	I	S							
Construction Yards*	H								
Custom Manufacturing	M								S
Light Industry*	M								
General Industry*	H								
Heavy Industry*	I								
Recycling Collection*	M								
Recycling Processing*	H								
Resource Extraction*	I	S							
Salvage Services*	I	S							
Vehicle Storage (Long-term)*	H								
Warehousing (Enclosed)*	M	S							
Warehousing (Open)*	H								
Miscellaneous Uses									
Amateur Radio Tower	L	P	P	P	P	P	P	P	P
Communications Tower	M	S	S						S
Construction Batch Plant*	H								
Landfill (Non-Putrescible)*	H	S							
Landfill (Putrescible)*	I								
WECS	L	P	S	S	S	S	S	S	S

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit (Section 11.4403)

Blank Use not permitted in zoning district

***** Use subject to Special Site Plan review (Section 11.4402)

Zoning District Regulations

Table 11.406: Use Matrix: Industrial Use Types (C-1 through I-2 Districts)

Use Types	Impact Rating	C-1	C-2	CBD	BP	I-1 See 11.3107	I-2 See 11.3107	Supplemental Regulations
Industrial Uses								
Agricultural Industry*	I					S	P	
Construction Yards*	H					P	P	
Custom Manufacturing	M	S	P	P	P	P	P	
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	11.3106
Salvage Services*	I						S	11.3106
Vehicle Storage (Long-term)*	H		S			P	P	11.3106
Warehousing (Enclosed)*	M		S	S	P	P	P	
Warehousing (Open)*	H					S	P	
Miscellaneous Uses								
Amateur Radio Tower	L	P	P	S	P	P	P	
Communications Tower	M		S	S	P	P	P	
Construction Batch Plant*	H					S	P	
Landfill (Non-Putrescible)*	H						S	11.3109
Landfill (Putrescible)*	I							11.3109
WECS	L	S	S	S	P	P	P	11.3109

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit (Section 11.4403)

Blank Use not permitted in zoning district

***** Use subject to Special Site Plan review (Section 11.4402)

ARTICLE 5

AG AGRICULTURAL DISTRICT

11.501 Purpose

The AG district provides for and preserves the agricultural and rural use of land, while accommodating extremely low density residential development generally associated with agricultural uses. This district is designed to maintain permanent and comprehensive agricultural uses within the Seward extra-territorial jurisdiction. It recognizes that major agriculture has industrial aspects and negative effects on nearby neighborhoods that often create conflicts between agricultural and residential uses. In addition, land included in the Urban Reserve in the Comprehensive Plan should be retained in the AG District to prevent premature or inappropriate development.

11.502 Site Development Regulations

Regulator	1-Family Units	Other Permitted Uses
Site Area per Housing Unit	20 acres	NA
Minimum Lot Area	20 acres	20 acres
Minimum Lot Width (feet)	200	200
Minimum Yards (feet)		
Front Yard	50 (Note 1)	50
Side Yard	25	25
Street Side Yard	50	50
Rear Yard	50	50
Maximum Height (feet)	35	35; 50 for farm buildings, 100 for grain storage structures
Maximum Building Coverage	NA	NA
Maximum Impervious Coverage	NA	NA
Floor Area Ratio	NA	NA
Maximum Amount of Total Parking Located in Street Yard	NA	NA

Note 1: Front yard setback is measured from property line of platted lots. For unplatted lots along roads, residential structures shall be set back sufficiently to allow for future right-of-way dedications. This setback is typically 75 feet from the center line of the adjacent road. The Building Official may establish a different set-back requirement based on the specific context of a parcel. The reason for any such variation shall be documented in writing by the Building Official.

11.503 Special Regulations for Agricultural Uses

a. Individual Waste Lagoons

The edge of the highest water level of a waste lagoon shall be at least 100 feet from the owner’s residence, 200 feet from any adjacent owner’s residence, 50 feet from a side or rear lot line, and 100 feet from any public right-of-way or easement.

Zoning District Regulations

b. Animal Waste Holding Facilities

All animal waste holding facilities shall meet the current minimum requirements of the Nebraska Department of Environmental Quality, Title 130, Chapter 10, Livestock Waste Control Facilities. Approval of any such facility shall be subject to the Special Permit Use approval process. The facility shall meet at least the minimum setback and separation standards for Waste Lagoons. The Planning Commission and the City Council shall establish additional setback requirements based on the location of private wells, public water supply, residences, property lines, and public rights-of-way and easements.

ARTICLE 6

RR RURAL RESIDENTIAL DISTRICT

11.601 Purpose

The RR district provides for the rural residential use of land, accommodating agriculture and very low density residential environments. It is designed for permanent development of relatively remote areas that are beyond the reach of Seward’s foreseeable urban development pattern, making eventual extension of urban services extremely unlikely. RR Districts do not permit comprehensive agriculture, and are intended for areas where farming is not a primary, permanent land use. Subdivisions in RR districts generally will be developed to rural standards, with gravel roads, surface drainage, and individual water and wastewater management systems. In parts of the Seward jurisdiction with distinctive landforms, conservation development design is required to maintain the character of the land. These areas are designated by the RC Rural Conservation Overlay District and are subject to special standards and planning procedures set forth in Section --- of the Unified Land Development Ordinance. These standards encourage the preservation of important open space resources without reducing the density permitted the developer or property owner.

11.602 Site Development Regulations

Regulator	1-Family Units	Other Permitted Uses
Site Area per Housing Unit	3 acres	NA
Minimum Lot Area	1.5 acres	3 acres
Minimum Lot Width (feet)	200	200
Minimum Yards (feet)		
Front Yard	50	50
Side Yard	25	25
Street Side Yard	50	50
Rear Yard	50	100
Maximum Height (feet)	35	35
Maximum Building Coverage	NA	NA
Maximum Impervious Coverage	NA	NA
Floor Area Ratio	NA	NA
Maximum Amount of Total Parking Located in Street Yard	NA	NA
Project Size Requiring Planned Development District (PD)	NA	NA

SECTION 7

R-1 URBAN RESIDENTIAL SINGLE-FAMILY DISTRICT (LOW-DENSITY)

11.701 Purpose

The R-1 district is intended to provide for urban residential development, with gross densities generally below 6 units per acre. These areas generally include single-family detached and attached dwellings on relatively large lots with supporting community facilities and urban services, including city water and sanitary sewer service. The R-1 District may also be used as a “holding zone” prior to subdivision for areas designated in the Comprehensive Plan for residential development. The use of the R-1 district for development using wells and individual septic systems should be discouraged, although it is not prohibited.

11.702 Site Development Regulations

Regulator	1-Family Detached	1-Family Attached and Duplex	Other Permitted Use
Site Area per Housing Unit			
Lots with Individual Wastewater Systems	1.5 acres	NA	
Lots with Sanitary Sewer	7,200 square feet	3,600 square feet	
Minimum Lot Area			
Lots with Individual Wastewater Systems	1.5 acres	NA	1.5 acres
Lots with Sanitary Sewer	7,200 square feet	3,600 per unit	1.0 acres
Minimum Lot Width (feet)	75	37.5 per unit	100
Minimum Yards (feet)			
Front Yard	30	30	30
Side Yard	7.5	7.5	7.5
Street Side Yard	30	30	30
Rear Yard Area*	20% of lot depth	20% of lot depth	25
Maximum Height (feet)	35	35	35
Floor Area Ratio	NA	NA	NA
Maximum Amount of Total Parking Located in Street Yard	NA	NA	NA

* The required rear yard area is calculated as 20% of the lot depth times the lot width. Provided that this minimum area is maintained, a portion of a residential structure may come as close as 10 feet from a rear lot line.

Note 1: Zero Lot Line or Single-Family Attached Development

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
2. An easement for maintenance of the zero lot line façade is prepared by the developer and filed with the Seward County Register of Deeds, the City Clerk, and the Building Official at the time of application for a building permit.

ARTICLE 8

R-2 URBAN RESIDENTIAL MODERATE DENSITY DISTRICT

11.801 Purpose

The R-2 district is intended to provide for moderate density residential development, with gross densities generally between 6 and 12 units per acre. These developments include single-family dwellings on moderate-sized lots along with low-density multi-unit residential structures such as duplexes and townhouses. It provides regulations to encourage innovative forms of housing development. It adapts to both established and developing neighborhoods, as well as transitions between single-family and multi-family areas.

11.802 Site Development Regulations

Regulator	1-Family Detached	1-Family Attached	Duplex	Town-house (Note 1)	Other Permitted Uses
Site Area per Housing Unit (square feet)					
In Conventional Development	6,000	3,000	3,000	3,000	
In Planned Unit Developments	5,000	2,500	3,000	2,500	
Minimum Lot Area					
In Conventional Development	6,000	3,000	6,000	3,000	6,000
In Planned Unit Developments	4,000	2,500	6,000	2,500	6,000
Minimum Lot Width (feet)					
In Conventional Development	60	30 per unit	70	30	60
In Planned Unit Developments	45	25 per unit	60	25	60
Minimum Yards (feet) (Note 3)					
Front Yard	30	30	30	30	30
Side Yard (Note 2)	7.5	7.5	7.5	7.5	7.5
Street Side Yard	30	30	30	30	30
Rear Yard*	20% of lot depth	20% of lot depth	20% of lot depth	20% of lot depth	25 feet
Maximum Height (feet)	35	35	35	35	35
Floor Area Ratio	NA	NA	NA	NA	0.50
Maximum Amount of Total Parking Located in Street Yard	NA	NA	NA	NA	50%

* The required rear yard area is calculated as 20% of the lot depth times the lot width. Provided that this minimum area is maintained, a portion of a residential structure may come as close as 10 feet from a rear lot line.

Note 1: Townhouse Development

No more than four units may be attached in a single townhouse structure within an R-2 District. Regulators are shown on a per unit basis.

Note 2: Zero Lot Line or Single-Family Attached Development

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

Zoning District Regulations

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
2. An easement for maintenance of the zero lot line façade is prepared by the developer and filed with the Seward County Register of Deeds, the City Clerk, and the Building Official at the time of application for a building permit.

Note 3: Flexible Yard Setbacks in Planned Unit Developments

The Planning Commission and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way including the boundary of sidewalks) must be at least 20 feet.

ARTICLE 9

R-3 URBAN RESIDENTIAL MIXED DENSITY DISTRICT

11.901 Purpose

The R-3 district is intended to provide for mixed density development, including small lot single-family development and limited multi-family residential development, with gross densities up to 18 units per acre. These developments often are characterized by low-rise buildings in multiple structure configurations, with an emphasis on open space, convenient parking, and, in many cases, common community facilities such as clubhouses and swimming pools. This district is also appropriate for larger townhouse complexes, while still accommodating lower density forms of development.

11.901 Site Development Regulations

Regulator	1-Family Detached	1-Family Attached (Note 1)	Duplex	Town-house (Note 1)	Multi-Family (Note 2)	Other Permitted Uses
Site Area per Housing Unit (sq ft)						
In Conventional Development	5,000	3,000	2,500	3,000	2,500	
In Planned Developments	4,000	2,500	2,000	2,500	2,000	
Minimum Lot Area						
In Conventional Development	5,000	3,000	5,000	3,000	10,000	5,000
In Planned Developments	4,000	2,500	4,000	2,500	10,000	5,000
Minimum Lot Width (feet)						
In Conventional Development	55	27.5	55	30	100	55
In Planned Unit Developments	45	22.5	45	25	100	55
Minimum Yards (feet) (Note 3)						
Front Yard	25	25	25	25	25	25
Side Yard	5	5	5	5	10	10
Street Side Yard	25	25	25	25	25	25
Rear Yard*	20% of lot depth	20% of lot depth	20% of lot depth	20% of lot depth	25	25
Maximum Height (feet)	35	35	35	35	45	35
Floor Area Ratio	NA	NA	NA	NA	0.50	0.50
Maximum Amount of Total Parking Located in Street Yard	NA	NA	NA	NA	50%	50%

* The required rear yard area is calculated as 20% of the lot depth times the lot width. Provided that this minimum area is maintained, a portion of a residential structure may come as close as 10 feet from a rear lot line.

Note 1: 1-Family Attached and Townhouse Development

Regulators are shown on a per unit basis. Side yard setbacks are indicated for detached building walls.

Note 2: Multi-Family Development

No more than 12 units are permitted in any single multi-family development in the R-3 District. The minimum sideyard setback increases by 1.5 feet for each 1 foot in height above 35 feet, up to a maximum height of 45 feet.

Note 3: Zero Lot Line and Single-Family Attached Development

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
2. An easement for maintenance of the zero lot line façade is prepared by the developer and filed with the Seward County Register of Deeds, the City Clerk, and the Building Official at the time of application for a building permit.

Note 4: Flexible Yard Setbacks in Planned Districts

The Planning Commission and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way (including the boundary of sidewalks) must be at least 20 feet.

11.903 Additional Requirements

- a. Parking areas, accessory buildings, and garages must be at least 5 feet from a side or rear lot line. A greater separation from residential zoning districts may be required by Section 34.

ARTICLE 10

R-4 URBAN RESIDENTIAL MULTI-FAMILY DISTRICT (HIGH-DENSITY)

11.1001 Purpose

The R-4 district is intended to provide for medium and high density multi-family residential development, with gross densities generally above 18 units per acre. These developments may be in single or multiple structure configurations. The district’s regulations are designed to provide for good quality living environments that provide adequate open space for high-density settings.

11.1002 Site Development Regulations

Regulator	1-Family Detached	1-Family Attached (Note 1)	Duplex	Town-house (Note 1)	Multi-Family (Note 2)	Other Permitted Uses
Site Area per Housing Unit (sq ft)						
In Conventional Development	4,400	2,200	2,200	2,500	1,500	
In Planned Developments	4,000	2,000	2,000	2,000	1,000	
Minimum Lot Area						
In Conventional Development	4,400	2,200	4,400	2,500	9,500	5,000
In Planned Developments	4,000	2,000	4,000	2,000	9,500	5,000
Minimum Lot Width (feet)						
In Conventional Development	40	20	50	25	80	50
In Planned Developments	40	17.5	45	20	80	50
Minimum Yards (feet) (Note 2)						
Front Yard	25	25	25	25	25	25
Side Yard (Note 1)	5	5	5	5	10	10
Street Side Yard	25	25	25	25	25	25
Rear Yard*	20% of lot depth	20% of lot depth	20% of lot depth	20% of lot depth	25	25
Maximum Height (feet)						
In Conventional Development	35	35	35	35	45	35
In Planned Unit Developments	35	35	35	35	60	35
Floor Area Ratio	NA	NA	NA	NA	0.80	0.80
Maximum Amount of Total Parking Located in Street Yard	NA	NA	NA	NA	50%	50%

* The required rear yard area is calculated as 20% of the lot depth times the lot width. Provided that this minimum area is maintained, a portion of a residential structure may come as close as 10 feet from a rear lot line.

Zoning District Regulations

Note 1: Single-Family Attached and Townhouse Development

Regulators are shown on a per unit basis. Side yard setbacks are indicated for detached building walls.

Note 2: Multi-Family Development

The minimum sideyard setback increases by 1 foot for each 1 foot in height above 35 feet, up to a maximum height of 45 feet.

Note 3: Zero Lot Line and Single-Family Attached Development

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
2. An easement for maintenance of the zero lot line façade is prepared by the developer and filed with the Seward County Register of Deeds, the City Clerk, and the Building Official at the time of application for a building permit.

Note 4: Flexible Yard Setbacks in Planned Districts

The Planning Commission and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way including the boundary of sidewalks) must be at least 20 feet.

ARTICLE 11

RM MOBILE HOME RESIDENTIAL DISTRICT

11.1101 Purpose

The RM district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

11.1102 Site Development Regulations

Regulator	1-Family Detached and Mobile Home Units on Sub-divided Lots	Duplex	1-Family Attached and Town-house (Note 1)	Mobile Home Park (Note 4)	Other Permitted Uses
Site Area per Housing Unit (square feet)					
In Conventional Development	5,000	2,500	3,000	NA	
In Planned Developments	4,000	2,500	2,500	6,000	
Minimum Lot Area					
In Conventional Development	5,000	5,000	2,500	NA	6,000
In Planned Developments	4,000	5,000	2,500	2 acres	6,000
Minimum Lot Width (feet)					
In Conventional Development	40	50	25	NA	60
In Planned Developments	40	45	25	150	60
Minimum Yards (feet) (Note 3)					
Front Yard	25	25	25	25	25
Side Yard (Note 2)	5	5	10	10	10
Street Side Yard	25	25	25	25	25
Rear Yard*	20% of lot depth	20% of lot depth	20% of lot depth	25	25
Maximum Height (feet)	35	35	35	35	35
Floor Area Ratio	NA	NA	NA	NA	0.50
Maximum Amount of Total Parking Located in Street Yard	NA	NA	NA	NA	50%

* The required rear yard area is calculated as 20% of the lot depth times the lot width. Provided that this minimum area is maintained, a portion of a residential structure may come as close as 10 feet from a rear lot line.

Note 1: Single-Family Attached Townhouse Development

No more than four units may be attached in a single townhouse structure within an RM District. Regulators are shown on a per unit basis. Side yard setbacks are indicated for detached building walls.

Zoning District Regulations

Note 2: Zero Lot Line and Single-Family Attached Development

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
2. An easement for maintenance of the zero lot line façade is prepared by the developer and filed with the Seward County Register of Deeds, the City Clerk, and the Building Official at the time of application for a building permit.

Note 3: Flexible Yard Setbacks in Planned Districts

The Planning Commission and City Council may vary required minimum setbacks in planned districts other than mobile home parks. However, the setback from the front facade of a garage to any public or private street right-of-way (including the boundary of sidewalks) must be at least 20 feet.

Note 4: Mobile Home Parks and Subdivisions

Complete development standards for Mobile Home Parks and Subdivisions are set forth in Section 11.3103.

ARTICLE 12

UC URBAN CORRIDOR MIXED USE DISTRICT

11.1201 Purpose

The UC district recognizes the mixed use character of major urban corridors, including traditional arterials such as 6th Street and Main Street, as well as emerging mixed use corridors. These corridors sometimes accommodate a combination of residential, commercial, and office uses. In many cases, these streets were traditional residential corridors, and include houses that are converting to non-residential use. Design standards maintain their character as important urban streets. Some uses in the UC District will require development above normal standards in order to assure compatibility with surrounding uses.

11.1201 Site Development Regulations

Regulator	1-Family Detached	1-Family Attached (Note 1)	Duplex	Town-house (Note 1)	Multi-Family (Note 2)	Other Permitted Uses
Site Area per Housing Unit (sq ft) In Conventional Development In Planned Developments	4,400 4,000	2,200 2,000	2,200 2,000	2,500 2,000	1,500 1,000	
Minimum Lot Area In Conventional Development In Planned Developments	4,400 4,000	4,400 4,000	4,400 4,000	2,500 2,000	9,500 9,500	5,000 5,000
Minimum Lot Width (feet) In Conventional Development In Planned Unit Developments	40 40	20 20	40 40	25 20	80 80	40 40
Minimum Yards (feet) (Note 3) Front Yard Side Yard (Note 1) Street Side Yard Rear Yard*	25 5 25 20% of lot depth	25 10 25 25	25 5 15 25			
Maximum Height (feet)	35	35	35	35	45	35
Floor Area Ratio	NA	NA	NA	NA	0.80	0.50
Maximum Amount of Total Parking Located in Street Yard	NA	NA	NA	NA	50%	50%

* The required rear yard area is calculated as 20% of the lot depth times the lot width. Provided that this minimum area is maintained, a portion of a residential structure may come as close as 10 feet from a rear lot line.

Note 1: Single-Family Attached Townhouse Development

Regulators are shown on a per unit basis. Side yard setbacks are indicated for detached building walls.

Note 2: Multi-Family Development

The minimum sideyard setback increases by 1 foot for each 1 foot in height above 35 feet, up to a maximum height of 45 feet.

Note 3: Zero Lot Line and Single-Family Attached Development

Within a common development, one interior side yard may be equal to zero for single-family detached residential use if:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
2. An easement for maintenance of the zero lot line façade is prepared by the developer and filed with the Seward County Register of Deeds, the City Clerk, and the Building Official at the time of application for a building permit.

Note 4: Flexible Yard Setbacks in Planned Districts

The Planning Commission and City Council may vary required minimum setbacks in planned districts. However, the setback from the front facade of a garage to any public or private street right-of-way including the boundary of sidewalks) must be at least 20 feet.

Note 5: Setbacks along Urban Corridors

Normal minimum setback is 25 feet. Front yard setback may be reduced to 15 feet if:

1. No parking is placed within the street yard.
2. The entire street yard area is landscaped, with the exception of driveways to parking areas or pedestrian accesses to the principal building on the site.

This setback flexibility shall not be applied on any street designated as a major arterial by the city's comprehensive development plan without the specific approval of the City's Public Works Director.

11.1202 Supplemental Development Regulations in for Office and Commercial Uses in the UC District

In order to maintain the fine-grained character of major mixed use corridors in Seward, the following design standards shall apply to any office or commercial use developed within the UC District:

- a. No single building shall have a building coverage area that exceeds 10,000 square feet without approval of a Special Use Permit, as set forth in Section 11.4403.
- b. No street-facing facade may have a continuous length of 50 feet or over without an offset in the building elevation equal to a dimension of at least five feet.
- c. Window area on each street-facing facade shall be equal to at least 20% of the area of that facade.
- d. Exterior materials shall be brick, stone, wood clapboard, or other exterior materials typical of exterior building materials in common use in Seward's residential districts or central business district.
- e. The dominant roof form shall be a pitched or gabled roof with a minimum roof slope equal to one foot of vertical height to every three feet of horizontal distance. Permitted roof materials may include asphalt shingles, slate or simulated slate shingles, standing seam metal, or other similar roof materials.

Zoning District Regulations

f. Each site design shall provide a clear and safe method of pedestrian circulation along the street right-of-way and between the street right-of-way and a principal customer entrance of the business.

ARTICLE 13

C-1 COMMUNITY COMMERCIAL/MIXED USE DISTRICT

11.1301 Purpose

The C-1 district accommodates commercial and office facilities that serve the needs of markets ranging from several neighborhoods to the overall region. While allowed commercial and office uses are generally compatible with nearby residential areas, traffic and operating characteristics of some uses may have an impact on adjacent residential neighborhoods. Use regulations require special per mit review for these selected uses. C-1 Districts are most appropriate at intersections of collector and arterial streets, at the junction of several neighborhoods, along major commercial or mixed use corridors, or at substantial commercial subcenters. The district also permits other uses with similar urban impacts to substantial commercial development.

11.1302 Site Development Regulations for Regular C-1 Districts

Regulator	Permitted Residential Uses	All Other Permitted Uses	
Site Area per Housing Unit (sq. ft.)	Same standards as for the R-4 District	NA	
Minimum Lot Area		4,800	
Minimum Lot Width (feet)		40	
Minimum Yards (feet)		Lesser of 20% of lot depth or 20 feet	
Front Yard (Note 1)			25
Side Yard			5
Street Side Yard			15
Rear Yard			
Maximum Height (feet)		35	
Floor Area Ratio (Note 2)		1.00	
Maximum Amount of Total Parking Located in Street Yard	80%		

Note 1: Flexible Yard Setbacks in Planned Unit Development Districts

The Planning Commission and City Council may vary required minimum setbacks in PUD districts. Along arterials designated in the city’s Comprehensive Development Plan, the Public Works Director may require a deeper front-yard setback.

Note 2: Flexible Floor Area Ratios in Planned Districts

The Planning Commission and City Council may increase the maximum Floor Area Ratio for a development in a PUD district.

11.1303 Supplemental Development Regulations in for Office and Commercial Uses in the C-1 District

In order to maintain a residential character in community commercial areas in Seward, the following design standards shall apply to any office or commercial use developed within the C-1 District:

Zoning District Regulations

- a. No single building shall have a building coverage area that exceeds 15,000 square feet without approval of a Special Use Permit, as set forth in Section 11.4403.
- b. No street-facing facade may have a continuous length of 100 feet or over without an offset in the building elevation equal to a dimension of at least five feet.
- c. Window area on each street-facing facade shall be equal to at least 20% of the area of that facade.
- d. No building facade facing a street shall have the appearance of a rear facade. Architectural details, including materials, textures, patterns, colors, and design features used on the front facade shall be incorporated into all facades facing public streets and easily visible to the public.
- e. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development.

ARTICLE 14

C-2 HIGHWAY COMMERCIAL DISTRICT

11.1401 Purpose

The C-2 district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses that are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets, along major highway corridors characterized by large scale uses and traveler services such as Highway 15 south of Seward, or in areas that can be adequately buffered from residential districts. The district permits residential uses by special permit, requiring such uses to be reviewed for compatibility with primary commercial uses in busy corridors.

11.1402 Site Development Regulations

Regulator	Permitted Residential Uses	All Other Permitted Uses
Minimum Lot Area	Same standards as for the R-4 High Density Residential District	6,000
Minimum Lot Width (feet)		65
Minimum Yards (feet)		
Front Yard (Note 1)		15
Side Yard		0
Street Side Yard		15
Rear Yard		0
Maximum Height (feet)		45
Floor Area Ratio (Note 2)	1.0	
Maximum Amount of Total Parking Located in Street Yard	100%	

Note 1: Flexible Yard Setbacks in Planned Unit Development Districts

The Planning Commission and City Council may vary required minimum setbacks in PUD districts. Along arterials designated in the city’s Comprehensive Development Plan, the Public Works Director may require a deeper front-yard setback.

Note 2: Flexible Floor Area Ratios in Planned Districts

The Planning Commission and City Council may increase the maximum Floor Area Ratio for a development in a PUD district.

ARTICLE 15

CBD DOWNTOWN SEWARD MIXED USE DISTRICT

11.1501 Purpose

The CBD district provides appropriate development regulations for Downtown Seward, the city’s central business district. The grouping of uses is designed to strengthen the town center’s role as a center for trade, service, and civic life. Mixed uses are allowed and encouraged within the CBD District.

11.1502 Site Development Regulations

Regulator	Permitted Residential Uses	All Other Permitted Uses
Site Area per Housing Unit (sq. ft.)	1,000	NA
Minimum Lot Area	5,000	5,000
Minimum Lot Width (feet)	No requirement	No requirement
Minimum Yards (feet)		
Front Yard	0	0
Side Yard	0	0
Street Side Yard	0	0
Rear Yard	0	0
Maximum Height (feet)	45	45
Floor Area Ratio (Note 1)	NA	6.0
Maximum Amount of Total Parking Located in Street Yard	NA	50%

Note 1: Flexible Floor Area Ratios in Planned Unit Development Districts

The Planning Commission and City Council may increase the maximum Floor Area Ratio for a development in a planned district.

11.1503 Special Regulations and Standards

a. No building facade facing a street shall have the appearance of a rear facade. Architectural details, including materials, textures, patterns, colors, and design features used on the front facade shall be incorporated into all facades facing public streets and easily visible to the public.

b. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development.

ARTICLE 16

BP BUSINESS PARK DISTRICT

11.1601 Purpose

The BP district is designed to promote the development of planned business parks that accommodate corporate offices, research facilities, and structures that can combine office, distribution, and limited industrial uses. These facilities serve a more regional audience, but may provide services to local residents. They usually include extensive landscaping, abundant parking facilities, and good visual and pedestrian relationships among buildings.

11.1602 Site Development Regulations

Regulator	Permitted Uses
Minimum District Size (square feet)	1 acre
Minimum Lot Area (square feet)	10,000
Minimum Lot Width (feet)	100
Minimum Yards (feet)	
Front Yard (Note 1)	30
Side Yard	10
Street Side Yard	20
Rear Yard	20
Maximum Height (feet)	45
Floor Area Ratio (Note 2)	2.0
Maximum Amount of Total Parking Located in Street Yard	50%

Note 1: Flexible Yard Setbacks in Planned Unit Development Districts

The Planning Commission and City Council may vary required minimum setbacks in PUD districts. Along arterials designated in the city’s Comprehensive Development Plan, the Public Works Director may require a deeper front-yard setback.

Note 2: Flexible Floor Area Ratios in Planned Unit Development Districts

The Planning Commission and City Council may increase the maximum Floor Area Ratio for a development in a PUD district.

ARTICLE 17

I-1 LIMITED INDUSTRIAL DISTRICT

11.1701 Purpose

The I-1 district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.

11.1702 Site Development Regulations

Regulator	Permitted Uses
Minimum District Size (square feet)	5,000
Minimum Lot Area (square feet)	5,000
Minimum Lot Width (feet)	100
Minimum Yards (feet)	
Front Yard (Note 1)	25
Side Yard	0
Street Side Yard	25
Rear Yard	0
Maximum Height (feet)	50
Maximum Building Coverage	75%
Floor Area Ratio (Note 2)	1.0
Maximum Amount of Total Parking Located in Street Yard	100%

Note 1: Flexible Yard Setbacks in Planned Unit Development Districts

The Planning Commission and City Council may vary required minimum setbacks in PUD districts. Along arterials designated in the city’s Comprehensive Development Plan, the Public Works Director may require a deeper front-yard setback.

Note 2: Flexible Floor Area Ratios in Planned Unit Development Districts

The Planning Commission and City Council may increase the maximum Floor Area Ratio for a development in a PUD district.

ARTICLE 18

I-2 GENERAL INDUSTRIAL DISTRICT

11.1801 Purpose

The I-2 district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility

11.1802 Site Development Regulations

Regulator	Permitted Uses
Minimum District Size (square feet)	6,000
Minimum Lot Area (square feet)	6,000
Minimum Lot Width (feet)	60
Minimum Yards (feet)	
Front Yard (Note 1)	25
Side Yard	0
Street Side Yard	25
Rear Yard	0
Maximum Height (feet)	50
Maximum Impervious Coverage	90%
Floor Area Ratio (Note 2)	1.0
Maximum Amount of Total Parking Located in Street Yard	100%

Note 1: Flexible Yard Setbacks in Planned Unit Development Districts

The Planning Commission and City Council may vary required minimum setbacks in PUD districts. Along arterials designated in the city’s Comprehensive Development Plan, the Public Works Director may require a deeper front-yard setback.

Note 2: Flexible Floor Area Ratios in Planned Unit Development Districts

The Planning Commission and City Council may increase the maximum Floor Area Ratio for a development in a PUD district.

ARTICLE 19
RESERVED

ARTICLE 20

SPECIAL DISTRICTS

11.2001 Purpose

Special Districts are established as base districts for innovative developments or unique development areas. They are designed to encourage innovative design of mixed-use projects, to capitalize on the special characteristics and visibility of unique areas in the city, and to integrate special project types into the surrounding environment. Special districts include uses or combinations of uses that are not easily accommodated by traditional zoning districts.

11.2002 Establishment of Districts

The following special districts are hereby established.

SPECIAL DISTRICTS

MU	Mixed Use District
U/MU	University Mixed Use District
C/OS	Conservation/Open Space District

ARTICLE 21

MU MIXED USE DISTRICT

11.2101 Purpose

The MU Mixed Use District is intended to accommodate projects which combine several compatible land uses into an integrated development. The MU District may also be used to pre-designate parts of the city that are appropriate for a mixture of residential, commercial, office, and accessory uses. The District permits mixing residential areas with workplaces and services. Development in the MU District must accommodate transportation systems, pedestrian and bicycle movement, and surrounding environments.

11.2102 Permitted Uses

Each ordinance establishing an MU District establishes the use types permitted within its boundaries.

11.2103 Site Development Regulations

- a. The minimum area of any MU District is one acre.
- b. Prior to the issuance of any building permits or other authorization, all projects in the MU District shall receive approval by the City Council, following a recommendation by the Planning Commission. This approval may be granted for a specific plan for the development of an MU District in lieu of a plan for individual projects, provided that any subsequent developments are consistent with the specific plan.
- c. Applications for approval must contain at a minimum the following information:
 1. A detailed site map, including:
 - (a) a boundary survey
 - (b) site dimensions
 - (c) contour lines at no greater than five foot intervals
 - (d) adjacent public rights of way, transportation routes, and pedestrian or bicycle systems
 - (e) description of adjacent land uses
 - (f) utility service to the site and easements through the site
 - (g) description of other site features, including drainage, soils, or other considerations that may affect development.
 2. A development plan, including:
 - (a) a site layout, including the location of proposed buildings, parking, open space, and other facilities
 - (b) location, capacity, and conceptual design of parking facilities

Special and Overlay Districts

- (c) description of the use of individual buildings
 - (d) description of all use types to be included in the project or area, and maximum floor area devoted to each general use
 - (e) maximum height of buildings
 - (f) schematic location and design of open space on the site, including a landscaping plan
 - (g) vehicular and pedestrian circulation plan, including relationship to external transportation systems
 - (h) schematic building elevations and sections if required to describe the project
 - (i) grading plans
 - (j) proposed sewer and utility improvements
 - (k) location, sizes, and types of all proposed signage.
3. Specific proposed development regulations for the project, including:
- (a) the specific use types permitted within the proposed district
 - (b) maximum floor area ratios
 - (c) front, side, and rear yard setbacks
 - (d) maximum height
 - (e) maximum building and impervious coverage
 - (f) design standards applicable to the project.
4. A traffic impact analysis, if required by the City.

11.2104 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each Mixed Use District application. The City may impose reasonable conditions, as deemed necessary to ensure that a Mixed Use Development shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to MU district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a MU Mixed Use District. Proper notice shall mean the same notice established for any other zoning amendment.

Special and Overlay Districts

f. An Ordinance adopting a Mixed Use District shall require a favorable simple majority of the City Council for approval.

g. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the MU District. All approved plans shall be filed with the City Clerk.

11.2105 Amendments

The Zoning Administrator is authorized at his/her discretion to approve amendments to an approved development plan, provided that:

a. A written request is filed with the Zoning Administrator, along with information specifying the exact nature of the proposed amendment.

b. The amendment is consistent with the provisions of this section.

c. The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, and physical design; or does not increase density, floor area ratios.

c. Any amendment not conforming to these provisions shall be submitted to the Planning Commission and City Council for action.

ARTICLE 22

U/MU UNIVERSITY MIXED USE DISTRICT

11.2201 Purpose

The U/MU University Mixed Use District is based on an understanding that a college campus is a special kind of planned district, for which the requirements of traditional zoning districts may be inappropriate or difficult to apply. It provides an opportunity by which an official campus master plan may be prepared and adopted as the development plan for a specific area of the city. This relieves the university from receiving approval for each project that is consistent with the overall adopted master plan.

11.2202 Permitted Uses

The U/MU District permits College and University use, including all facilities and services that are auxiliary to campus use. Permitted auxiliary uses includes residential development, commercial services, including retail and food services that serve the campus community, maintenance facilities, and any other use included within an official campus master plan.

11.2103 Site Development Regulations

- a. The minimum area of any U/MU District is twenty acres.
- b. The City Council, following a recommendation by the Planning Commission, may approve an official campus master plan as part of the U/MU District designation. The campus master plan shall include at a minimum:
 1. A conceptual site layout, including the location of proposed buildings, parking, open space, and other facilities.
 2. General location, capacity, and conceptual design of parking facilities
 3. Description of all use types to be included in the project or area, and maximum floor area devoted to each general use.
 4. Schematic location and design of campus open spaces and greens on the site, including a landscaping plan.
 5. Vehicular and pedestrian circulation plan, including relationship to external transportation systems
 6. Proposed sewer, utility, and other infrastructure improvements
 7. Proposed development regulations, including height limitations, perimeter setbacks, and impervious coverage limitations.
 8. The range of flexibility and variation requested to maintain consistency with the master plan.
 9. Relevant design or architectural standards included in the master plan.

11.2104 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate the campus master plan and the U/MU application. The City may impose reasonable additional conditions, as deemed necessary to ensure

Special and Overlay Districts

that the campus master plan shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.

- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to U/MU district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a U/MU University Mixed Use District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. An Ordinance adopting a University Mixed Use District shall require a favorable simple majority of the City Council for approval.
- g. Upon approval by the City Council, the Campus Master Plan shall become a part of the Ordinance creating or amending the U/MU District. All approved plans shall be filed with the City Clerk.

11.2205 Amendments

The Zoning Administrator is authorized at his/her discretion to approve amendments to an approved development plan, provided that:

- a. A written request is filed with the Zoning Administrator, along with information specifying the exact nature of the proposed amendment.
- b. The amendment is consistent with the provisions of this section.
- c. The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, and physical design; or does not increase density, floor area ratios.
- d. Any amendment not conforming to these provisions shall be submitted to the Planning Commission and City Council for action.

ARTICLE 23

C/OS CONSERVATION AND OPEN SPACE DISTRICT

11.2301 Purpose

The C/OS District accommodates Seward's policy of retaining large areas of environmental importance for conservation and recreational purposes. These include large purchases along the Plum Creek and Blue River corridors and major areas of passive recreation, such as Wilderness Park. These natural resource areas, recognized by the City's Comprehensive Development Plan, are not appropriately described by traditional base zoning districts.

11.2302 Property Ownership

All land within C/OS Districts shall be owned by the City of Seward, another public agency, or a nonprofit organization or corporation whose primary purpose is resource conservation. The C/OS district is not ordinarily intended to apply to other private property and is not intended to restrict the development rights of private property owners..

11.2303 Permitted Uses

Land within C/OS Districts may be used for low-impact purposes associated with open space and recreation. Permitted uses include Horticulture, Crop Production, Cultural Services, Parks and Recreation. Recreational Clubs that include primarily outdoor uses may be permitted following approval of a Special Use Permit.

11.2304 Site Development Regulations

Because of the primary open space character of C/OS District, site development regulations that apply to development districts do not apply.

ARTICLE 24

OVERLAY DISTRICTS

11.2401 Purpose

Overlay Districts are used in combination with Base Districts to modify or expand base district regulations. They adapt to the special needs of areas of the city and further allow Seward’s Unified Land Development Ordinance to evolve as the planning and development needs and trends of specific areas also change. The Overlay Districts are designed to achieve the following objectives:

- a. To recognize special conditions in specific parts of the City which require specific regulation.
- b. To provide for the protection of special features in the natural and built environment of the city.
- c. To allow for change and adaptability to different needs and trends in land development.
- d. To encourage comprehensive neighborhood and environmental planning in the city, and to protect the integrity of vital city services such as the water supply and airport operation.
- e. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

11.2402 Establishment of Districts

The following Overlay Districts are hereby established.

OVERLAY DISTRICTS

PUD	Planned Unit Development District
TND	Traditional Neighborhood Development District
RC	Rural Conservation Development Overlay District
HD	Historic and Neighborhood Conservation Overlay District
FP/FW	Floodplain/Floodway Overlay District
AV	Aviation Overlay District

ARTICLE 25

PUD PLANNED UNIT DEVELOPMENT DISTRICT

11.2501 Purpose

The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. Planned unit developments often involve groupings of buildings or sites that are designed as an integrated unit on land under unified control or ownership at the time of grant of development permission. The requirements of a PUD run with the land regardless of the subsequent sale or conveyance of property. The PUD District may be used in combination with any base district specified in this Ordinance. The PUD District, which is adopted by the City Council with the recommendation of the Planning Commission, assures specific development standards for each designated project.

11.2502 Permitted Uses

Uses permitted in a PUD Overlay District are those permitted in the underlying base district. A PUD also may be combined with an MU Mixed Use District to allow a combination of use types not anticipated by conventional base districts.

11.2503 Objectives of Planned Unit Development Districts

In evaluating applications for PUD Planned Unit Development Overlay Districts, the Planning Commission and City Council shall consider the following general objectives.

a. Residential PUD Districts

Residential PUD Districts should be designed to produce more usable open space, provide better recreation opportunities, enhance pedestrian scale, protect or create neighborhood amenities and environmental features, and produce more attractive neighborhoods than those produced by conventional development techniques.

b. Commercial PUD Districts

Commercial PUD Districts should be designed to produce more attractive and functional clusters and commercial centers than the strip development that is frequently produced by the application of conventional zoning regulations. Techniques encouraged by PUD Districts include consolidated access, shared parking, consistent architectural quality, improved pedestrian and trail access to commercial facilities, public space, and integrated landscaping and signage programs.

c. Industrial PUD Districts

Industrial PUD Districts should promote the establishment of industrial parks and to encourage groups of industrial buildings with integrated site design and architectural and landscaping themes.

d. Mixed Use PUD Districts

Mixed use PUD Districts should promote the objectives of innovative design of their individual uses and encourage creative groupings of different but complementary uses to establish high quality urban environments. Mixed Use PUD Districts may encourage co-location of living and working areas, or activity centers that incorporate a variety of uses.

e. PUD Districts in Sensitive Contexts

PUD Districts may be utilized to provide a high level of detail and define the requirements of project approval for developments proposed within settings that are so sensitive that normal zoning requirements, including landscaping and buffering requirements, do not provide sufficient protection for neighboring properties.

11.2504 Site Development Regulations

Site Development Regulations are developed individually for each Planned Unit Development District, but must comply with the minimum or maximum standards established for the base district. Base district regulations provide flexibility, including higher densities, within Planned Unit Development districts.

11.2505 Access to Public Streets

Each PD District must abut a public street for at least 100 feet and gain access from that street.

11.2506 Application Process

a. Development Plan

The application for a Planned Development District shall include a Development Plan containing the following information indicated in this section.

b. Application Requirements

An application for approval must contain at a minimum the following information:

1. A detailed site map, including:
 - (a) a boundary survey
 - (b) site dimensions
 - (c) contour lines at no greater than two foot intervals
 - (d) adjacent public rights of way, transportation routes, and pedestrian or bicycle systems
 - (e) description of adjacent land uses
 - (f) utility service to the site and easements through the site
 - (g) description of other site features, including drainage, soils, or other considerations that may affect development.
2. A development plan, including:
 - (a) a land use plan designating specific uses for the site and establishing site development regulations, including setback, height, building coverage, impervious coverage, density, and floor area ratio requirements.
 - (b) a site layout, including the location of proposed buildings, parking, open space, and other facilities
 - (c) location, capacity, and conceptual design of parking facilities

Special and Overlay Districts

- (d) description of the use of individual buildings
 - (e) conceptual information sufficient to indicate a building height, bulk, materials, and general architectural design.
 - (f) a site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans.
 - (g) vehicular and pedestrian circulation plan, including relationship to external transportation systems
 - (h) schematic building elevations and sections if required to describe the project
 - (i) grading plans
 - (j) proposed sewer and utility improvements
 - (k) location, sizes, and types of all proposed signage.
3. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

11.2507 Adoption of District

- a. The Planning Commission and City Council shall review and evaluate each Planned Unit Development application. Criteria for findings of fact in acting on PUD applications are set forth in Table 11.2501. The City may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to PUD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a PUD Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- f. An Ordinance adopting a Planned Development Overlay Zoning District shall require a favorable simple majority of the City Council for approval.
- g. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the PD District. All approved plans shall be filed with the City Clerk.

11.2508 Amendment Procedure

Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 11.2507.

11.2509 Building Permits

The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan or any approved amendments.

11.2510 Termination of PUD District

If no substantial development has taken place in a Planned Unit Development District for three years following approval of the District, the Planning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

Table 11.2501: Criteria for Findings of Fact in Approving Planned Unit Developments

	Criteria for Findings of Fact
Land Use Compatibility	
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.
Land Use Plan	Consistency with the land use plan of the City of Seward.
Height and Scale	
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.
Setbacks	Development should respect pre-existing setbacks in its urban context. Variations should be justified by site or operating characteristics.
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.
Site Development	
Environment	Project should maximize conservation of existing environmental features, including natural vegetation, tree cover, and drainage patterns.
Parking and Internal Circulation	<p>Parking should serve all structures with minimal conflicts between pedestrians and vehicles.</p> <p>All structures must be accessible to public safety vehicles.</p> <p>Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.</p>
Site Development	
Open Space	Open spaces should contribute to the quality of the overall project and should provide supporting amenities for residential development. Open spaces should contribute to the design of the project and, when appropriate, provide locations for project-related activities.
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Project design should preserve features of environmental importance to the greatest degree possible. These features include mature trees and woodlands, wetlands, steep slopes, waterways and bodies of water.
Streetscape	Projects should relate to surrounding public streets and contribute to the quality of the street environment.

Special and Overlay Districts

Table 11.2501: Criteria for Findings of Fact in Approving Planned Unit Developments

	Criteria for Findings of Fact
Building Design	
Architectural Quality	Architectural design and building materials should be compatible with surrounding areas or reflect the specific design objectives of a new development area.
Transportation	
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements should be included to mitigate impact on street system operations.
Street Network and Continuity	Project should maintain the continuity of Seward’s street network or should provide opportunities for local traffic flow away from major arterials.
Alternative Modes	Project should make appropriate accommodations for access by public transportation, bicycles, and pedestrians.
Public Facilities	
Utility Service	Project is adequately served by public utilities and infrastructure.
Storm Drainage	<p>Project should handle storm water adequately to prevent overloading of public storm water management system.</p> <p>Project should not inhibit development of other properties or create adverse effects on other sites.</p> <p>Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.</p> <p>Project should maximize d preservation and enhancement of natural drainage features on site and should facilitate stormwater storage techniques consistent with the policies of the City.</p>
Public Safety	Project can be adequately served with police and fire protection.
Comprehensive Plan	
Consistency with Development Objectives	Project must be consistent with the city’s comprehensive plan, including applicable special area or specific plans. Project design should be consistent with the development standards and objectives of these plans.

ARTICLE 26

TND TRADITIONAL NEIGHBORHOOD DESIGN DISTRICT

11.2601 Purpose

The TND Traditional Neighborhood Design District is intended to encourage innovative mixed use residential environments that reflect the planning and development patterns in place when Seward was initially developed. The TND District produces environments which manage automobiles but maintain a scale and set of linkages that promote pedestrian travel and civic space. These theories of urban design have been classified as “New Urbanism” although they transport the patterns of development of traditional Seward into new settings. The TND regulations included in this section are intended to capture the essence of this design technique, while avoiding excessive requirements that will discourage the use of the concept. The Seward regulations are intended to capture the general concept and vision of traditional neighborhood design, without being so prescriptive as to inhibit the use of the concept or discourage design flexibility.

11.2602 Size

The minimum size of a TND District shall be 10 acres.

11.2603 Application and Approval

- a. The application and adoption process shall be the same as those established by PUD Planned Unit Development Districts.
- b. All applications for a TND Subdivision must be accompanied by a TND Development Plan, in addition to other documents required by this Ordinance. This plan shall illustrate the distribution of land uses throughout the subdivision; the location and design of public spaces, streets, and alleys; the location and nature of special design features; architectural controls; and other information necessary to communicate the concept of the TND subdivision. The TND Subdivision Plan shall be a part of the approved subdivision. Subsequent building and development permits shall be issued by the City only in consistency with the TND Development Plan.
- c. Articles of incorporation and/or covenants for a homeowners' association or other provision assuring maintenance or operation of all common spaces shall be submitted with the TND application.

11.2604 Permitted Land Uses

a. Mixed Land Uses.

- 1. Retail, service, civic, office, and various types of residential land uses may be combined within a TND development, notwithstanding the use regulations of the underlying zoning district. The distribution and location of land uses shall be consistent with the TND Plan submitted for the subdivision.
- 2. The gross floor area of commercial area permitted within a TND shall not exceed 10,000 square feet per 100 people projected to live in the development. For the purpose of calculating projected population, the following factors shall be used:

Single-Family Detached:	3.5 people per unit
Single-Family Attached:	2.75 people per unit

Special and Overlay Districts

Townhouses:	2.5 people per unit
Multi-family:	2.0 people per unit

3. Parks and public open spaces shall make up at least 10% of the total area of the TND development.

11.2605 Density

- a. The average site area per unit of a TND shall be established by the underlying zoning district. However, the density of individual parts of the TND may exceed the average density.
- b. Overall density permitted by the underlying zoning district of the TND may be increased as follows for specific amenities: 10% for the provision of a centrally located town square of at least one acre for each 25 acres of developed area; 10% for the provision of approved ornamental lighting throughout the TND Subdivision; and 10% for the development of a central community boulevard. Cumulative density bonuses shall not exceed 25% of the density permitted by the underlying zoning district.

11.2606 Lot Dimensions and Setbacks

a. Lot Dimensions.

Individual lot size dimensions, including minimum width, may be reduced to 75% of the requirement of the underlying zoning district. Any savings on lot size shall be devoted to public space, including but not limited to town squares, small parks, greenways, and community facilities.

b. Lot Setbacks

1. Lot setbacks may be varied from those otherwise specified for the zoning district. Typically, the front-yard setback should respect a build-to line that is not less than 5 feet nor greater than 20 feet. Different setbacks may be incorporated as part of the TND district approval. Setback limits must be established on the preliminary and final plat.
2. The distance across a street from building face to building face shall not exceed 100 feet except along a community street or boulevard.
3. The setback from any garage entrance to any circulation way, including an alley, must be at least 20 feet unless the project design makes other specific provisions for dedicated off-street parking. Garage access from the rear of lots by way of an alley is encouraged.

11.2607 Street System Design

a. Street Continuity.

All streets within a TND District connect to other streets within the district, forming a continuous network. All streets and alleys shall terminate at other streets within the TND District and shall connect to other streets on the edge of the district.

b. Street and Block Characteristics

1. The design of the street system shall create an open network that creates blocks with a length of no more than 660 feet.

Special and Overlay Districts

2. Street loops and cul-de-sacs may be included as part of the street system design. However, no street with a single point of access onto a connecting street should be longer than 200 feet.
3. Street or right-of-way widths may be varied within for local streets within TND Subdivisions as provided in Section 40, Circulation System Design.

c. Pedestrian System

Each project within a TND District shall include a complete pedestrian system, providing access to all residential lots or sites and major activity centers within the project. In addition, each project shall provide direct access to any public multiuse recreational trails that run through or are adjacent to the project site.

d. Community Streets and Boulevards.

Community streets and boulevards are streets that are designed as central open space features within a TND development. The incorporation of these facilities within a TND is strongly encouraged and receives a density bonus, as provided in Section 11.2605. Characteristics of such a street include:

1. Alignment that generally runs more than 50% of the longest dimension of the development.
2. Orientation to a main activity center in the development, including parks and neighborhood greens, civic facilities, commercial activity centers, or designed landmarks.
3. Extensive street landscaping and parallel sidewalks and trails.
4. Thematic lighting and street furniture.
5. A street section which incorporates a median or wide sidewalk setbacks. A median's width should be equal to 1.00 times the width of either individual street channel. If the road channel is undivided, the distance between sidewalk and curb should be equal to at least 50% of the curb-to-curb width.

ARTICLE 27

RC RURAL CONSERVATION DEVELOPMENT OVERLAY DISTRICT

11.2701 Purpose

The RC Rural Conservation Development Overlay District is intended to require development design standards and techniques in sensitive environmental areas around Seward that preserve unique landforms and the character of land. The techniques of the RC district require that the natural landforms determine the design and character of new residential development in these sensitive areas. Areas of environmental sensitivity and potential application of the RC Overlay District may be established by the city's comprehensive development plan.

11.2702 Process

Subdivisions in an RC Overlay district generally follow the approval procedures outlined in Article 44, establishing the process for preliminary and final plat approval. Projects which do not require subdivision follow approval procedures appropriate to the specific project, including Special Use Permits, zoning amendments, site plan review, or other applicable measures. The requirements and standards included in this section are in addition to those established procedures.

11.2703 Permitted Land Uses

Land uses permitted in an RC District are the same as those permitted in the underlying base district.

11.2704 Permitted Density Yield

Developments in RC Overlay districts are permitted the same density on developable area as would be allowed to conventional residential development in the underlying zoning district. Yield in housing units (Y) is calculated by the formula:

$$Y = \frac{.90(TA - UA)}{SA}$$

where:

TA = Total parcel area

UA = Undevelopable areas, defined as the sum of wetlands designated by the National Wetlands Survey, Water of the United States, slopes exceeding 20%, floodways, and soils subject to slumping, as indicated on the medium intensity maps contained in the county soil survey published by the USDA Soil Conservation Service, is subtracted from the total parcel area.

.90 = an allowance for the typical percentage of land available after deducting the area of public streets and right-of-ways serving a low-density residential development.

SA = Minimum site area per unit required by the underlying zoning district.

11.2705 Minimum Percentage of Open Space

- a. The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and protected through a conservation easement held by the City of Seward, Seward County, a Homeowners Association, or a recognized land trust or conservancy, shall be a minimum of 35% of the Net Developable Area, defined as $.90(TA - UA)$

Special and Overlay Districts

- b. The above areas shall generally be designated as undivided open space, to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards.
- c. All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the City and duly recorded in the Seward County Register of Deeds Office.
- d. The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, and for “spray fields” for spray irrigation purposed in a “land treatment” sewage disposal system. However, “mound” systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten percent of the required minimum open space.
- e. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground pipelines. However, land within the rights-of-way of high tension power lines shall not be included as comprising part of the minimum required open space.

11.2706 Conservation Areas as Open Space

- a. The location of open space shall be consistent with the policies contained in the City of Seward’s Comprehensive Development Plan, and with the recommendations contained in this section and the following section (“Evaluation Criteria”).
- b. Open space shall be comprised of two types of land; “Primary Conservation Areas” and “Secondary Conservation Areas.” All lands within both Primary and Secondary Conservation Areas shall be protected by a permanent conservation easement prohibiting future development, and setting other standards safeguarding the site’s special resources from negative changes.
 - 1. Primary Conservation Areas. This category consists of wetlands designated by the National Wetlands Survey, Water of the United States, slopes exceeding 20%, floodways, and soils subject to slumping, as indicated on the medium intensity maps contained in the county soil survey published by the USDA Natural Resources Conservation Service.
 - 2. Secondary Conservation Areas. Secondary Conservation Areas comprise at least 35 percent of the Net Developable Area and shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state, and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site. Secondary Conservation Areas are determined by specific project design and typically include all or some of the following kinds of resources:
 - (a) A 100-foot deep greenway buffer along all waterbodies and watercourses, and a 50-foot greenway buffer alongside wetlands soils classified as “very poorly drained” in the medium intensity county soil survey of the USDA Natural Resources Conservation Service). These areas must be conserved as Secondary Conservation Areas but are considered as Developable Areas for the purpose of calculating yield.

Special and Overlay Districts

- (b) 100-year floodplains.
- (c) woodlands, individual specimen trees, or small stands of significant trees
- (d) aquifer recharge areas and areas with highly permeable (“excessively drained”) soil
- (e) significant wildlife habitat areas
- (f) Class I and Class II farmlands
- (g) historic, archaeological or cultural features listed (or eligible to be listed) on the National Register of Historic Places or the Historic Resources Surveys of the Nebraska State Historical Society.
- (h) slopes in excess of 15%
- (i) ridgelines and view corridors
- (j) land with soils that do not support residential development.

11.2707 Location Standards for Open Space

a. Access to Residential Lots

Undivided open space shall be directly accessible to the largest practicable number of lots within a conservation subdivision. To achieve this, the majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space is designated as separate, noncontiguous parcels, no parcel shall consist of less than three (3) acres in area nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ballfields, upland buffers to wetlands, waterbodies or watercourses, or trail links.

b. Interconnection of Open Spaces

Protected open spaces in each new subdivision are encouraged to adjoin each other, ultimately forming an interconnected network of Primary and Secondary Conservation Areas across the county. The only elements of the network that would necessarily be open to the public are those lands that have been required to be dedicated for public use and typically configured in a linear fashion as an element of Seward’s long-range open space network through the Comprehensive Development Plan.

11.2708 Special Processes for Conservation Developments

The review and approval process for subdivisions in the RC Overlay District is the same as that for conventional subdivisions, as set forth in Article 38. Additional provisions and approval processes are set forth in this section.

a. Existing Features Plan

Special and Overlay Districts

1. Plans analyzing each site's special features are required for all proposed subdivisions. The Existing Features Plan shall include at a minimum (1) a contour map based at least upon topographical maps published by the U.S. Geological Survey; (2) the location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100 year floodplains, and all rights-of-way and easements; (3) soil boundaries as shown on USDA Natural Resources Conservation Service medium- intensity maps; and (4) the location of significant features such as woodlands, treelines, open fields or meadows, scenic views into or out from property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails.
2. The Existing Features Plan shall identify both Primary Conservation Areas and Secondary Conservation Areas, as described in Section I.C.1 and I.D.1 of this ordinance. The Existing Features Plan shall form the basis for the Conceptual Preliminary Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands in new subdivisions, according to the four-step design process described in Section 11.2708b below.

b. Conceptual Preliminary Plan

A sketch plan or a Conceptual Preliminary Plan shall be submitted for all proposed subdivisions to the Zoning Administrator before submission of a formal preliminary plat application. A Conceptual Preliminary Plan presents a conceptual layout for greenway and open lands, house sites, and street alignments. Each Conceptual Preliminary Plan shall follow a four-step design process, as described below. Applicants shall be prepared to demonstrate to the Zoning Administrator that these four design steps were followed in the preparation of the plan.

1. *Step One: Designating the Open Space.* During the first step, all potential conservation areas (both primary and secondary as defined above) are identified, using the Existing Features Plan.
2. *Step Two: Location of House Sites.* During the second step, potential house sites are located. Subdivision applicants shall identify tentative house sites on the Conceptual Preliminary Plan and proposed house sites on the detailed Final Plan. House sites should generally be located not closer than 100 feet from Primary Conservation Areas, but may be situated within 50 feet of Secondary Conservation Areas, in order to enjoy views of the latter without negatively affecting the former.
3. *Step Three: Street and Lot Layout.* The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Where cul-de-sacs are necessary, those serving six or fewer homes may be designed with "hammerheads" facilitating three-point turns. In TND districts, the location of house sites follows the location of streets and squares.
4. *Step Four: Lot Lines.* The fourth step is simply to draw in the lot line (where applicable). These are generally drawn midway between house locations and may include L-shaped "flag lots" meeting the city's minimum standards for the same.

Special and Overlay Districts

5. *Review and Comments.* The Zoning Administrator and the Public Works Director shall return written comments on the Conceptual Preliminary Plan to the applicant within 30 days of submittal. These comments should recommend changes to be made prior to submittal of a Preliminary Plat application.

11.2709 Ownership and Maintenance of Common Open Space

Developments in the RC Overlay District shall provide for ownership and maintenance of common open space. Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the City.

a. Offer of Dedication

The City of Seward, Seward County, or the Natural Resources District shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The City or other public agency may, but shall not be required to accept undivided open space provided: (1) such land is accessible to the residents of the county; (2) there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and (3) the county agrees to and has access to maintain such lands. Alternatively, a public agency may accept an easement, subject to the above conditions.

b. Homeowners Association

The undivided open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:

1. The developer shall provide a description of the association, including its bylaws and methods for maintaining the open space.
2. The association shall be organized by the developer and shall be operated with financial assistance from the developer, before the sale of any lots within the development.
3. Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
4. The association shall be responsible for maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the county on the association. The association may place liens on the homes or house lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
5. The members of the association shall share equitably the costs of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.
6. In the event of a proposed transfer, within the methods here permitted, of undivided open space land by the homeowners' association, or of the assumption of maintenance of undivided open space land by a public agency, notice of such action shall be given to all property owners within the development.

Special and Overlay Districts

7. The homeowners' association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of open space lands.

c. Condominiums

The undivided open space and associated facilities may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the state statute. All undivided open space land shall be held as a "common element."

d. Transfer of Easements to a Private Conservation Organization.

An owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and /or natural resources, provided that:

1. The organization is acceptable to the City, and is a bona fide conservation organization with perpetual existence;
2. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
3. A maintenance agreement acceptable to the commission is entered into by the developer and the organization.

11.2710 Maintenance Standards

a. Financial Responsibility

The ultimate owner of the open space (typically a homeowners' association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments.

b. Maintenance Enforcement

1. In the event that the association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the City may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.
2. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this ordinance.
3. Should any bill or bills for maintenance of undivided open space by the City or County be unpaid, a late fee of fifteen percent shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.

11.2711 Evaluation Criteria

In evaluating the layout of lots and open space, the following criteria will be considered by the Planning Commission and City Council as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purpose of this ordinance:

- a. Protection of floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as may be approved for essential infrastructure or active or passive recreation amenities.
- b. Preservation and maintenance of woodlands, existing fields, pastures, meadows, and orchards, and sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- c. Maintenance of buffers at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
- d. Design around existing treelines between fields or meadows, and minimal impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat.
- e. Maintenance of scenic views.
- f. Avoidance of new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
- g. Protection of wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency.
- h. Design around and preserves sites of historic, archaeological, or cultural value, including stone walls, barn foundations, cellar holes, earthworks, and burial grounds.
- i. Protection of rural character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads.
- j. Landscaping of common areas if appropriate.
- k. Provision of active or passive recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- l. Inclusion of a pedestrian circulation system providing access between properties, activities, or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails.
- m. Provision of open space that is reasonably contiguous, avoiding fragmented open spaces.

ARTICLE 28

HD HISTORIC AND NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

11.2801 Purpose

The HD Neighborhood Conservation Overlay District enables the adoption of special performance and development standards in combination with site development regulations of a base district for areas of special historical or architectural significance within the City of Seward. The District recognizes the importance of historically and architecturally significant districts to the character of Seward and provides for their conservation. The HD district applies standards and procedures to existing neighborhoods that analogous to those applied to new development in PUD districts.

11.2802 Application and Use

The HD Overlay District provides an opportunity to establish and apply special development controls and standards for areas in Seward with special physical or design characteristics. Examples of these standards may include but not be limited to:

- a. Variations or substitutions of development regulations, including revised minimum and maximum setbacks, lot sizes, heights, and other regulations, based on the unique characteristics of the neighborhood.
- b. Requirements for building design, materials, features, and orientations.
- c. Special requirements or permissions for signage.
- d. Limitations on maximum size and scale of buildings.
- e. Limitations on location of parking, driveways, and other features that have an impact on the fabric of a traditional neighborhood.

11.2803 Procedure for Adoption

a. Proposal

The creation of an HD Overlay District may be initiated by the Planning Commission, the City Council, or by petition of the owner or owners of 51% of the property area within the proposed district.

b. Requirements for Application

An application for the creation of an HD Overlay District must include:

1. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons for proposal of the district
2. A map indicating the boundaries of the proposed HD Overlay District, specifying the base district(s) included within these boundaries.

Special and Overlay Districts

3. An inventory of the land uses, buildings or historically important sites located within the boundaries of the proposed district.
4. A future land use plan for the district.
5. Supplemental site development regulations, design criteria, and performance standards that apply to the proposed district.

11.2805 Adoption of District

- a. The Planning Commission, and City Council shall review and evaluate each HD Overlay District application.
- b. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning Commission may recommend amendments to HD district applications.
- d. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.
- e. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an HD Overlay District.
- f. The Ordinance adopting the HD District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- g. Upon approval by the City Council, each HD Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- h. Any protest against an HD Overlay District shall be made and filed as provided by Nebraska state statutes, and amendments thereto.

11.2806 Building Permits

Building or other development permits issued by the City in an HD District shall be consistent with the adopted HD District Ordinance and shall follow all procedures for review that are established by the City.

ARTICLE 29

FP/FW FLOODPLAIN/FLOODWAY OVERLAY DISTRICT

11.2901 Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize losses to property by applying the provisions of this ordinance to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands that are unsuitable for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program when identified by the Federal Insurance Administration as a flood prone community.

11.2902 Floodplain and Floodway Overlay Districts: Findings Of Fact

a Flood Losses Resulting from Periodic Inundation

Flood hazard areas of the City of Seward, Nebraska, are subject to inundation that results in loss of life or property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1. General Causes of These Flood Losses

These flood losses are caused by (a) the cumulative effect of obstruction in floodways causing increases in flood heights and velocities, (b) the occupancy of flood areas by uses vulnerable to floods or hazardous to other which are inadequately elevated or otherwise protected from flood damages.

2. Methods Used to Analyze Flood Hazards

This ordinance uses a reasonable method of analyzing flood hazards that consists of a series of interrelated steps.

- a) Selection of a base flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated and the depth of inundation. The base flood selected for this ordinance is representative of large floods that are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one (1 %) percent chance of occurrence in any one year, as delineated by applicable Flood Insurance Studies and the Federal Emergency Management Administration's Flood Insurance Rate Maps and Flood Boundary and Floodway Map, or any subsequent effective Flood Insurance

Special and Overlay Districts

Studies, Rate Maps, and Flood Boundary and Floodway Maps issued after the effective date of this ordinance and adopted by the City of Seward.

- b) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
- c) Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.
- d) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
- e) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the base flood.

b. Land to Which Ordinance Applies

This ordinance shall apply to all lands within the jurisdiction of the City of Seward identified on the Flood Insurance Rate map (FIRM) as numbered and unnumbered A zone and/or within the Overlay Districts FP and FW established in this ordinance. In all areas covered by this ordinance, no development shall be permitted except upon a permit to develop granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community as contained in the City Code.

c. Enforcement Officer

The Chief Building Official of the City of Seward is hereby designated as the City Council's duly designated Enforcement Officer under this ordinance. Unless otherwise provided by the City Council, the Central Platte or Tri-Basin Natural Resources District shall assist the City of Seward on interpretation of floodplain/floodway rules and regulations. The Enforcement Officer shall obtain comments from the NRD as part of his/her review of all proposed activity in this Overlay District.

d. Rules for Interpretation of District Boundaries

The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The base flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

e. Compliance

No development located within known flood hazard areas of the community shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

Special and Overlay Districts

f. Abrogation and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

g. Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City of Seward and shall not be deemed a limitation or repeal of any other powers granted by state statute.

h. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Seward or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

i. Severability

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

j. Application for Appeal

Where a request for a permit to develop is denied by the Chief Building Official, the applicant may apply for such permit or variance directly to the Board of Adjustment. Procedures for appeals to the Board of Adjustment shall proceed as set forth by Section 11.4408 through 11.4410 of this Ordinance.

11.2903 Floodplain and Floodway Permits and Administration

a. Permit Required

No person, firm, or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in this section.

b. Administration

1. The Chief Building Official is hereby appointed to administer and implement the provisions of this ordinance.
2. Duties of the Chief Building Official shall include, but not be limited to:

Special and Overlay Districts

- a) Review of all development permits to assure that sites are reasonable, safe from flooding and that the permit requirements of this ordinance have been satisfied.
- b) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or Local Governmental agencies from which prior approval is required.
- c) Notify adjacent communities and the appropriate Natural Resources District prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration when participating in the National Flood Insurance Program.
- d) Notify the appropriate Natural Resources District of any proposed construction and development activity in floodplain areas, and/or upon land situated within the Floodplain/Floodway Overlay Zoning District.
- e) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- f) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- g) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.
- h) When flood-proofing is utilized for a particular structure, the Chief Building Official shall be presented certification from a registered professional engineer or architect.

c. Application for Permit

To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit.
2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans for the proposed construction.
5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
6. Give such other information as reasonably may be required by the Chief Building Official.

11.2904 Establishment of Zoning Districts

The mapped flood plain area within the jurisdiction of this ordinance are hereby divided into the two following districts: A Floodway Overlay District (FW) and a Floodplain Overlay District (FP) as identified in the official Flood Plain Study. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM when identified in the Flood Insurance Study provided by the Federal Insurance Administration.

11.2905 Standards for Floodway Overlay District and Floodplain Overlay District

- a. No permit for development shall be granted for new construction, substantial improvement or other improvements including the placement of manufactured homes within the identified flood plain unless the conditions of this section are satisfied.
- b. All areas identified as unnumbered A Zones by the Federal Insurance Administration are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this ordinance. If Flood Insurance Study Data is not available, the community shall utilize any base flood elevation data currently available within its area of jurisdiction. Further, in cases of proposed development within unnumbered "A" zones, the developer's engineer shall be required to conduct the necessary studies to determine the 100 year flood elevation and its extent in relation to such development.
- c. New construction, subdivision proposals, substantial improvement, prefabricated buildings, placement of manufactured homes and other development shall require:
 1. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effect of buoyancy.
 2. New or replacement water supply systems and/or sanitary sewage systems designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
 3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 4. All utility and sanitary facilities be elevated or flood proofed one foot above the regulatory flood elevation. Such flood proofing is permitted only for non-residential properties.
 5. That until a floodway has been designated, no development including landfill, may be permitted within the identified flood plain unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1') foot on the average cross-section of the reach in which the development or landfill is located as shown in the official flood plain study incorporated by reference herein.

Special and Overlay Districts

6. Storage of Materials and Equipment

- a) The storage of processing of materials that are in time of flooding buoyancy, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- b) Storage of other materials or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

7. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, are required to assure that:

- a) All such proposals are consistent with the need to minimize flood damage.
- b) All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
- c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- d) Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is less, include within such proposals the regulatory flood elevation.

11.2906 Floodplain Overlay District: Regulations

a. Permitted Uses

Any use permitted in the underlying base district shall be permitted in the Floodplain Overlay District. No use shall be permitted in the district unless the standards of this section are met.

b. Standards for the Floodplain Overlay District

- 1. Any new construction or substantial improvements of residential structures shall have the lowest floor, including basement elevated one foot above the base flood elevation.
- 2. Any new construction or substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall be flood proofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydro-dynamic loads and effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Enforcement Official. Such flood-proofing is permitted only for non-residential properties.
- 3. All new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designated to automatically equalize hydro-static flood forces or exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by the registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be

Special and Overlay Districts

provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Within AH zones, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

5. Manufactured Homes

a) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

(i) Over -the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.

(ii) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side.

(iii) All components of the anchoring system shall be capable of carrying a force of 4800 lbs.

(iv) Any additions to manufactured homes shall be similarly anchored.

b) All manufactured homes to be placed within Zones AL-30, AH and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of the Uniform Building Code.

c. AO Zones: Special Regulations

Located within the areas of special flood hazard are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, the following provisions apply with AO Zones:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as 1 foot above the depth number specified in feet on the community's FIRM.

2. All new construction and substantial improvements of nonresidential structures shall:

a) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as 1 foot above the depth number specified in feet on the community's FIRM; or

b) Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and

Special and Overlay Districts

hydrodynamic loads and effect of buoyancy. Such certification shall be provided to the official as set forth in Section 11.2903.

- c) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

11.2908 Floodway Overlay Districts

a. Permitted Uses

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided that they do not require structures fill or storage of materials or equipment. No use shall increase the flood levels of the base flood elevation. These uses are subject to the standards of Sections 11.2905 and other applicable sections.

1. Agricultural uses such as general farming, pasture, nurseries, forestry.
2. Accessory residential uses such as lawns, gardens, parking and play areas.
3. Nonresidential areas such as loading areas, parking, and airport landing strips.
4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves. New placement of residential structures including manufactured homes is prohibited with the identified floodway (FW) area.
5. In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State or Local sources in meeting the standards of this section.

11.2909 Request For Variances From District Requirements

- a. The Board of Adjustment, as established by the City of Seward, shall hear and decide appeal and requests for variances from the requirements of this ordinance.
- b. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Chief Building Official in the enforcement or administration of this ordinance.
- c. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided by Nebraska State Statutes.
- d. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 1. The danger that materials may be swept onto other lands to the injury of others.
 2. The danger of life and property due to flooding or erosion damage.
 3. The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

Special and Overlay Districts

4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location, where applicable.
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area.
9. The safety of access to the property in time of flood for ordinance and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effect of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

e. Conditions for Variance

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level providing terms 2. through 6. below have been fully considered. As the lot size increases beyond the one-half acre, the technical jurisdiction required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. In addition to the criteria for variances set forth in Section --- of this Ordinance, variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11.2910 Zoning Regulations For Nonconforming Uses

a. Continuance of Nonconforming Uses

A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

1. No such use or substantial improvement of that use shall be expended, changed, enlarged, or altered in a way that increases its nonconformity.
2. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Building Inspector in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.
3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue a nonconforming uses.

b. Replacement of Residential Uses

If any residential nonconforming use of structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred within those areas identified as floodway (FW). This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

c. Replacement of Non-Residential Uses

If any non-residential nonconforming use of structure is destroyed by any means, including flood, it should not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

11.2909 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

Actuarial Rates. Or "risk premium rates" are those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

Special and Overlay Districts

Appeal. A request for a review of the Chief Building Official's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding. A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. The land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.

Base Flood Elevation. Elevation indicated in the official flood plain study as the elevation of the 100-year flood.

Base Flood Protection Elevation. An elevation one foot higher than the water surface elevation of the base flood.

Channel. A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.

Community. Any state or area or political subdivision thereof which has authority to adopt and enforce flood plain management regulations for the area within its jurisdiction.

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Existing Construction (For the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing Construction" may also be referred to as "existing structures".

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters; (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Flood Plain Management. The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to, emergency preparedness plan, flood control works, and flood plain management regulations.

Flood Protection System. Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard". Such a

Special and Overlay Districts

system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound engineering standards.

Flood-proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy.

Floodplain (FP). That area of the flood plain, outside of the floodway, that on an average is likely to be flooded once every 100 years (i.e. that has a one percent chance of flood occurrence in any one year.)

Floodway (FW). The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the heights calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction. Structures for which the "start of construction or substantial improvement" is commenced on or after the effective date of the FIRM.

100-Year Flood. The base flood having a one percent chance of annual occurrence.

Overlay District. A district which acts in conjunction with the underlying zoning district or districts.

Start of Construction. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. Law 97-348) includes substantial improvement, and means the date the building permit was issued, providing the actual start of construction, repair, reconstruction,

Special and Overlay Districts

placement, or other improvement was within 180 days of the permit date. The actual start or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of street and/or walkways, nor does it include excavation for a basement, footings, or foundations or the erection of temporary forms, nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure. A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance. A grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

ARTICLE 30

AV AVIATION OVERLAY DISTRICT

11.3001 Purpose

The AV Aviation Overlay District is intended to provide for the safe operation of aircraft into and out of Seward Municipal Airport, located in Section 5, Township 10 North, Range 3 East in Seward County, Nebraska . The district provides special regulations to maintain adequate clearance and to eliminate potential hazard, safety, and development conflicts between airport operations and surrounding development. The following additional regulations shall apply to such lands within the corporate limits of Seward, Nebraska and its two-mile zoning jurisdiction within the area of three (3) miles in all directions from boundaries of any airport. This area within three (3) miles of the boundaries of said airport shall be known as the airport hazard area, and shall be regulated as follows:

11.3002 Boundaries and Zone Descriptions

a. Detailed Description of Hazard Area.

1. The hazard area consists of approach and operation zones, transition zones, and turning zones. The outer boundary of the hazard area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the approach and turning zones.
2. The inner boundary of the hazard area is a boundary consisting of a series of intersecting tangents, five hundred (500) feet from and parallel to the center line of the instrument runway or landing strip and two hundred fifty (250) feet from and parallel to the respective center lines of all other runways or landing strips and connecting the inner boundaries of adjacent approach zones at the ends of the runways, landing strips or proposed runways or landing strips.

b. Zone Descriptions

1. An operation zone shall be located at each end of each existing or proposed runway, landing strip or other portion of the airfield used regularly, or to be used regularly, for the landing or taking-off of airplanes. Such approach zones shall begin two hundred (200) feet beyond the ends of their respective strips and at such beginning shall be one thousand (1,000) feet in width for the instrument runway or landing strip and five hundred (500) feet in width for all other runways and landing strips. The approach zones shall begin at the ends of their respective operation zones and shall extend and expand uniformly centered along the extended center line of the respective landing strip, to the outer boundary of the approach zone at a rate of thirty (30) feet of width for each one hundred (100) feet of horizontal length for the instrument runway or landing strip and twenty (20) feet of width for each one hundred (100) feet of horizontal length of all other runways.

The inner area of each approach zone shall be that portion of the approach zone beginning two hundred (200) feet beyond the end of the respective or proposed landing strip and extending to the intersection of the controlling glide angle with a plane one hundred fifty (150) feet above the highest elevations of the end of the respective runway or landing strip. The outer area of each approach zone shall be the area between the inner area of the approach zone and the outer limit of the approach zone.

Special and Overlay Districts

2. The transition zones shall be the areas bounded by the inner boundary of the hazard area, the sides of contiguous inner areas of approach zones and the outer limits of the transition zones; said outer limits of the transition zones being the intersections, at elevations of one hundred fifty (150) feet above the highest elevation at the ends or edges of the closest runway or landing strip, or proposed runway or landing strip, of a series of contiguous planes originating from bases established by the inner boundary of the hazard area and the edges of adjacent inner areas of approach zones. Said planes rising from their respective bases at the rate of one (1) foot vertically to seven (7) feet horizontally to the lines of intersection previously referred to.
3. The turning zones shall comprise all portions of the hazard area not contained in the approach zones and in the transition zones. The outer limits of the turning zones shall be a series of points forming a line which is a horizontal distance of three (3) statute miles from the nearest points of the airport's property line boundary.

c. Height Regulations

No building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow:

1. In inner areas of approach zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing strip in excess of 1/50 and all other runways or landing strips in excess of 1/40 of the distance from the end of the approach zone to said structure or object;
2. In the outer area of approach zones and in turning zones to a height in excess of one hundred fifty (150) feet above the elevation at the end or proposed end of the nearest runway or landing strip;
3. In the transition zones to a height above the planes forming the transition slopes;
4. In the existing or proposed operation zones to a height above the existing or proposed finished grade of said runways or landing strips or the surface of the ground.

d. Permit Required

It shall hereafter be unlawful to erect, construct, reconstruct, repair or establish any building, transmission line, communication line, pole, tree, tower, smokestack, chimney, wires or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth, within the boundary of the hazard area of said airport without first obtaining a permit from the Building Official of Seward, Nebraska.

e. Exceptions

In the outer area or approach zones and within the turning zones, these height regulations shall not apply to construction or planting which is no higher than seventy-five (75) feet above the elevation of the end of the nearest runway or landing strip.

Special and Overlay Districts

f. Application Forms

Application for a permit as required under these regulations shall be made upon a form to be available in the office of the Building Official, Seward, Nebraska, and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting.

g. Nonconforming Structures

Within the hazard area as hereinbefore defined, no nonconforming building, transmission line, communication line, pole, tree, tower, smokestack, chimney, wires or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted; if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of eighty percent (80%) or more, or abandoned for a period of twelve (12) months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment, necessary for the operation and maintenance of same within the zone regulated.

h. Marking of Nonconforming Structures

Whenever the Building Official shall determine, or shall be notified by the Joint Zoning Board or the Nebraska Department of Aeronautics that a specific nonconforming structure or object exists and has existed prior to the passage of these regulations and within the zones area hereinbefore described at such height or in such position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the Building Official and shall within a reasonable time permit the marking thereof by suitable lights or other signals designated by the Building Official. The cost of such marking shall not be assessed against the owner or lessor of said premise.

i. Administrative Agency

The Building Official of the City of Seward, Nebraska, shall administer and enforce these regulations and shall be the administrative agency provided for in Section 3-319, R.R.S. 1943, and shall have all the powers and perform all the duties of the administrative agency as provided by the Joint Airport Zoning Board.

j. Board of Adjustment

The Board of Adjustment of the City of Seward, Nebraska, shall be the Board of Adjustment with respect to these regulations, to have and exercise the powers conferred by Section 3-320, R.R.S. 1943, and such other powers and duties as are conferred and imposed by law.

ARTICLE 31

SUPPLEMENTAL USE REGULATIONS

11.3101 Purpose

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Articles 4 through 19 of this Ordinance.

11.3102 Supplemental Use Regulations: Agricultural Uses

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

a. Crop Production in Non-Agricultural Districts

Crop production is a permitted interim use in any zoning district.

b. Horticulture and Crop Production: Retail Sales

Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:

1. Garden Centers

(a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.

(b) Garden centers must conform to all site development regulations for the zoning district.

(c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped buffer yard, consistent with the standards established in Section 11.3305.

2. Roadside Stands

(a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.

(b) A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.

(c) A roadside stand may operate for a maximum of 180 days in any one year.

b. Animal Production in the RR District

Supplemental Use Regulations

1. Breeding and raising of small animals and fowl, such as birds, rabbits, chinchilla, and hamsters is permitted in the RR District, provided that any building housing such animals shall be at least 50 feet from any property line and 25 feet from any dwelling unit on the site. Any such activity must be located entirely within a rear yard. The raising of fowl shall be limited to 50 birds per acre, up to a maximum of 500 birds.

 2. Within the RR District, any lot of 1 acre and over may maintain one horse, llama, or other equine and/or hooved animal and its immature offspring. Such a lot may have one additional animal for each additional two acres of lot area, up to a maximum total of ten animals. No stable shall be located closer than 50 feet to any dwelling unit on the site or 50 feet to any property line.
- c. Animal Production: Separation from Residential Uses
1. Animal Production use types may not be established within 500 feet of a pre-existing residential districts, including RR through RM.

 2. No feeding or disposal of garbage, rubbish, or offal associated with animal production shall occur within 500 feet of any pre-existing residential districts, including RR through RM.
- d. Confined Animal Feeding Operations (CAFO)
1. No new confined animal feeding operations shall be established within the zoning jurisdiction of the City of Seward.

 2. A CAFO that is lawfully in existence on the effective date of this Ordinance may continue to operate as a permitted use in an AG District. Operation and expansion of such a facility shall be subject to the following requirements:
 - a) Any expansion must maintain a minimum setback of 500 feet from the property line of its parcel and a minimum separation of 1,760 feet from any residential, commercial, or industrial structure other than that of the owner of the facility. Separations shall be measured between the nearest points of the CAFO expansion and any affected structure.

 - b) Livestock wastes shall be removed or disposed of by spraying or spreading on land promptly followed by disking or plowing; grinding or dehydrating in properly designed dehydrators; or composting in a facility located at least two miles from a residential zoning district.

 - c) Insect and rodent control mechanisms shall be instituted for confined areas by removal or disposal of manure; or by other accepted pest control methods.

 - d) All ground surfaces within CAFO areas shall be graded and compacted to provide proper drainage. No appreciable amount of surface runoff from CAFO areas shall be carried into a roadway ditch, drainage area, or other low-lying area.

Supplemental Use Regulations

- e) Water shall be retained on site to prevent runoff onto neighboring properties except in the event of a storm event with a 4% or smaller probability of occurrence within any 24-hour period, corresponding to a 25-year flood level.
- f) A CAFO shall not produce measurable increases in pollution in any public water-based recreation facility, public water supply, or any waterway that is part of a public or private water supply.

3. General Standards and Special Use Permit Application Requirements

- a) All aspects of the CAFO operation shall comply with the standards of the Nebraska Department of Environmental Quality.
- b) Expansion of a lawfully existing CAFO is subject to approval of a Special Use Permit. All expansions, alterations, or modifications of existing CAFO's shall comply with the setback and separation requirements set forth in this section. The Special Use Permit application for expansion shall include certification of plan review and approval by the Nebraska Department of Environmental Quality; a site plan indicating the location and maximum area of the confined area; and a detailed description of operations that specified the maximum number and type of livestock to be confined, waste disposal plans, drainage plans, and pollution control measures.
- c) A transfer of ownership of an existing CAFO shall require application and approval of a Special Use Permit, and compliance with the standards of this section.

11.3103 Supplemental Use Regulations: Residential Uses

a. Separation from CAFO's

No new residential use shall be established within 1,760 feet of an existing CAFO, except for the residence of the owner or operator of the CAFO, employee, or working tenant.

b. Downtown and Group Residential in CBD District

Downtown and Group Residential uses are permitted in the CBD District only on levels above street level. A unit or units specifically designed for occupancy by disabled residents may be developed at street level, subject to approval by the Board of Adjustments.

c. Group Residential

Group residential and boarding house uses, when permitted, are subject to the requirements set forth in Table 11.3101.

Table 11.3101

Group Residential and Boarding House Density Requirements by Zoning District

Zoning District	Terms of Permitted Use	Maximum Number of Unrelated Persons in Structure	Minimum Floor Area per Resident (square feet)	Minimum Site Area per Resident
AG	Special Use for Group Residential	5	500	1,500
R-2	Special Use for Group Residential	6	350	1,000
R-3	Special Use for Group Residential	10	300	850
R-4	Permitted for Group Residential, Special Use for Boarding House	15	250	650
RM	Special Use for Group Residential	6	350	1,000
UC, C-1 and C-1(N)	Special Use for Group Residential	10	300	650

d. Mobile Home Parks in the RM District

Mobile Home Parks and mobile home residential use are permitted in the RM District. Such use may be configured in a Mobile Home Park or Mobile Home Subdivision. Following the effective date of this Ordinance, no mobile home shall be located outside of a Mobile Home Park or Mobile Home Subdivision. A Mobile Home Park is subject to compliance with the following regulations:

1. Certification

- (a) A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be required of all Mobile Home Parks.
- (b) The Building Official is authorized to perform an annual inspection of any Mobile Home Park to ensure compliance with these regulations.
- (c) These regulations do not address the structural integrity of any units within a Mobile Home Park. Compliance with these regulations does not represent city warrant of the structural integrity of any structure or unit in such a facility.

2. Minimum and Maximum Area

A Mobile Home Park shall be considered to be one zoned lot. The minimum contiguous area of a Mobile Home Park shall be two acres.

3. Density Requirements

- (a) The maximum gross density of a Mobile Home Park shall be 7 units per acre.

Supplemental Use Regulations

(b) The minimum size of an individual mobile home space shall be 4,000 square feet for single-wide mobile home units and 5,000 square feet for double-wide mobile home units.

(c) Each mobile home space shall have a width of at least 40 feet and a length of at least 75 feet.

4. Site Development Standards

(a) Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of 30 feet. No space for a dwelling unit or any other structure shall be permitted in the required setback.

(b) Setback landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Article 33 of this Ordinance.

(c) Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed 60 percent of the total site area.

(d) Open Space: Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.

(e) Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 20 feet.

(f) Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space shall maintain a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.

5. Street Access and Circulation Requirements

(a) Access to Public Street: Each Mobile Home Park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.

(b) Vehicular Circulation: The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 100 feet. No such cul-de-sacs may exceed 300 feet in length.

(c) Separation between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.

Supplemental Use Regulations

(d) Sidewalks: Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right of way. Sidewalk width shall be at least four feet.

(e) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.

(f) Parking Requirements: Each Mobile Home Park must provide at least two off-street parking stalls for each mobile home space.

6. Utilities

a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of hot and cold water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.

(b) Complete water and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Chapter of the Unified Land Development Ordinance.

(c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Chapter of the Unified Land Development Ordinance.

(d) All electric, telephone, gas, and other utility lines shall be installed underground.

7. Foundation Requirements

a) All mobile homes shall be secured to the ground by tie-downs and ground anchors that comply with the requirements of the Nebraska Department of Health and Human Services.

(b) All mobile homes shall be blocked at a maximum of ten foot centers around the perimeter of each unit; such blocking shall provide 16 by 16 inch bearing on the stand.

(c) Pads shall be a hard surface capable of carrying the weight and of sufficient length to support all blocking points of the mobile home.

(d) Each home shall be skirted within 30 days of its placement in the park. Skirting materials shall be compatible with the exterior finish of the mobile home.

8. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.

9. Completion Schedule: Construction must begin on any approved Mobile Home Park within one year of the date of approval by the Planning Commission and City Council. Such

Supplemental Use Regulations

construction shall be completed within two years of approval, unless otherwise extended by the Commission.

e. Mobile Home Subdivisions in the MH District

1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Chapter of the Unified Land Development Ordinance of Seward. Site development regulations shall be the same as those required in the R-2 Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.

2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance. All units shall be installed on a permanent foundation with complete removal of wheels and towing packages.

f. Retirement Residence

1. Maximum Floor Area Ratio is 0.5 for buildings up to and including three stories. The number of living units and occupants is determined by Floor Area Ratio rather than site area per unit regulators. For example, the maximum gross floor area of a retirement residence on a 100,000 square foot site is 50,000 square feet.

2. Any action that would result in occupancy of the project by persons less than retirement age requires approval of a Special Use Permit by the City Council following a recommendation by the Planning Commission.

g. Two-Family Residential

Where permitted, two-family residential development is subject to the following regulations

1. The second dwelling unit shall be located to the rear of the site and shall be separated from the primary dwelling unit by 25 feet.

2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from the public adjacent to the lot.

3. Both structures shall meet all other setback requirements of the zoning district.

11.3104 Supplemental Use Regulations: Civic Uses

a. Clubs

Clubs located adjacent to residential uses shall maintain a bufferyard of not less than fifteen feet along the common boundary with such residential use.

b. Day Care Centers (General)

1. Each day care center (general) must be validly licensed by either the State of Nebraska or the appropriate governmental agency.

Supplemental Use Regulations

2. Each facility shall provide a minimum of 50 square feet of outdoor play area per child, fully enclosed by fence or wall that is at least 42 inches but not more than 72 inches in height. Play areas shall be easily accessible from the main facility and be free of hazards, including potential traffic hazards.
 3. Special Use Permit applications for General Day Care Centers shall specify the number and projected ages of children to be cared for at the facility, and the number of projected full- and part-time staff.
- c. Group Care Facilities and Group Homes
1. Each group care facility or group home must be validly licensed by either the State of Nebraska or the appropriate governmental agency.
 2. Group homes are permitted in the CBD District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval as a Conditional Use by the Planning Commission.

11.3105 Supplemental Use Regulations: Commercial Uses

- a. Auto Service, Repair, Equipment Repair, Travel Center, Truck Stop, RV Storage, and Body Repair Uses
1. Where permitted in commercial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Article 33 of this Ordinance.
 2. Any spray painting must take place within structures designed for that purpose and be approved by the Building Official.
 3. All entrances and exits serving a gasoline or Diesel service station, convenience store offering fuel sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from the right-of-way line of any intersection.
 4. All fuel pumps shall be set back at least fifteen feet from any street line.
- b. Auto Washing Facilities
1. Each conveyor operated auto washing facility shall provide on-site stacking space for five vehicles per washing lane on the approach side of the washing structure and on-site stacking space for two vehicles on the exit side.
 2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.
- c. Automobile, RV, and Equipment Rental and Sales

Supplemental Use Regulations

1. All outdoor display areas for rental and sales facilities shall be hard-surfaced, unless screened from casual view as provided by Section 11.3306.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

d. Bed and Breakfasts

1. When permitted in residential districts, bed and breakfasts shall include a maximum of four guest units and the residence of the facility owner.
2. Bed and Breakfasts permitted in the CBD District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

e. Campgrounds

1. Minimum Size: Each campground established after the effective date of this title shall have a minimum size of one acre.
2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot bufferyard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

f. Construction Sales and Service

Retail home improvement stores and centers may include outdoor storage of materials and must comply with the following conditions:

1. Architectural design and materials shall be consistent with the current or projected character of the surrounding area.
2. All outside storage or display of merchandise or other materials or equipment shall be screened from view at eye level from a public street or adjacent property.
3. All storage buildings with overhead doors, drive openings, or open bays and all loading areas shall be fully screened from view at eye level from a public street or adjacent property.
4. Minimum screening shall be consistent with screening standards set forth in Section 38.6.
5. All areas not occupied by buildings or landscaping shall be paved with concrete or asphalt, or surfaced with gravel or similar treatment to reduce dust.

Supplemental Use Regulations

g. Convenience Storage

When permitted outside of the I-2 District, convenience storage facilities shall be subject to the following additional requirements:

1. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
2. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
3. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
4. No storage buildings may open into required front yards.
5. Facilities must maintain landscaped bufferyards of 30 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article 33.

h. Kennels

1. The minimum lot size shall be two acres.
2. No building or dog runs shall be located nearer than 100 feet from any property line and 500 feet to the property line of any residential use or district.
3. All kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Screening shall be of a type provided by Section 33, establishing landscape and screening standards.

i. Restricted (Adult Entertainment) Businesses

Adult entertainment businesses shall be subject to the following restrictions, and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions:

1. No adult entertainment business shall be open for business between the hours of twelve midnight and six a.m.
2. A new adult entertainment business shall not be allowed within 1,000 feet of an existing adult entertainment business.
3. A new adult entertainment business shall not be located within 500 feet of any residentially zoned district or 1,000 feet of a preexisting school, public park, or place of worship.
4. The provisions of this chapter shall apply to any adult entertainment businesses in existence at the time the ordinance codified in this chapter takes effect. All nonconformance shall come into compliance on or before January 1, 2005, and no such nonconforming use

Supplemental Use Regulations

shall be permitted to expand in size or scope and the rights granted in this chapter shall terminate upon cessation of business, sale or transfer of ownership of the adult entertainment business.

5. Measurement of distances. For the purpose of this chapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park or areas zoned for residential use which is closest to the said main entrance of such adult entertainment business.

6. No adult entertainment business shall be conducted in any manner that permits the observation of models or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult entertainment business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the premises which is prohibited by this code or any laws of the state or the United States.

7. No part of the interior of the adult entertainment business shall be visible from any pedestrian sidewalk, walkway, street, or other public or semipublic area.

8. An adult entertainment business shall post a sign at the entrance of the premises, which shall state the nature of the business and shall state that no one under the age of eighteen years is allowed on the premises. The sign shall comply with the city's sign regulations. This section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.

9. Nuisance Operation: Any adult entertainment business operated, conducted or maintained contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance, and the city attorney may, in addition to or in lieu of prosecuting a criminal action under this chapter, commence an action or actions, proceeding or proceedings, for the abatement, removal or enjoinder thereof, in the manner prescribed by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment business contrary to the provisions of this chapter.

11.3106 Supplemental Use Regulations: Industrial Uses

a. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

1. Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties as determined by review of the Zoning Administrator. Erosion control facilities, including retention and sediment basins, are required of each facility, if necessary, to meet this standard.

Supplemental Use Regulations

2. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted as part of a Special Use Permit.
3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.
4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
 - (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible.
 - (b) Installation of perimeter safety screening and/or fencing.
 - (c) Installation of visual screening adjacent to any property within a residential or public use district consistent with Bufferyard Standards contained in Article 33. Resource extraction uses in the AG District shall be subject to the same bufferyard requirements as those in the I-2 District.
5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the Planning Commission and the appropriate Natural Resources District.

b. Salvage Services and Long-term Vehicle Storage and Dismantling

1. Screening:
 - (a) The perimeter of each new facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be eight feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
 - (b) Each existing salvage services facility shall be screened as provided above within one year of the effective date of this Ordinance.
 - (c) The above requirement shall also apply to uses adjacent to residential zoning districts or residential uses that include the long-term storage and dismantling of vehicles
2. Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.
3. No new Salvage Services use may be established within 500 feet of the nearest property line of a pre-existing residential zoning district or of any pre-established civic use.

11.3107 Performance Standards in Industrial Districts

The following performance standards apply to all industrial uses permitted within an industrial zoning district:

Supplemental Use Regulations

1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.
2. Fire Hazard: No operation shall involve the use of highly flammable gases, corrosive materials, strong acids or bases, liquids, or inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of Seward County and the City of Seward.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the I-1 district shall generate sound levels in excess of 65 dbA between the hours of 7:00 am and 10:00 pm, and 55 dbA between the hours of 10:00 pm and 7:00 am, measured at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.
4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material, which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. Air Contaminants: No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.
6. Odor: The emission of odors determined by the Planning Commission to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.
7. Gases: No release of noxious or poisonous gases shall be permitted except as provided in this section. Measurements shall not exceed 5 parts per million for sulfur dioxide or carbon monoxide or 1 part per million for hydrogen sulfide taken at the property line of the operation.
8. Vibration: All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation, which exceeds a displacement of 0.003 inch.
9. Glare and Heat: All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.
10. Storage of Chemical Products: If allowed by Special Use Permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed 150,000 gallons when stored on one lot less than one acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any Residential, Office, or Commercial zoning district.

11.3108 Telecommunications Towers

In any district where radio, television, microwave, cellular, or other communication towers are allowed as a permitted or Special Permit Use, such towers are subject to the following additional requirements.

a. Tower Siting

1. It is the policy of the City of Seward to encourage co-location of new communications towers with existing towers or as part of suitable existing structures. All applications for approval of a communications tower location shall include evidence that all potential alternatives for location on existing towers have been explored and exhausted. Applicants may not be denied space on an existing tower within the City of Seward and its jurisdiction unless mechanical, structural, regulatory factors, or legitimate business expansion plans prohibit co-location.
2. The applicant for a communications tower location is required to demonstrate as part of its application that the tower must be located on the proposed site in order to satisfy its function in the company's system. The applicant must also demonstrate that the proposed height is the minimum height necessary for the successful functioning of the tower.

b. Tower Setbacks, Design, and Height

1. Free-standing towers shall be located so that the distance from the base of the tower to any adjoining property line or the supporting structure of a separate neighboring tower is a minimum of 100 % of the tower height. The Planning Commission may recommend and the City Council approve a reduction to the set back with a Special Use Permit if they determine that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.
2. The tower installation shall be designed to be aesthetically and architecturally compatible with the built environment of the City of Seward. The City encourages efforts to hide towers or restrict their visibility from public right-of-way or neighboring properties. Associated support buildings shall be designed with materials that are consistent with those in the surrounding neighborhood. Metal exteriors shall generally not be permitted for accessory support buildings.
3. All tower installations shall maintain landscaped peripheral yards with a minimum depth of 35 feet from surrounding property lines. One tree consistent with the provisions of Article 33 shall be planted for every 500 square feet of required peripheral yard area.
4. As part of the Special Use Permit approval process, the City Council may permit the tower to exceed the height restrictions otherwise allowable in the district.
5. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.
6. Lights, Signals and Signs: No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA. Should lighting be required, at the time of construction of the tower in cases where there are residential users located within a distance which is

Supplemental Use Regulations

300% of the height of the tower from the tower, then dual mode lighting shall be requested from the FAA. Lighting on towers shall not exceed the minimum requirements of the FAA or other regulatory agencies.

7. Adequate security measures are required at the base of the tower to prevent vandalism or hazards resulting from casual access to the facility.
- c. City Site Selection Criteria in Evaluating Applications for Communications Towers
1. Consistent with the policy of this Ordinance, the telecommunications company proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system. Further, the company must demonstrate by technological evidence that the height requested is the minimum height necessary.
 2. Applications for necessary permits will only be processed when the applicant demonstrates that it is either an FCC licensed telecommunications provider or has in place necessary agreements with an FCC licensed telecommunications provider for use or lease of the support structure.
 3. Personal wireless service facilities should be located and designed to minimize any impacts on residential property values. Sites should be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.
 4. Location and design of sites in all Districts should consider the impact of the site on the surrounding neighborhood and the visual impact within the zone district. In residential districts and residential land use areas, the minimum lot size for towers shall be three acres.

f. Priorities for Siting

The following establishes the order of priorities for locating new communications facilities:

1. Public property, (excluding prairie, conservation or wildlife areas, or historic structures).
2. Appropriate existing structures, such as buildings, towers, water towers, and smokestacks in other zoned districts.
3. AG, I-1, or I-2 districts that do not adjoin or adversely impact residential neighborhoods.
4. Private non-residential property in C-2 or C-3 districts.
5. Private, non-residential properties in C-1 or UC districts.
6. Place antennas and towers on multi-family residential structures exceeding thirty feet (30') in height in districts zoned R-3, and R-4.

Supplemental Use Regulations

7. Residential districts only if locations for which a need has been demonstrated are not available on existing structures or in non-residential districts; and only on or in existing churches, parks, schools, utility facilities or other appropriate public facilities.

8. An applicant for a new antenna support structure to be located in a residential zoning district shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government structure, a private institutional structure, or other appropriate existing structures within a non-residential zoning district, and that due to valid considerations including physical constraints, or technological feasibility, no appropriate location is available. The telecommunications company is required to demonstrate that it contacted the owners of structures in excess of thirty feet (30') within a one-quarter mile radius of the site proposed, asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones. The information submitted by the applicant shall include a map of the area to be served by the tower, its relationship to other antenna sites in the applicant's network, and an evaluation of existing buildings taller than thirty feet (30'), towers and water tanks within one-quarter mile of the proposed tower.

11.3109 Supplemental Use Regulations: Miscellaneous Uses

a. Landfills

1. Compliance with Codes: Each landfill must comply with all relevant city, county, State, or Federal codes and statutes.

2. Prevention of Hazards: No facility shall present a hazard to surrounding residents or properties.

3. Drainage and Water Supply: No landfill may modify or prevent the flow of major natural drainage ways within the jurisdiction of the City of Seward. Landfills shall not produce a measurable increase in pollution in any public water-based recreational facility or in any waterway or well that is a part of a public or private water supply.

4. Minimum Separation from Residential Uses: No non-putrescible landfill may be established within 300 feet of a developed residential or public use. No landfill involving the disposal of putrescible or septic wastes shall be established within one-fourth mile of any residential, public, or commercial zoning district; or any State or Federal Highway.

5. Restoration of Site: The site of any landfill must be restored, stabilized, planted, and seeded within six months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the State of Nebraska's Department of Environmental Quality.

6. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Seward and its extra-territorial jurisdiction.

Supplemental Use Regulations

b. Wind Energy Conservation Systems (WECS)

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Special Use Permit approval if the City Council, after recommendation by the Planning Commission, finds that the reduction is consistent with public health, safety, and welfare.
2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Special Use Permit approval if the City Council, after recommendation by the Planning Commission, finds that the reduction does not impede the operation of either WECS.
3. Any tower or rotor shall maintain a distance of at least 100 horizontal feet from any structure, power line, or antenna located on another property.
4. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
5. A fence eight feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.
6. The height of the WECS may exceed the height restrictions of the base district by up to 50%. The bottom tip of any rotor must be at least 10 feet above any area accessible to pedestrians.

11.3110 Supplemental Use Regulations: Accessory Uses

a. Home-Based Businesses/ Home Occupations

Home-based businesses and home occupations are permitted as an accessory use in residential units and must register and obtain a permit from the office of the Building Inspector on an annual basis, subject to the following conditions:

1. External Effects:
 - (a) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
 - (b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.
 - (c) The home occupation shall be carried on entirely within the principal residential structure, or within an accessory structure that does not exceed 480 square feet in area or 15 feet in height.
 - (d) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.

Supplemental Use Regulations

- (e) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
 - (f) No home occupation shall discharge into any sewer, drainageway, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
2. Employees: The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.
 3. Extent of Use: For all residential and agricultural zoning districts, the smaller of 25% of the floor area of the dwelling or 480 square feet may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.
 4. Signage: Each home-based business shall be permitted to have one non-illuminated wall sign not to exceed six square feet in area.
 5. Traffic Generation and Parking
 - (a) Home-based businesses may generate no more than 10 vehicle trips per day, corresponding to amount of traffic normally generated by a dwelling unit.
 - (b) Deliveries or service by commercial vehicles or trucks rated at ten tons gross empty weight is prohibited for any home-based business located on a local street.
 - (c) Parking needs generated by a home-based business shall be satisfied with off-street parking. No more than one vehicle used in connection with any home occupation shall be parked on the property. Such parking shall not be located in a required front yard. No more than two on-street parking spaces shall be used by the home occupation at any one time.
 6. Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:
 - (a) Animal hospitals.
 - (b) General retail sales.
 - (c) Restaurants.
 - (d) Repair shops or service establishments that service major electrical appliance repair, motorized vehicles repair, small engines, and related items.
 - (e) Stables or kennels.
 - (f) Barber and beauty shops
 - (g) Welding, vehicle body repair, or rebuilding or dismantling of vehicles.

b. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot.

Supplemental Use Regulations

1. Private garages and parking for the residency use.
2. Recreational activities and uses by residents.
3. Home occupations, subject to the provisions of this Ordinance.
4. Non-commercial convenience services for the primary use of residents of multi-family uses or mobile home parks, including laundromats, clubhouses, and post offices.
5. Garage sales, provided that the frequency of such sales at any one location are limited to one sale of no more than three days duration in a month, and three sales during any twelve month period.

c. Permitted Accessory Uses: Civic Use Types

Guidance Services and Health Care use types are permitted in the I-1 Limited Industrial zoning districts only as accessory uses to a primary industrial use.

d. Permitted Accessory Uses: Other Use Types

Other use types may include the following accessory uses, activities, and structures on the same lot:

1. Parking for the principal use.
2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.
3. Services operated for the sole benefit of employees of the principal use.

e. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands, subject to the regulations set forth in Section 11.3102.
2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.
3. Buildings that directly serve and are required for the conduct of crop and animal production, are exempt from requirements for building permits and inspections. Structures that house other uses are subject to the requirements of this ordinance, even if located on property zoned or primarily zoned or used for agricultural purposes.

11.3111 Supplemental Use Regulations: Outdoor Storage outside of the I-1 and I-2 Zoning Districts

Outdoor storage is prohibited in all zoning districts except the I-1 Limited Industrial and I-2 General Industrial zoning district, except as provided in this section.

Supplemental Use Regulations

a. Agricultural Use Types

Outdoor storage is permitted only where incidental to agricultural uses.

b. Residential Uses and Property

Except as otherwise provided by this Ordinance, any goods, equipment, materials, machinery, and parts thereof stored on any residentially zoned property must be stored in completely enclosed buildings or in spaces screened by fencing and/or evergreen shrubbery providing at least an 80% screen and having a height of no less than 6 feet nor more than 8 feet.

c. Civic Use Types

Outdoor storage is permitted only where incidental to Maintenance Facilities, or in completely enclosed buildings or in spaces screened by fencing and/or evergreen shrubbery providing at least an 80% screen and having a height of no less than 6 feet nor more than 8 feet.

d. Commercial Use Types

1. Outdoor storage is permitted where incidental to Agricultural Sales and Service, Auto Rentals and Sales, Construction Sales and Service, Equipment Sales and Service, Stables and Kennels, and Surplus Sales.

2. Outdoor storage is permitted where incidental to Auto Services, Equipment Repair, Long-term Vehicle Storage, and Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 11.3306. This provision shall apply to any Auto Services, Equipment Repair, or Body Repair use established after the effective date of this Ordinance.

e. Industrial and Miscellaneous Use Types

1. Outdoor storage is permitted where it is incidental to industrial uses within the AG and I-1 zoning districts. Any such outdoor storage is subject to screening requirements set forth in Article 33.

2. Outdoor storage is permitted where incidental to landfills.

11.3112 Supplemental Use Regulations: Temporary Uses

a. Purpose

These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Unified Land Development Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

b. Temporary Use Types

The following temporary uses are permitted, subject to the regulations contained within these sections:

Supplemental Use Regulations

1. Model homes or apartments, if contained within the development to which they pertain.
 2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
 3. Public assemblies, displays, and exhibits.
 4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within an AG, C-1, C-2, CBD, I-1, or I-2 zoning district. Such uses shall not exceed three weeks in duration.
 5. Outdoor art shows and exhibits.
 6. Seasonal sales, including Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
 7. Construction site offices, if located on the construction site itself.
 8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.
 9. Construction Batch Plants in the I-1 District, provided that:
 - (a) No plant may be located within 600 feet of a developed residential use, park, or school.
 - (b) The facility is located no more than one mile from its job site. The Zoning Administrator may extend this distance to two miles, if such extension avoids use of local streets by plant-related vehicles.
 - (c) Hours of operation do not exceed 12 hours per day.
 - (d) The duration of the plant's operation does not exceed 180 days.
 10. Additional temporary uses that the Zoning Administrator determines to be similar to the previously described uses in this section.
- c. Required Conditions of All Temporary Uses
1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
 2. The Zoning Administrator may establish other conditions that he/she deems necessary to ensure compatibility with surrounding land uses.

ARTICLE 32

SUPPLEMENTAL DEVELOPMENT REGULATIONS

11.3201 Purpose

The Supplemental Site Development Regulations establish basic requirements for developable lots, including frontage requirements. They recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this Ordinance and provide for specific areas of exception.

11.3202 Required Street Frontage

Except as permitted below, any lot used in whole or part for residential purposes shall provide a minimum frontage of 20 feet along at least one public street, or shall possess an exclusive, uninterrupted private easement of access or right of way of at least 20 feet wide to a public street. There shall not be more than one single-family housing unit for such frontage or easement. A common easement of access at least 40 feet in width may be provided for two or more single-family units or for one or more duplex, two-family, townhouse, or multiple-family housing units.

11.3203 Lot Size Exceptions

In any district permitting residential use types, a single-family use type may be located on any lot or plot of official record but nonconforming in size as of the effective date of this Ordinance, regardless of its area or width,

11.3204 Setback Adjustments

a. Lots Adjoining Alleys

In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than five feet to the near side of the alley.

b. Encroachments on Required Yards

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Architectural projections, including roofs that cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project two feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features that have no structural element more than three feet above or below the adjacent ground level may project six feet into a required front yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or 15 feet from any street property line.

Supplemental Use Regulations

3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
4. For buildings constructed upon a front property line, a cornice may project into public right-of-way, unless such property is constructed on a State or Federal Highway. Maximum projection is the smaller of four feet or five percent of the right-of-way width.
5. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
6. Swimming pools shall be subject to the same location and setback requirements as accessory buildings.
7. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines. The spread of a flag when fully extended shall not extend onto public right-of-way.
8. Garage Setbacks: Any garage that fronts on a public street must be set back at least 20 feet from such street, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.

c. Setbacks on Arterial Streets

Notwithstanding any other provision of this ordinance, the City may require a setback for all buildings built or altered, or off-street parking areas developed along a State or Federally designated highway that exceeds those normally required for the zoning district.

Lots of record under five acres in size; lots of record duly platted and approved prior to the effective date of this Ordinance, or where a properly dedicated and accepted frontage road right-of-way exists are exempt from these provisions and are instead subject to the setback requirements of their respective zoning district.

d. Setback Adjustments

1. Setbacks on Built-Up Blockfaces

These provisions apply if thirty percent or more of the buildings on that blockface have front yard setbacks different from those required for the specific district.

- (a) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the mean front yard setbacks of the adjacent buildings.
- (b) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the front yard setback of the adjacent building.

Supplemental Use Regulations

(c) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean front yard setback of all existing buildings on the blockface.

(d) No setback adjustment pursuant to this section shall create a required front yard setback more than five feet greater than that otherwise required by the applicable zoning district.

2. Corner Lots

(a) Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.

(b) No setback adjustment shall permit encroachment into the vision clearance triangle.

e. Double Frontage Lots

Residentially zoned double frontage lots on a major street, and with no access to that street may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

f. Satellite Antennas

1. Antennas with a surface area over 6.3 square feet which are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use.

2. Antennas with a surface area of over 6.3 square feet are subject to the following additional regulations:

(a) Such antennas shall be located no less than ten feet from the property line of an adjacent property line.

(b) The maximum height shall be 15 feet and the maximum diameter shall be 11 feet.

(c) Each antenna shall be screened by a six foot high wood or masonry fence, or by natural plants or trees of equal minimum height.

g. Vision Clearance Zones

Except in the CBD District, no structure or obstruction, including fences, walls, or landscape materials, shall be built to a height of between 24 inches and 10 feet above the established curb grade on the part of the lot within as vision clearance zone. The vision clearance zone shall be a triangle defined by:

1. 20 feet back from the intersection of curb lines and right-of-way edges of alleys.

2. 75 feet from the intersection of the centerlines of intersecting local streets.

3. 90 feet from the intersection of the centerlines of intersecting collector or arterial streets.

11.3205 Accessory Buildings and Garages

a. Setbacks and Setback Flexibility

Accessory buildings are subject to all site development regulations of its zoning district, except as provided below:

1. Side Yards: An accessory building may be located a minimum of three feet from the side lot line of the property if it is located in an area from six feet behind the rear building line of the principal building to the rear property line and is under 15 feet in height. An additional one foot setback is required for every two feet above 15 feet in height, up to the minimum requirements of the zoning district.
2. Front Yards: No accessory building may be located between the front building line of the principal building and the front property line.
3. Rear Yard: The minimum rear yard setback for accessory buildings shall be 7.5 feet. The sum of the width of the alley and the rear yard setback shall be at least 20 feet if the accessory building is a garage with a vehicular entrance door that is directly oriented toward an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as required by the individual zoning district. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.
4. Street Yards: No accessory building shall be located within 20 feet from any street right-of-way line.
5. Garage Setbacks: Any garage that fronts on a public street must be set back at least 20 feet from such street, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.

b. Maximum Size of Residential Accessory Buildings

1. The maximum size of a detached garage for a single-family detached, single-family attached, or duplex residential uses shall not exceed the larger of 720 square feet, or 25% of the building coverage of the main residential structure. A detached garage may exceed these maximums subject to approval of a Special Use Permit and other requirements of this section.
3. All accessory buildings on a site, taken together, must comply with the building coverage requirements for the zoning district.

c. Height of Accessory Buildings

In residential districts, the maximum height shall be 16 feet for any accessory building. Maximum height for a detached garage and/or other accessory building in an AG or RR District shall be 20 feet.

d. Architectural Requirements for Detached Garages

1. Exterior building materials and architectural designs used for detached garages for single-family detached, single-family attached or duplex residential structures shall be comparable to, or similar to, or architecturally harmonious with, the existing main residential structure.
2. Exterior materials shall be non-reflective and shall be of a color, material, and scale comparable to existing residential structures in the immediate area. Permanent siding shall be, or simulate, wood, wood shingles, brick, masonry, or tile. The roof shall be pitched with a minimum vertical

Supplemental Use Regulations

rise of 2.5 inches for each 12 inches of horizontal run. Roof construction shall be of non-reflective materials which either are or simulate the appearance of asphalt, wood shingles, tile, or rock.

e. Other Requirements for Accessory Buildings: Physical Separation, Effects on Other Properties, Hazards, and Sequencing of Construction

1. Separation from Other Buildings: No accessory building shall be placed within five feet of any other building on its own property.
2. Attached Accessory Buildings: Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district, except as modified in this section.
3. Effect on Adjacent Properties: If an adjacent lot is built upon, the accessory building must be entirely to the rear of the line of any principal building on such adjacent lot.
4. Hazards: Any accessory use that creates a potential fire hazard shall be located a minimum of 10 feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.
5. No accessory building shall be built upon any lot until construction of the principal building has begun.

11.3206 Height Exceptions

These provisions allow exceptions to the height limit of any zoning district in certain situations.

a. Vertical Projections

1. Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may be built to any height in accordance with existing and future ordinances.
2. Any such equipment or vertical projections attached to a building and exceeding the height limit shall be screened to prevent visibility from public right-of-way or adjacent property using materials or design features that are consistent with the overall design of the main building.
3. No such projection may be built which in the event of failure could constitute a hazard or fall onto either public right-of-way or property, or another private property

b. Civic Buildings

Buildings housing civic use types may be built to a maximum height of 60 feet. Such buildings located in residential districts shall be set back one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.

c. Wind Energy Conservation Systems (WECS)

Wind Energy Conservation Systems are subject to the regulations of Section 11.3110b.

Supplemental Use Regulations

d. Special Use Permit Approvals

The City Council, following the recommendation of the Planning Commission, may grant an exception from the height limit for a zoning district for a Special Use as part of its approval of that use. The limit or extent of this exception shall be a specific part of the Special Use Permit.

11.3207 Exceptions to Site Development Regulations for Innovative Development Design: Conservation Subdivisions, Traditional Neighborhood Developments, or Planned Developments.

a. Purpose

As part of the approval process of innovative development designs, including Conservation Subdivisions, Traditional Neighborhood Developments, or Planned Unit Developments, the city may authorize greater flexibility in setbacks in order to produce innovative residential environments, to provide for more efficient use of land, to protect topographic and to encourage the preservation of common area and open space. These special regulations and design exceptions apply only to Conservation Subdivisions.

b. Site Area Per Unit

1. Unless otherwise provided, the site area per unit for an innovative development as a whole shall be that of the zoning district in which such subdivision is located. For the purpose of computing site area per unit, the area of public streets and private ways within the subdivision must be excluded. Residential use types may be combined within the creative subdivision provided that the subdivision as a whole complies with the required maximum density of the zoning district.

c. Perimeter Yards

1. Structures must maintain normal street yard setbacks from any public streets that form the perimeter of the development.
2. Structures must maintain a 20-foot minimum sideyard setback from any property line that forms the boundary of the development.

d. Area and Yards for Individual Lots

1. Individual lots within an innovative development are permitted special minimum lot area and yard setback requirements set forth elsewhere in this Ordinance. An innovative subdivision must be planned and developed as a common development.
2. Any private garage oriented to or facing a public street or private way internal to the creative subdivision must be set back a minimum of 20 feet from that public street or private way.

e. Coverage and Landscaping Requirements

Individual lots in an innovative development are exempt from maximum building and impervious coverage limitations and street yard landscaping requirements established for the zoning district.

Supplemental Use Regulations

However, the subdivision as a whole, including streets, walks, and access ways, must comply with the building and impervious coverage regulations for its zoning district.

11.3208 Fence Regulations

a. Location Restriction

1. Unless otherwise provided by this Ordinance or other sections of the Seward Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines.
2. No fence shall be built by a private party on public land without the specific prior approval of the City. Removal of any such fence shall be at the expense of its owner.

b. Applicability

The regulations contained in this section apply to all fences with a height above grade of 30 inches and over.

c. Sight Obstruction at Street Intersections

No fence or hedge permitted or required by this Section or other sections of the Seward Municipal Code shall be built to a height of more than two feet above the established curb grade on the part of the lot within a vision clearance zone.

d. Facing

The finished surfaces of any fence shall face toward adjacent properties and street frontage.

e. Effect on Adjacent Properties and Drainage

Fences shall be erected and maintained so as to avoid limiting or obstructing the flow of water in natural drainage courses, or drainageways created within easements.

f. Fence Construction on Utility Easements

Any fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, gas line, electric power, telephone, or other utility poles, or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the owner of the fence.

g. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. Height: The maximum average height of a fence shall be 78 inches. This height limit does not apply to supports, posts, or attached ornaments. The maximum height for any fence outside of a required front yard shall be six feet.

Supplemental Use Regulations

2. Setbacks: All residential fences in front yards shall be a minimum of two feet behind adjacent sidewalks.

3. Materials: Fences shall be constructed of wood, chain-link, PVC/ resin, stone or masonry materials, or ornamental metals only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence. Wire mesh fences may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots.

h. Civic, Office, Commercial, and Industrial Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions:

1. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight feet.

2. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities, Day Care, and Park and Recreation Use Types, or any other use that provides secured outdoor space for the use of children within Residential Zoning Districts shall be eight feet.

3. The Board of Adjustments may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Seward.

4. Barbed wire shall not be used in the construction of any fence outside of the I-2 General Industrial Zoning District. Barbed wire may be used in the construction of fencing in an industrial district provided that the bottom strand of the barbed wire shall be at least six feet above ground level. Electrified fences are not permitted within the jurisdiction of the City of Seward.

11.3209 Appeals

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the Board of Adjustment, as set forth in Section 11.4408.

ARTICLE 33

LANDSCAPING AND SCREENING STANDARDS

11.3301 Purpose

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Seward by addressing landscaping and screening requirements. They are designed to improve the appearance of the community, buffer potentially incompatible land uses from one another, and conserve the value of properties within the City of Seward and its extra-territorial jurisdiction. The Landscape and Screening provisions are further intended to expedite development approval by including predictable, uniform standards for landscaping.

11.3302 Applicability

The provisions of this section shall apply to all new development on each lot or site upon application for a building permit, except for the following:

- a. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- b. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
- c. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent of the building established on the site on the effective date of this Ordinance. Where such cumulative additions or enlargements are 20 percent or greater, these provisions shall apply only to that portion where the new development occurs.

11.3303 Landscaping Requirements

Landscaping shall be required adjacent to each street property line and shall extend to a minimum depth inward on private property as set forth in the Development Regulations and summarized in Table 11.3303.

11.3304 Landscaping Materials and Installation Standards

a. Official List of Recommended and Prohibited Plant Materials

Plantings shall be used in required landscaped areas or bufferyards consistent with the Official List of Recommended and Prohibited Plant Materials, provided through the office of the Zoning Administrator. All plant materials shall conform in size, species and spacing with this section of the ordinance.

b. Use of Inorganic Landscaping Materials

No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than 35% of the minimum required landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for driveways and walkways.

Landscaping and Screening Standards

Table 11.3301: Required Landscape Depth Adjacent of Street Property Lines

COLUMN 1 Zoning District	COLUMN 2 Minimum Depth of Landscaping Adjacent to Street Property Lines
AG	35 feet
RR	25 feet
R-1	20 feet
R-2	20 feet
R-3	15 feet
R-4	15 feet
R-5	30 feet
UC	10 feet or 10% of street yard for lots less than 120 feet deep.
C-1	10 feet or 10% of street yard for lots less than 120 feet deep.
C-2	10 feet or 10% of street yard for lots less than 120 feet deep.
CBD	No Requirement
BP	25 feet
I-1	10 feet or 10% of street yard for lots less than 120 feet deep.
I-2	No Requirement

11.3305 Bufferyard Provisions

These provisions apply when a use is established in a more intensive zoning district (District A) that is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 11.3302. Bufferyards are not required of single-family, 2-family, duplex, or townhouse use types in the more intensive zoning district.

- a. The bufferyard dimensions set forth in Table 11.3302 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.

Table 11.3302: **Bufferyard Requirements (in feet)**

	District B (Less Intensive Adjacent District)		
District A (More Intensive District) Note 3	AG, RR (Note 1)	R-1, R-2, R-3 (Note 1)	R-4 (Note 1)
R-4	20	20	---
UC	15 Note 2	15 Note 2	15 Note 2
CBD	---	---	---
C-1	15	20	20
C-2, BP	25	25	20
I-1	40	40	30
I-2	100	100	100

Notes to Table 11.3302:

Note 1: Applies only to residential uses or preliminary plats previously established in the zoning district.

Note 2: Buffering requirement applies to adjacencies between commercial and office use types and pre-existing residential land uses in adjacent districts. Buffering requirement also applies to a commercial or office use type established in a UC district and adjacent to a pre-existing residential use in the UC District. Vertical screening may also be required as set forth in Section 11.330.

Note 3: Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in District A

b. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 33.1102.

c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

11.3306 Screening Standards

a. Application

Screening is required between adjacent zoning districts indicated in Table 11.3302 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district:

1. Outdoor storage areas or storage tanks, unless otherwise screened.
2. Loading docks, refuse collection points, and other service areas.
3. Major machinery or areas housing a manufacturing process.
4. Major on-site traffic circulation areas or truck and/or trailer parking.
5. Sources of glare, noise, or other environmental effects.

Landscaping and Screening Standards

6. Bailing or stockpiling of cardboard or other shipping or packaging materials.
7. Surface parking lots with 150 or more stalls directly adjacent to less intensive districts.

b. Opaque Barrier

A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 11.3306a from less intensive uses as follows:

1. A solid wood, PVC, and/or masonry fence or wall at least six feet in height.
2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
4. Any combination of these methods that achieves a cumulative height of six feet.

c. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

d. Permitted Interruptions of Screening

Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

11.3307 Parking Lot Landscaping

a. Landscape and Screening Requirements

Unless otherwise noted, each unenclosed parking facility with a paved surface of 6,000 square feet or more shall comply with the following regulations:

1. Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
2. Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district.
3. Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Administrator.

Landscaping and Screening Standards

4. Each unenclosed parking facility of over 6,000 square feet within any street yard shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility. Parking facilities within the I-1 and I-2 Districts shall be exempt from this requirement.
5. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in this section.
6. Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

11.3308 Tree Plantings

- a. In any landscaped area for commercial uses only required by the Minimum Depth Requirements, the Bufferyard Requirements, or the Parking Lot Interior Landscaping Requirements, one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each 500 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.
- b. Any tree of an approved species planted or maintained with a caliper of three inches or above shall count as 1.5 trees toward the satisfaction of the requirements of this section. An approved existing tree with a caliper of eight inches or above preserved on a site shall count as 2.00 trees toward the satisfaction of the requirements of this section

11.3309 General Provisions

a. Time of Application

The provisions contained in this Section shall be applied for each individual lot or site when an application for a building permit on such lot is made. A Landscape Plan shall be submitted with each application for a building permit. Such plan shall be reviewed by the Zoning Administrator for compliance with the provisions of this section.

b. Maintenance of Required Landscaping

1. Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this section and the approved landscaping plan for the project.
2. Underground irrigation shall be provided for all required landscaped areas in multi-family, commercial, or office developments.

c. Obstruction of View

Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk, and shall be consistent with the provisions of the city's Vision Clearance Zone regulations.

Landscaping and Screening Standards

d. Earth Berm Locations

All earth berm locations shall be reviewed by the Zoning Administrator, or his/her designee to determine how the berms shall relate to drainage and public utilities.

e. Exceptions

A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with bufferyard or screening provisions.

ARTICLE 34

OFF-STREET PARKING

11.3401 Purpose

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

11.3402 General Applications

a. Applicability

Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.

b. Exemptions

1. Any use within the CBD Downtown Seward District is exempt from the off-street parking requirements. Any off-street parking facility constructed in the CBD District after the effective date of this Ordinance must comply with the design standards set forth in this section.

11.3403 Schedule of Off-Street Parking Requirements

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 11.3403.

a. Computation

1. When a computation of required parking results in a fraction of 0.5 or greater, the requirement shall be rounded up to the next whole number. Any parking computation for any use other than single-family residential and requiring such a calculation shall have a minimum requirement of three parking stalls
2. Unless otherwise indicated, parking requirements are based on gross floor area.
3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code or other official determinations of occupancy in effect for the City of Seward at the time the use is established.

Table 11.3401: Minimum Off-Street Parking Requirements

Agricultural Use Types	
Horticulture	1 space per 1,000 square feet of sales area.
Crop/Animal Production	No requirement.
Residential Use Types	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Multi-Family Residential	1.5 spaces per efficiency or 1-BR unit; 2 spaces per 2-BR unit; 2.5 spaces for 3 or more BR unit
Downtown Residential	No requirement
Group Residential or Boarding House	1 space for each resident.
Mobile Home Residential	2 spaces per dwelling unit.
Retirement Residence	1.5 space per independent living unit; 0.5 spaces per assisted living unit;
Civic Use Types	
Administration	1 space for 300 square feet of gross floor area.
Cemetery	No requirement.
Clubs	1 space per 4-person capacity in largest assembly area.
College/University	1 space per three full-time students, except as otherwise provided in a U/MU District.
Convalescent Services	1 space for 4 beds.
Cultural Services	1 space per 500 square feet of gross floor area.
Day Care Services	1 space per 5 person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4 person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4 person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Hospitals	1 space per 2 beds + 1 space per employee of the largest shift.
Maintenance Facilities	See Schedule A.
Parks and Recreation	Established by an approved site master plan.
Postal Facilities	See Schedule A.
Primary Education	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4 person capacity.
Religious Assembly	1 space per 4 person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 sq. ft.
Secondary Education	1 space per employee of max shift + 1 space for each 3 11th and 12th grade students.
Utilities	1 space per employee of maximum shift

**Table 11.3401:
Minimum Off-Street Parking Requirements**

Commercial Use Types	
Agricultural Sales/Service	See Schedule A.
Auto and Equipment Rental and Sales, Equipment Repair	See Schedule A.
Auto Service *	4 times service capacity.
Body Repair *	5 spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 50 square feet of customer service area.
Commercial Recreation	1 space per 4 person capacity. For bowling alleys, 4 spaces per lane.
Communication Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 200 square feet.
Convenience Storage	1 space per 20 storage units.
Equipment Sales/Service	See Schedule A.
Food Sales (All Types)	1 space per 200 square feet.
General Retail Services	1 space per 200 square feet.
Liquor Sales	1 space per 200 square feet.
Lodging, Bed and Breakfast	1 space per unit.
Personal Improvement	1 space per 200 square feet.
Personal Services	1 space per 250 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	1 space per 3 person capacity in dining area.
Stables/Kennels	1 space per employee + 1 stall per 5,000 sq. ft. of site area.
Surplus Sales	See Schedule A.
Trade Services	1 space per 500 square feet.
Travel Centers	1 space per 200 square feet in building + 1 space for each fueling station
Truck Stop	1 space per 200 square feet in building + 1 space for each fueling station
Veterinary Services	1 space per 500 square feet.

* Auto Service and Body Repair subject to other restrictions applicable under this ordinance.

Table 11.3401: **Minimum Off-Street Parking Requirements**

Office Use Types	
Corporate Offices	1 space per 250 square feet.
General Offices	1 space per 250 square feet.
Financial Services	1 space per 250 square feet.
Medical Offices	Greater of 1 space per 250 square feet, or 5 spaces per staff doctor or dentist on duty.
Miscellaneous Use Types	
Broadcasting Tower	See Schedule A.
Non-Putrescible Landfill	See Schedule A.
All Landfills	See Schedule A.
Industrial Use Types	
Agricultural Industries	See Schedule A.
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.

Schedule A	
This schedule sets forth minimum off-street parking requirements for uses with elements that have different functions and operating characteristics	
Function of Element	Requirement
Office or Administration	1 space per 300 square feet.
Indoor Sales, Display or Service Area	1 space per 500 square feet.
Outdoor Sales, Display or Service Area	1 space per 2,000 square feet.
Equipment Servicing or Manufacturing	1 space per 1,000 square feet.
Indoor or Outdoor Storage or Warehousing	1 space per 5,000 square feet.

11.3404 Parking Facility Location

a. Residential Parking

1. With the exception of Downtown Residential uses, off-street parking for residential uses shall be located on the same lot or site as the use.
2. Off-street parking areas for any multi-family or group residential uses shall be at least six feet from any main building; and shall not be located within a required front yard or street side yard.

Landscaping and Screening Standards

3. For multi-family residential uses, separately leased detached garages may not be used to satisfy parking requirements for such use. Parking incorporated into the design of multi-family buildings, or within parking structures, shall be counted toward fulfillment of parking requirements.

b. Non-residential Parking

Off-street parking for non-residential uses shall be located on the same lot or site as the use, or within 300 feet of that use if the parking site is within a zoning district that permits the Off-Street Parking use type. Control of ownership or use rights to the remote off-street parking must be demonstrated as a condition of permission.

11.3405 Parking for People with Disabilities

a. Each off-street parking facility shall provide the number of parking spaces set forth in Table 11.3402, designed and designated for use by people with disabilities. Every eighth parking space shall be van-accessible. Design criteria and dimensions shall be in accordance with *Federal Register, Volume 56, No 144*. Parking facilities for single-family, duplex, two-family, and mobile home residential uses are exempt from this requirement.

b. Spaces designated for people with disabilities shall have a minimum width of 12 feet. Each handicapped space shall provide a barrier free route to an accessible building entrance, which shall not require users to walk or wheel behind parked cars. Such spaces shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the standards of the Americans with Disabilities Act.

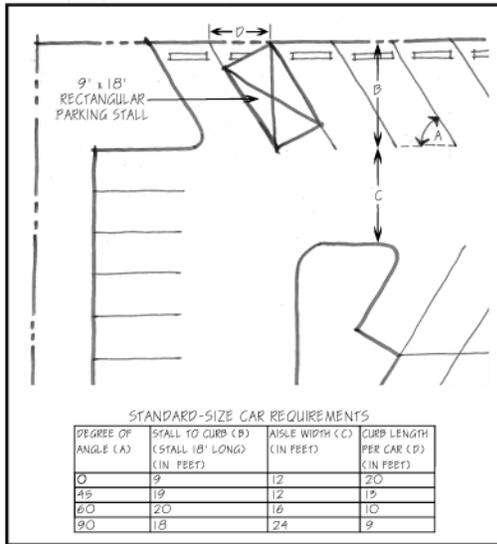
Table 11.3402: Accessible Parking Requirements

Number of Stalls	Number of Required Accessible Spaces	Number of Stalls	Number of Required Accessible Spaces
1-25	1	201-300	7
26-50	2	301-400	8
51-75	3	401-500	9
76-100	4	501-1,000	2% of total
101-150	5	1,001 and over	20, plus 1 for each 100
151-200	6		stalls over 1,000

11.3406 Off-Street Parking Design Standards

a. Dimensions

1. Standard parking stalls shall be 9 feet wide and 18 feet long.
2. Where parking stalls are located adjacent to landscaped areas, the paved depth of such stalls may be decreased by two feet to provide for a vehicle overhang area. The vehicle overhang area may not encroach into a required landscaped area or public sidewalk or right-of-way.



b. Pavement and Drainage

1. All off-street parking facilities, including approaches and maneuvering areas, shall be surfaced with concrete, asphalt, asphaltic concrete, or brick and shall be maintained with materials sufficient to prevent mud, dust, or loose material except as provided below:

- (a) Sites within the AG and RR Districts are exempt from this requirement.
- (b) In residential areas, all parking spaces and driveways used for parking shall be paved, including driveways that lead to paved parking spaces.

2. Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties. Parking lot design which discharges water onto public right-of-way is subject to review and approval by the Public Works Director.

c. Landscape and Screening Requirements

Landscape requirements for off-street parking facilities are set forth in Section 11.3307.

d. Entrances and Exits

1. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct non-residential traffic away from residential areas.
2. Parking facilities other than driveways for single-family, duplex, two-family, or mobile home residential uses must permit vehicles to enter streets in a forward position.

Landscaping and Screening Standards

3. Head-in parking from any public right-of-way shall be permitted only in the CBD district, or as part of a specific Planned Unit Development design

e. Design and Pedestrian Access

1. Parking lots providing over 200 stalls should be divided into smaller parking fields not exceeding 100 stalls to reduce the visual impact of large parking expanses. Divisions should be made with landscape strips, peninsulas, or grade changes.
2. Commercial or office parking lots shall be designed to separate pedestrians from vehicles to the maximum degree possible and to provide protected pedestrian paths within parking areas which lead to store, building, or shopping center entrances.
3. Sidewalks and walkways in commercial developments should link to the city's sidewalk and trail system where available, and shall provide a safe pedestrian route from adjacent public sidewalks and trails.

f. Safety Features

1. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
2. Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.

g. Maintenance

All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas.

h. Adjustment for Special Uses and Planned Mixed Use Projects

1. For uses subject to a Special Use Permit approval, the Planning Commission may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this section
2. In mixed-use projects, different uses may have complementary parking requirements. This can result in a parking requirement that is less than the sum of parking required for each use and added separately. The Planning Commission may authorize an adjustment to the total parking requirement for separate uses located as part of a common development, or for separate uses located on adjacent sites and served by common parking facilities. All parking facilities subject to the mixed-use adjustment must be located in a common facility, equally accessible and usable to all served uses.

11.3407 Bicycle Parking

a. Parking Requirements

1. Each parking facility providing 50 spaces or more shall provide parking accommodations for bicycles as provided by the Table 11.3403:

Table 11.3403: **Bicycle Parking Requirements**

Number of Parking Stalls	Required Bicycle Spaces
50-100	5
100-150	8
150-200	10
Over 200	2 additional spaces for each 50 parking stall

2. Bicycle parking facilities shall include bicycle racks secured to prevent easy removal, bicycle lockers, or bicycle posts or bollards expressly designed for the secure storage.
3. The location of bicycle parking facilities shall be at least as convenient to the main entrance of the primary use as the most convenient automobile parking not reserved for use by disabled people.
4. Bicycle parking should be located to prevent hazards or obstructions to the normal flow of pedestrians into a use.

11.3408 Off-Street Loading

a. Loading Requirement

In any district with every building or part thereof hereafter erected, having a gross floor area of ten thousand square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each twenty thousand square feet or major fraction thereof of gross floor area, so used, in excess of ten thousand square feet.

b. Design Standards

1. Each loading space shall be at least 12 feet wide by 40 feet long, with a vertical clearance of at least 14 feet.
2. Paving of loading spaces and access areas shall be permanent, durable, and free of dust.
3. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this Section.

c. Schedule of Loading Spaces

Loading spaces for each use requiring them shall be provided in accord with the minimum requirements set forth in Table 11.3404.

Table 11.3404: **Off-Street Loading Requirements**

Gross Floor Area of Use (square feet)	Number of Required Loading Spaces
5,000 or less	None
5,001 - 25,000	1
25,001 - 75,000	2
Larger than 75,000	3

11.3409 Stacking Requirements for Drive-Through Services

a. Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distance as provided by Table 11.3405.

Table 11.3405: **Off-Street Stacking Requirements**

Type of Operation	Minimum Stacking Space
Financial Services with Drive-Up Tellers	4 vehicles per window or kiosk
Financial Services with Drive-Up ATM	3 vehicles per ATM station
Self-service or automatic car wash	Entrance: 4 vehicles per bay Exit: 1 vehicle per bay
Fast food restaurant*	Without menu boards: 3 vehicles in front of service windows With separate menu boards and service windows: 4 vehicles behind the menu board plus 4 behind the first service windows.
Photo processing, dry cleaning, or other drive-up personal services	2 vehicles per service window
Gas stations	2 vehicles per gas dispenser pump
Gated parking lot, community entrance, or overhead door	1 vehicle per gate or door on local streets. 2 vehicles per gate or door on collector streets.

Note: Minimum vehicle lane shall be 12 feet. Vehicle length = 20 feet.

* May be increased based on Site Plan review.

b. The City Council may approve a reduced number of parking spaces for a specific projects after receiving the recommendation of the Zoning Administrator, provided that the applicant presents a plot plan demonstrating that an area on site is reserved for the designated number of spaces as required by code and agrees to improve that area for parking within 60 days of the time Council deems such parking shall be improved.

- c. All drive-through services must provide adequate alternative runaround access for vehicles not in a drive-through queue.

11.3410 Parking for Major Recreational Vehicles

- a. Applicability

For purposes of these regulations, “major recreational equipment” shall include boats and boat trailers under 20 feet in length, travel trailers, recreational vehicles, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and similar equipment, and cases or boxes used for transportation of recreational equipment whether or not occupied by such equipment. Trucks, tractor cab units, trailers, boats over 20 feet in length and vehicles over ten tons gross empty weight shall be defined as heavy commercial vehicles.

- b. Location of Parking

- 1. During the period from December 1 to April 1 of each year, all major recreational equipment parked in a residential zoning district shall be parked or stored in a carport or enclosed building; or behind the line of the nearest portion of the primary building on the site to the street. Any such equipment shall be parked at least two feet from any property line.

- 2. During the balance of the year, major recreational equipment may be parked outside of an enclosed structure or carport in the required front yard on a concrete driveway or its equivalent under the following conditions:

- (a) Space is unavailable in the rear yard or outside the side yard and there is no reasonable access to either the rear yard or side yards. A corner lot is always considered to have reasonable access to the rear yard; a fence is never considered to prevent reasonable access.

- (b) Enclosed parking is not possible in conformance with the requirements of the district.

- (c) The equipment is parked perpendicular to the front curb.

- (d) The equipment is parked at least two feet from the front property line, and at least two feet from the side property line.

- (e) No part of the equipment extends over the public sidewalks or into public right-of-way.

- (f) Parking is permitted for storage only. No equipment shall be used for dwelling purposes for more than fourteen days in any calendar year, and cooking is not permitted at any time.

- (g) Equipment may not be permanently connected to utility lines, including sewer, water, gas, or electricity. Equipment may be connected to electrical supply temporarily to charge batteries.

Landscaping and Screening Standards

- (h) Equipment shall not be used for the storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (i) The unit may be parked anywhere on the premises during loading and unloading, and the use of electricity and water is permitted when necessary to prepare the unit for use.
- (j) The unit shall be owned by the resident of the property where the unit is parked for storage.

ARTICLE 35

SIGN REGULATIONS

11.3501 Purpose

The Sign Regulations provide standards for communicating information in the environment of the City of Seward and its jurisdiction. The regulations recognize the need to protect public health, safety, and welfare; to maintain the city's attractive appearance; to provide for adequate business identification, advertising, and communication of information; and to encourage the fair enforcement of sign regulations.

11.3502 Definition of Terms

The following definitions shall be used for terms contained in this chapter that are not otherwise defined in the Seward Municipal Code or in this Unified Land Development Ordinance.

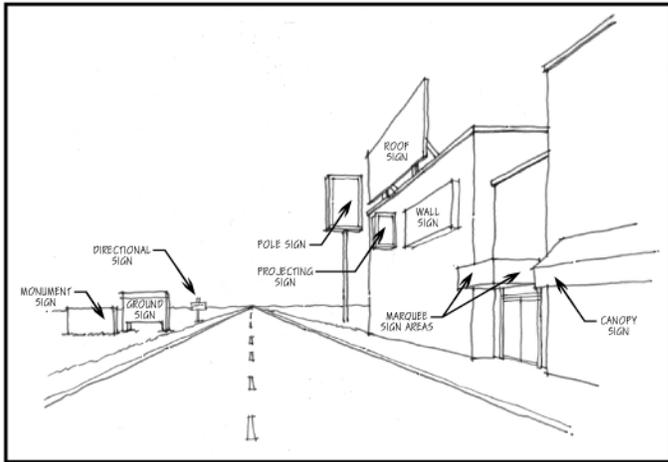
1. **Abandoned Sign:** A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.
2. **Attached Sign:** A sign that is structurally connected to a building or depends upon that building for support
3. **Auxiliary Design Elements:** Terms that describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
4. **Awning and Awning Sign:** A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.
5. **Banner:** Material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.
6. **Building Marker:** An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
7. **Business Center Identification Sign:** A sign that identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.
8. **Canopy (or arcade) Sign:** A sign that is attached or made an integral part of a canopy.
9. **Clearance:** The distance from the bottom of a sign face elevated above grade and the grade below.
10. **Detached Sign:** A sign that is self-supporting and structurally independent from any building.
11. **Directional Sign:** A sign that serves only to designate the location or direction of any area or place.
12. **Double-Faced Sign:** A sign consisting of no more than two parallel or near parallel faces supported by a single structure. The angle created by the two faces of a double-faced sign shall not exceed 15 degrees.

Sign Regulations

13. **Electronic Information Signs:** Signs which use an array of electrically illuminated lights, generally controlled by a computer or other electronic programming device, to display information or supporting graphics. Information may include news, events, or information about businesses or attractions. Signs whose information is limited to time and temperature are not considered electronic information signs.
14. **Flag Sign:** Signs that are emblazoned on a flag and are intended to be displayed in a free-flowing manner. Flags of the United States, the State of Nebraska, and any institution in the University of Nebraska system shall not be considered flag signs for the purpose of this Ordinance.
15. **Flashing Sign:** A sign that has a lighting source or lighting element that periodically illuminates or is not maintained stationary or constant in intensity and/or color at all times when the sign is in use, usually in a manner as to draw the attention of the viewer. This definition specifically excludes electronic information signs.
16. **Frontage:** The length of a property line of any one premises abutting and parallel to a public street, private way, or court.
17. **Ground Sign:** A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than 3 feet.
18. **Illumination:** Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
19. **Marquee:** A permanent roofed structure attached to and supported by a building and extending over public right-of-way.
20. **Maximum Permitted Sign Area:** The maximum permitted combined area of all signs allowed on a specific property.
21. **Monument Sign:** An on-premise freestanding sign with the appearance of a solid base.
22. **Moving Sign:** A sign that conveys its message through rotating, changing, or animated elements.
23. **Nonconforming Sign:** A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
24. **Obsolete Signs:** Signs that identify a business or occupant that is no longer in operation at the premises.
24. **Outdoor Advertising Signs:** A panel for the display of information relating to a business, product, event, or other subject of advertising or publicity. Outdoor advertising signs may advertise on-premise or off-premise businesses or products, but are not included in the definition of premise identification signs. Special regulations or permissions apply to outdoor advertising signs in certain geographic locations within the City of Seward and its jurisdiction.
25. **Pole Sign:** An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than 3 feet.

Sign Regulations

26. **Portable Sign:** Any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.
27. **Premise Identification Sign:** A sign which pertains to the use of a premises and which contains information about the owner or operator of that use; the type of business being conducted or the principal brand name of a commodity sold on the premises; and other information relative to the conduct of the use.
28. **Premises:** A tract of one or more lots or sites that are contiguous and under common ownership or control.
29. **Projecting Signs:** A sign other than a wall sign that is attached to and projects from a building face.
30. **Residential Sign:** A small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.
31. **Roof Sign:** Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
- (a) **Integral Roof Sign:** A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
- (b) **Above-peak Roof Sign:** A roof sign positioned above the peak of a roof or above a parapet or cornice.
32. **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.
33. **Sign Type:** A functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.
34. **Street Facade:** Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way, or court. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street facade.
35. **Temporary Signs:** Any sign designed or fabricated of materials that advertise or communicate messages that change frequently or that become outdated; are made of materials of relatively low durability; are intended to be removed or replaced within a period of six months or less; or are portable. Temporary signs generally fall into two categories: temporary civic signs and temporary commercial signs.
36. **Wall Sign:** A sign attached to and parallel with the side of a building.
37. **Window Sign:** A sign painted on or installed inside a window for the purpose of viewing from outside the premises.
38. **Zone Lot:** A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.



11.3503 General Sign and Street Graphics Regulations

a. Compliance

Each sign or part of a sign erected within the zoning jurisdiction of the City of Seward must comply with the provisions of this chapter, other relevant provisions of the City of Seward's Municipal Code, and applicable building codes.

b. Resolution of Conflicting Regulations

This chapter is not meant to repeal or interfere with enforcement of other sections of the City of Seward's Municipal Code. In cases of conflicts between Code sections, State or Federal Regulations, the more restrictive regulations shall apply.

c. Prohibited Signs

The following signs are prohibited in all zoning districts.

Sign Regulations

1. **Obsolete Signs.** Signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.
2. **Signs or sign structures which resemble, imitate, simulate, or conflict with traffic control signs or devices included in the Manual of Uniform Traffic Control Devices, which otherwise mislead or confuse persons traveling on public streets, which create a traffic hazard, or which violate any of the provisions of Section 60-6,127 or Section 60-6,128 of *Nebraska Rules of the Road* or any other applicable State statutes.**
3. **Banners, balloons, posters.** Signs which contain or consist of banners, balloons, posters, pennants, ribbons, streamers, spinners, or other similarly moving devices, except as specifically provided in this Section. These devices when not part of any sign shall also be prohibited.
4. **Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.**
5. **Off-premise Signs on Public Property.**
6. **Flashing Signs.** No flashing, blinking, or rotation lights shall be permitted for either permanent or temporary signs.
7. **Moving Signs.** No sign shall be permitted any part of which moves by any mechanical means.
8. **Painted Wall Signs.** Off-premise signs painted on building walls unless specifically approved as an element of an Historic Neighborhood Conservation District plan.
9. **Above-peak roof signs.**

d. Exempt Signs

The following signs are permitted in any zoning district and are exempt from other provisions of this chapter.

1. **Real Estate Signs.** Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. One non-illuminated sign, not to exceed six square feet in residential districts and 32 square feet in commercial or industrial districts, shall be permitted on each premises in residential districts. Such signs shall not extend higher than three feet above grade level. Such signs shall be removed within seven days after the disposition of the premises.
2. **Construction Signs.** Signs identifying the architect, engineer, contractor or other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended but not including product advertising. One non-illuminated sign not to exceed fifty square feet shall be permitted per street frontage. Such sign shall not extend higher than ten feet above grade level and meet the front yard requirement for a principal structure unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such signs shall be removed within one week following completion of construction.

Sign Regulations

3. Political Campaign Signs. Signs announcing candidates seeking public political office or pertinent political issues are permitted on private property and shall be removed within one week following the election to which they pertain.
 4. Street Banners. Signs advertising a public event, providing that specific approval is granted under regulations established by the city council.
 5. Seasonal Decorations. Signs pertaining to recognized national holidays and national observances.
 6. Public Signs. Signs of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating hospitals, libraries, schools and other institutions or places of public interest or concern.
 7. Integral Signs. Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.
 8. Window Signs. Such signs that are displayed inside of a window or within a building, provided, however, that neon window signs shall be permitted only in those districts where neon signs are permitted.
 9. Works of graphic art painted or applied to building walls that contain no advertising or business identification messages.
 10. Residential signs under 6 square feet in size.
 11. Neighborhood or subdivision identification signs under 50 square feet.
 12. Signs, that are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.
 13. Directional signs provided that such signs:
 - (a) Do not exceed 4 square feet in maximum size or three feet in maximum height.
 - (b) Are limited to one sign at each driveway or access point with a public street; and one sign at any critical decision point internal to a development.
- e. Temporary Commercial Signs
1. Permit Required. All temporary signs not listed in Section 11.3503d but falling within the definition of temporary signs shall be classified as Temporary Commercial Signs. All Temporary Commercial Signs shall obtain a Temporary Sign Permit from the City of Seward prior to any repair, alteration, relocation, or maintenance of such a sign.
 2. Size and Time Limitations of Temporary Signs. The location of both temporary civic and temporary commercial signs shall comply with the following regulations:

Sign Regulations

(a) The total amount of temporary banner signage permitted on any premise shall be the smaller of 5% of the area of all street facades or 100 square feet. Street facades include any building facades visible from and oriented to public streets.

(b) The maximum size of detached temporary signs or portable signs shall be 50 square feet in area. Temporary commercial signs shall be no smaller than 8 square feet.

(c) A Temporary Sign Permit shall be in effect for a period of 30 days on two separate occasions from the date of issuance.

3. Location Requirements for Temporary Signs

(a) Temporary signs shall not be attached to any sign pole or light pole on public or private property; or public utility poles or trees on either public or private property.

(b) Temporary Commercial Signs are prohibited in any public right-of-way or property, including streets, sidewalks, parks, and public facilities.

(c) Temporary signs shall not be located within the Vision Clearance Triangle defined by Section 11.3211.

(d) Temporary signs shall not interfere with any public right-of-way, driveway or access way, or any means of access or egress to any building.

(e) Any attached temporary sign shall be attached only to vertical facades of the primary building and shall not be attached to roofs, roof extensions, cornices, overhangs, or other building extensions.

(f) Detached temporary signs cannot be placed on public property.

5. Condition of Temporary Signs.

(a) All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this section.

(b) The Zoning Administrator shall order the removal of any sign not in compliance with any provisions of this section. If the owner of the premise on which such sign is located, or the owner of the sign if unlawfully located on public property, fails to remove such sign, the Zoning Administrator shall be authorized to remove the sign. Any costs of removal of a sign on private property shall be assessed to the owner of the property. Any such removal shall also result in the immediate cancellation of any outstanding temporary sign permit.

f. Vision-Clearance Area

No sign may project into or be placed within a vision-clearance area defined by Section 11.3211.

g. Maintenance

All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.

11.3504 General Regulations: Basic Design Elements for Signs

a. Wall Signs and Graphics

Wall signs and graphics are subject to the following general regulations.

1. A wall sign shall not extend more than 18 inches from the wall to which it is attached.
2. A wall sign must be parallel to the wall to which it is attached.
3. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
4. A wall sign may not extend beyond its building's roof line.
5. A wall sign in the CBD District attached to a building on its front property line may encroach upon public right-of-way by no more than 18 inches. Such a wall sign shall provide minimum clearance of eight feet, six inches. This encroachment is not permitted along state or federal highways in the CBD District.
6. For the purpose of calculating permitted sign areas pursuant to this Ordinance, signs painted on the walls of buildings shall be considered wall signs.
7. Where permitted, canopy signs are counted as wall signs when calculating total permitted sign area.

b. Projecting Signs and Graphics

Projecting signs and graphics are subject to the following general regulations.

1. The maximum projection of any projecting sign shall be as follows:
 - (a) 3 feet over public sidewalks less than 12 feet wide;
 - (b) 5 feet over public sidewalks 12 feet wide or more, or over private property.
2. Within the CBD District, a projecting sign may come within five feet from the vertical plane of the inside curb line.
3. Each projecting sign must maintain at least the following vertical clearances:
 - (a) 12 feet over sidewalks; except that a canopy may reduce its vertical clearance to 7 feet, 6 inches;

Sign Regulations

- (b) 15 feet outside of parking areas or driveways, but within three feet of such areas; or within 50 feet of the right-of-way lines formed by a street intersection;
 - (c) 15 feet over parking lots;
 - (d) 18 feet over driveways.
4. No projecting sign extending three feet or more from a property line may be located within 25 feet of any other projecting sign extending three feet or more from a property line.
 5. Projecting signs must minimize visible support structure, including guy wires, cables, turnbuckles, angle iron, or other similar external support structure.

c. Pole Signs

Pole signs, where permitted, are subject to the following general regulations:

1. Each pole sign must maintain at least the following vertical clearances:
 - (a) 8 feet, 6 inches over sidewalks;
 - (b) 10 feet outside of parking areas or driveways, but within three feet of such areas; or within 50 feet of the right-of-way lines formed by a street intersection.
 - (c) 14 feet over parking lots;
 - (d) 18 feet over driveways.
2. Permitted pole signs may revolve at a rate not to exceed six revolutions per minute.

d. Awning Signs

Awning signs, where permitted are subject to the following regulations:

1. The copy area of an awning sign shall not exceed 25% of the total face area of the awning. The combined area of all front-facing awning panels shall not exceed 35% of the total wall area.
2. Awnings shall not extend above the eave or parapet of the building facade and shall be a minimum of seven feet six inches above the sidewalk or grade, whichever is higher. Awnings shall not extend over any area utilized by motor vehicles.
3. Awnings may project no more than nine feet from the facade of the wall to which they are mounted. Any extension beyond six feet shall have plans stamped by a licensed architect or Professional Engineer, certifying the ability of the wall and associated structures to carry all imposed loads.

e. Electronic Information Signs

Electronic information signs, where permitted, are subject to the following regulations:

Sign Regulations

1. Electronic information signs shall be set back a minimum of 25 feet from any right-of-way line and shall not be located within an arc with a 75-foot radius formed by the intersecting right-of-way lines of a corner lot or lots.
2. No electronic information sign shall be located within 500 feet of another electronic information line, measured from the points of the two signs nearest each other.
3. No electronic information sign shall be programmed in a way that suggests or resembles a traffic control device, such as a traffic signal.

11.3505 General Regulations: Other Design Elements

a. Illumination

1. Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway.

b. Marquees and Marquee Signs

1. Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.

c. Permanent Banners

1. A banner sign projecting from a building may not exceed the wall height of the building.
2. Maximum projection for any banner is five feet from the building with a minimum clearance of ten feet.
3. Flag signs and banner signs count against the sign area permitted a premise.

d. Clocks

For the purposes of this chapter, clocks are not considered a moving sign.

11.3506. Compliance and Amortization of Nonconforming Signs

a. Conformance Required

Except as may be hereinafter specified, no sign shall be erected, placed, maintained, converted, enlarged, reconstructed or structurally altered which does not comply with all of the regulations established by this title.

b. Maintenance

All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.

Sign Regulations

c. Nonconformance and Amortization of Premise Identification Signs

Where a sign exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such sign may be enlarged or altered in a way which increases its nonconformity; however, reasonable repairs and alterations may be permitted.
2. Should such a sign be destroyed by any means to an extent of sixty percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.
3. Within any zoning district, all premise identification signs or other signage that pertains to the premises on which such sign is located, shall comply fully with the provisions of this Ordinance, unless otherwise provided, within fifteen years after the effective date of this Ordinance. This amortization provision does not apply to outdoor advertising signs, provided that such signs remain in continuous use. Any nonconforming outdoor advertising sign that remains unused for a continuous period of 180 days shall forfeit its right to continue as a nonconforming use.

11.3507 General Permit Procedures

a. Applicability

1. A sign permit, approved by the Building Official, shall be required before the erection, construction, alteration, placing, or locating of all signs conforming with this title.
2. A permit shall not be required for repainting without changing permanent wording, composition, or colors; or nonstructural repairs.

b. Plans Submittal

A copy of plans and specifications shall be submitted to the Building Official for each sign regulated by this title. Such plans shall show sufficient details about size of the sign, location and materials to be used and such other data as may be required for the Building Official to determine compliance with this title. When requested by the Building Official, the applicant shall furnish a certification of the structural integrity of the sign and its installation by a registered Professional Engineer with specialization in structures.

c. Appeals

Any person or persons aggrieved by the decision of the Building Official to approve or disapprove a sign permit, as provided by this title, may appeal such decision to the Board of Adjustment as provided by Section 11.4408 of this Unified Land Development Ordinance.

d. Application Fees

Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the City Council from time to time by resolution.

11.3508 Method of Measurement for Regulators

a. Maximum Permitted Sign Area

Maximum permitted sign area for a premises is set forth as a numerical limit or as a function of the frontage of the premises on a street or private way. For properties with frontage on more than one street or private way, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.

b. Sign Area

1. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.
2. The area of double-faced signs is calculated on the largest face only.
3. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the copy only.
4. In the case of individual letters mounted to a wall, only the total area of the letters themselves is included within the sign area.

c. Height

The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.

d. Setback

The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.

11.3509 Permitted Sign Types by Zoning Districts

Table 11.3501 sets forth the sign types permitted within each zoning district of the City of Seward.

11.3510 Auxiliary Design Elements

Table 11.3502 sets forth auxiliary design elements permitted within each zoning district of the City of Seward.

11.3511 Maximum Permitted Sign Area

Table 11.3503 sets forth the maximum sign area permitted within each zoning district of the City of Seward.

11.3512 Permitted Signs by Numbers, Dimensions, and Location

Sign Regulations

Table 11.3504 sets forth the maximum permitted numbers of signs per premise; the maximum permitted dimensions of each sign; and the required setbacks for detached signs.

11.3513 Outdoor Advertising Signs: Variances from Maximum Detached Sign Size in Specific Situations

Within the total amount of sign area permitted to them, some parcels at specific locations in the C-3, I-1 and I-2 zoning districts may elect to devote a portion of their sign budgets to installation of an outdoor advertising sign, subject to the conditions contained in this section. This provides a variation from the maximum size of an individual detached sign set forth in Table 11.3503.

a. Location

Eligible properties must be located within a AG, C-2, I-1, or I-2 District along Nebraska Highway 15 or US Highway 34.

b. Impact on Business Identification and Other Signage

Utilization of this provision does not entitle any parcel to additional permitted sign area and the area of the sign counts against the total sign area permitted the parcel. The outdoor advertising sign shall count as a detached sign for the purpose of calculating the total number of permitted detached signs.

c. Maximum Size and Height

1. The size of an outdoor advertising sign shall not exceed 500 square feet.
2. The maximum height of such a sign shall be 35 feet.

d. Separation Factors

1. Where permitted along Nebraska Highway 15, outdoor advertising signs in excess of the maximum size permitted by Table 11.3504 shall be separated by 2,000 feet from any other outdoor advertising sign of any size and 300 feet from any other detached sign.
2. Any such outdoor advertising sign shall be separated by 200 feet from any property in a residential zoning district, including RR through R-4 and RM districts.

e. Other Standards

1. New installations of stacked signs or other installations of two signs facing the same direction on a single structure are prohibited.
2. The area around the base of the sign shall be maintained by the sign owner or property owner in clean condition. A radius of 10 feet around the base of the sign shall be landscaped in accordance with the provisions of Article 33.
3. Nothing in this section shall be taken to abrogate or limit the ability of a property owner to devote a sign that is fully consistent with the regulations and dimensions set forth by Tables 11.3503 and 11.3504 for an advertising message. This section only addresses terms under which a larger than otherwise permitted outdoor advertising sign may be installed.

Sign Regulations

11.3514 Sign Master Plan for Large Projects

For projects with an overall site area in excess of 6 acres, an applicant may submit a Sign Master Plan, detailing the size, location, and design of all signs on the site. The Sign Master Plan may adjust the strict application of these standards, but must clarify the exact nature of the adjustments. Such a Sign Master Plan shall be approved by the City Council after review and recommendation by the Planning Commission. This review follows the same process as review of a PUD District.

Table 11.3501: Permitted Signs by Type and Zoning Districts

Sign Types	AG	RR	R-1 R-2	R-3 RM	R-4	UC	C-1	C-2	CBD	BP	I-1	I-2
Detached Signs												
Residential	P	P	P	P	P	P	P	P	P	N	N	N
Premise Identification	P	P(C)	P(C)	P(C)	P(C)	P	P	P	P	P	P	P
Directional	P(C)	P(C)	P(C)	P(C)	P(C)	P	P	P	P	P	P	P
Ground	P	P(C)	P(C)	P(C)	P	P	P	P	P	P	P	P
Pole	N	N	N	N	N	N	P	P	N	N	P	P
Attached Signs												
Awning	N	N	N	N	N	P	P	P	P	P	P	P
Banner	N	N	N	N	N	P	P	P	P	P	P	P
Building Marker	P	P	P	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	N	N	P	P	P	P	P	P	P
Premise Identification	P	P(C)	P(C)	P(C)	P	P	P	P	P	P	P	P
Incidental	P(C)	P(C)	P(C)	P(C)	P	P	P	P	P	P	P	P
Marquee	N	N	N	N	N	P	P	P	P	P	P	P
Projecting	N	N	N	N	N	P	P	P	P	P	P	P
Roof, Integral	N	N	N	N	N	N	P	N	N	N	N	N
Roof, Above Peak	N	N	N	N	N	N	N	N	N	N	N	N
Wall	P	P	P	P	P	P	P	P	P	P	P	P
Window	P	P	P	P	P	P	P	P	P	P	P	P
Miscellaneous												
Flag Sign	N	N	N	N	N	N	P	P	P	P	P	P

P: Permitted for All Uses

P(C): Permitted for Civic Uses

N: Not Permitted

Sign Regulations

Table 11.3502: Auxiliary Sign Elements

	AG	RR	R-1 R-2	R-3 RM	R-4	UC	C-1	C-2	CBD	BP	I-1	I-2
Design Element												
Illumination												
Indirect	P(C)	P(C)	P(C)	P(C)	P	P	P	P	P	P	P	P
Direct	N	N	N	N	N	N	N	N	N	N	N	N
Internal	P(C)	P(C)	P(C)	P(C)	P	P	P	P	P	P	P	P
Neon	N	N	N	N	N	P	P	P	P	N	P	P
Flashing	N	N	N	N	N	N	N	N	N	N	N	N
Flame	N	N	N	N	N	N	N	N	N	N	N	N
Bare Bulb	N	N	N	N	N	N	N	N	N	N	N	N
Other												
Electronic Information	N	N	N	N	N	P	P	P	P	P	P	P
Moving	N	N	N	N	N	N	N	N	N	N	N	N
Rotating	N	N	N	N	N	N	N	N	N	N	N	N

P: Permitted for All Uses P(C): Permitted for Civic Uses N: Not Permitted

Table 1135.03: Permitted Signs by Maximum Permitted Area and District

This Maximum Permitted Area for all signs on a premises excluding directional signs, building marker signs, and US, State, or University flags shall not exceed the lesser of the following:

Zoning District	AG	RR	R-1 R-2 R-3 R-4 RM	UC	C-1	C-2	CBD	BP	M-1 M-2
Square Feet of Signage per Linear Foot of Frontage	NA	NA	NA	0.75	1.5	3.0	1.5	1.0	2.0
Maximum Total Square Feet	Note 1	Note 2	Note 3	300 Note 4	500 Note 5	800	400	400	800

Note 1: 200 square feet for civic or commercial uses, 3 square feet for residential uses, including home occupations.

Note 2: 50 square feet for project identification signs or civic uses, 3 square feet for residential uses, including home occupations.

Note 3: 32 square feet for civic uses, 50 square feet for project identification signs for multi-family or mobile home developments and for non-residential uses when permitted, 3 square feet for residential uses, including home occupations.

Sign Regulations

Note 4: Maximum limits apply to non-residential premises only. On premises with primary residential use, 50 square feet for project identification signs for multi-family developments, 6 square feet for residential uses, including home occupations.

Note 5: One Business Center Identification Sign with a maximum area of 100 square feet is permitted in addition to the Maximum Total Square Feet established here, subject to the regulations set forth by Table 11.3504.

Table 11.3504: Permitted Signs by Numbers, Dimensions, and Location

Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:

Zoning District	AG	RR R-1 R-2 R-3 R-4 RM	UC	C-1 (Note 4)	C-2 (Note 2,4)	CBD (Note 4)	BP (Note 4)	I-1 I-2 (Note 3,4)
<i>Detached Signs</i>								
Number Permitted Per Premise	1	1	1	NA	NA	1	NA	NA
Per Feet of Frontage of Property	NA	NA	NA	1 per 300	1 per 200	NA	1 per 300	1 per 300
Maximum Size (sq. ft.)	100 Note 4	x	100	200	400	150	150	400
Maximum Height (feet) of Structure Above Ground (Note 5)								
Pole Signs	NA	NA	15	25	35	NA	NA	35
Monument or Ground Signs	15	6	10	15	15	15	15	15
Front Yard Setback (feet)	25	5	10	10	5	0	5	0
Side Yard Setback (feet)	10	10	10	5	5	0	5	0
<i>Attached Signs</i>								
Maximum Size* (sq. ft.)	100	x	50	150	300	NA	300	300
% of Street Facade	NA		15%	20%	25%	20%	20%	25%

x See Table 11.3503 for maximum sign sizes.

Note 1: In addition to its total permitted sign area, each premises used for a business center may have one detached center identification sign, subject to the following conditions:

1. The maximum area for a center identification sign shall be 100 square feet.
2. No center identification sign shall be within 300 feet of any other center identification sign or within 150 feet of any other detached sign on the same or adjacent premises.
3. The sign shall display no more than the name and location of the business center.
4. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this Section.

Sign Regulations

Note 2: Within the total maximum sign allowance permitted by Table 11.3503, properties in certain C-2, I-1, and I-2 districts may elect to locate an outdoor advertising sign in excess of 300 square feet up to a maximum of 500 square feet, subject to the conditions set forth in Section 11.3413.

Note 3: One non-illuminated directional sign with a maximum size of 12 square feet is permitted at each major entrance to the development. Such sign shall be a monument or ground sign with a maximum height of four feet.

Note 4: The maximum permitted height for an oversized Outdoor Advertising Sign in areas defined by Section 11.3513 shall be 35 feet.

ARTICLE 36

RESERVED SECTION

ARTICLE 37

SUBDIVISIONS: BASIC CONDITIONS

11.3701 Purpose

The purposes of this Article are to:

- a. Serve the public health, safety, and general welfare of the city and residents of Seward and its surrounding jurisdiction.
- b. Provide for the orderly development and growth of the city by prescribing rules and standards insuring the functional arrangement of streets, public improvements, open spaces, community facilities, and utilities.
- c. Promote the creation of well-planned and attractive residential, commercial, and industrial developments within the city and its jurisdiction.
- d. Avoid excessive costs to the taxpayers of Seward or the residents of the jurisdiction of the city for the provision of public services and utilities, while maintaining high standards for these services.
- e. Protect the unique environment of the City of Seward by avoiding environmental damage whenever feasible and appropriate; and by encouraging flexibility in the design of subdivisions.
- f. Provide the City of Seward with the ability to grow incrementally through the eventual annexation of new developments.

11.3702 Jurisdiction and Applicability

- a. The provisions of this section shall be applicable to all property within the corporate limits of the City of Seward and its two-mile extraterritorial jurisdiction.
- b. No owner of real property within the City of Seward and its jurisdiction may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without gaining approval pursuant to this Ordinance. In addition, no individual may sell, offer to sell, or construct buildings on any lots or parts of real property that are not subdivided as required by State law or this section.
- c. The provisions of this section apply to all zoning districts. However, specific standards and requirements may be modified for developments in TND Traditional Neighborhood Development Overlay District.

11.3703 Interpretation, Conflict, and Severability

- a. These regulations shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision conflicts with any other provision of the Land Development Ordinance, any other Ordinance of the City of Seward, or any applicable State or Federal law, the more restrictive provision shall apply.

Subdivision Regulations

b. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

ARTICLE 38

SUBDIVISION APPROVALS AND PROCEDURES

11.3801 Purpose

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the Planning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process. The Section provides procedures for the approval of three types of subdivisions: Administrative Subdivisions, Minor Subdivisions, and Major Subdivisions.

11.3802 Administrative Subdivisions

a. Scope

The Administrative Subdivision procedure may be used to adjust an interior lot line, to create no more than four lots, or to combine two or more lots without replatting providing the following conditions are met:

1. In the case of an Administrative Lot Line Adjustment:
 - (a) The lots involved must be designated within the same zoning district and the proposed adjustment will not create or result in a violation of the Unified Land Development Ordinance.
 - (b) The lots involved must be existing platted lots.
 - (c) The adjustment alters lot lines of no more than four lots.
2. In the case of an Administrative Platting or Lot Consolidation:
 - (a) The lots involved must be designated within the same zoning district and the proposed platting or lot consolidation will not create or result in a violation of the Unified Land Development Ordinance.
 - (b) The lots involved must be existing platted lots.
 - (c) The lots must be under unified ownership.
 - (d) The proposed platting creates no more than four lots, or the proposed consolidation consolidates no more than four lots.
3. A lot is limited to only one instance of an administrative adjustment, platting and/or consolidation.
4. The subdivision is served by existing utilities and does not require the extension of streets, utilities, or public improvements.

Subdivision Regulations

5. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the Unified Land Development Ordinance.

b. Application and Approval Procedure

An application for an Administrative Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form provided by the City of Seward and including the supporting documents required for Administrative Subdivisions in Table 11.3801. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a Licensed Surveyor. The plat document shall also include existing public improvements that serve the site; and shall include a demonstration that required setbacks may be met. A fee of one hundred dollars (\$100.00) together with filing fees shall accompany the application.
2. Following submission, the Zoning Administrator and Public Works Director shall review each application according to the following criteria:
 - (a) Compliance with the conditions contained in Section 11.3802(a) above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Seward.
 - (c) Potential adverse environmental effects or effects on neighboring properties.
3. Following such review, the Zoning Administrator may approve the Administrative Subdivision. Such approval shall be denoted by signed certificate of approval that must be filed along with the plat with the Seward County Register of Deeds.
4. The Zoning Administrator retains the right to disapprove or not act on the Administrative Subdivision application. In the event of such action, the application may proceed through the Minor or Major Subdivision process. If the subdivision complies with the conditions of a Minor Subdivision application, it may be directed to that approval process. Otherwise, the proposed subdivision shall be deemed a Major Subdivision and proceed through the appropriate review and action process.
5. Following approval of an Administrative Subdivision, the Zoning Administrator shall file the plat and certificate of approval with the Seward County Register of Deeds.
6. The City Clerk/ Zoning Administrator shall keep a complete and accurate record of all administrative subdivision approvals.

11.3803 Minor Subdivisions

a. Scope

The Minor Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

Subdivision Regulations

1. The subdivision adjusts the lot lines of no more than four new lots without creating additional lots; or creates no more than four lots from any single parcel, tract, or lot.
2. The subdivision is served by existing utilities and does not require the extension of streets, utilities, or public improvements.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the Unified Land Development Ordinance.
4. No part of the parcel has been the subject of a previous Administrative or Minor Subdivision approval.
5. No lot resulting from the Minor Subdivision shall be smaller than 60% of the size of the smallest lot on the block containing the subdivision.

b. Application and Approval Procedure

An application for a Minor Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the City and including the supporting documents required for Administrative Subdivisions in Table 11.3801. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a Licensed Surveyor. A fee of one hundred dollars (\$100.00) together with filing fees shall accompany each application.
2. Following submission, the Zoning Administrator shall review each application according to the following criteria:
 - (a) Compliance with the conditions contained in Section 11.3803.3(a) above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Seward.
 - (c) Potential adverse environmental effects or effects on neighboring properties.
 - (d) Effects of the subdivision on public services. In order to determine this effect, the Zoning Administrator may submit the application to relevant school districts, utilities, and public safety agencies as required.
3. Following such review, the Zoning Administrator shall forward the application along with his/her recommendation, to the Planning Commission.
4. The Planning Commission, following proper notice, shall hold a public hearing on each Minor Subdivision and, following such public hearing, shall take action on the application. If the subdivision is approved by the Planning Commission, the approval shall be documented by a certificate of approval, executed by the Zoning Administrator and the Chairperson of the Planning Commission. This certificate shall be filed along with the approved plat with the Seward County Register of Deeds. A record of all subdivisions and certificates of approval shall also be maintained by the City Clerk.

Subdivision Regulations

5. The Planning Commission retains the right to disapprove or not act on the Minor Subdivision application. In the event of such action, the application may proceed through the Major Subdivision process.
6. Following approval of a Minor Subdivision, the Zoning Administrator shall file the plat and certificate of approval with the Seward County Register of Deeds.
7. The City Clerk/ Zoning Administrator shall keep a complete and accurate record of all Minor Subdivision approvals.

11.3804 Major Subdivisions

a. Applicability

The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative or Minor Subdivision procedures. In general, these include subdivisions that: 1) are not approved under the Administrative or Minor Subdivision procedure; 2) create more than four lots; 3) require development or extension of public improvements.

b. Stages in the Approval Process

The approval process for Major Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage.

c. Pre-application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with the Zoning Administrator regarding general requirements and issues relating to the proposed subdivision.
2. At the pre-application conference, the applicant shall submit a concept plan. The concept plan shall include:
 - (a) A location map showing the relationship of the proposed subdivision to existing and proposed streets and public facilities.
 - (b) A schematic plan illustrating the proposed layout of streets, lots, and other features and their relationship to existing and proposed site topography.
3. Within fifteen working days, the Zoning Administrator shall inform the applicant about the consistency of the concept plan with the objectives and policies of the City's Comprehensive Plan and Land Development Ordinance.
4. The pre-application conference does not require a formal application or payment of a fee.

d. Preliminary Plat Application

1. Application Requirements

Subdivision Regulations

After the pre-application conference, the applicant shall prepare and submit an application for preliminary plat approval. The applicant shall prepare and file 20 copies of a proposed preliminary plat. The application for preliminary plat approval shall be submitted to the Zoning Administrator at least 30 calendar days before the Planning Commission meeting at which the application will be considered. The application shall consist of a form established by the Zoning Administrator; the supporting documents required for Major Subdivisions in Table 11.3801; and payment of a filing fee of four hundred dollars (\$400.00) plus forty dollars (\$40.00) per lot and a notification fee of one hundred dollars (\$100.00). The plat shall not be accepted until the filing fee has been paid.

2. Draft Subdivision Agreement

The preliminary plat application shall include a draft of a subdivision agreement prepared by the City following a format established by the City of Seward. The subdivision agreement establishes the mutual responsibilities of city and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the financing arrangements proposed for the subdivision. The City may elect to waive this requirement if it finds that such a subdivision agreement is unnecessary.

3. Preliminary Plat Approval Procedure

(a) After submission of a complete application for a preliminary plat, the Zoning Administrator shall review the application. As part of the review, the Zoning Administrator will circulate the application to local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services deemed necessary. Each reviewing agency shall submit written comments to the Zoning Administrator within a fifteen (15) day period.

(b) Following the comment period, the Zoning Administrator shall submit a written recommendation for action to the Planning Commission.

(c) The Planning Commission, following proper notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application. The Planning Commission may recommend approval, conditional approval, or denial of the preliminary plat to the City Council. In addition, the Commission may delay action on the application in order to resolve outstanding issues.

(d) Following action by the Planning Commission, a written recommendation summarizing the Commission's action shall be transmitted to the City Council.

(e) The City Council, following proper notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application.

(f) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:

(1) The general terms and conditions under which the plat was approved will not change.

Subdivision Regulations

(2) The applicant may submit for approval a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval. For some subdivisions, the preliminary and final plats may be submitted and approved simultaneously.

(3) The preliminary plat approval shall stay in force for an indefinite period of time from the date of approval by the City Council. The City Council may, at its discretion, establish a specific effective period or expiration date for a preliminary plat.

e. Final Plat Application Process

1. Application Requirements

The applicant shall prepare and submit an application for final plat approval. The application for final plat approval shall be submitted to the Zoning Administrator at least 21 calendar days before the Planning Commission meeting at which the application will be considered. The application shall consist of a form established by the City of Seward; the supporting documents required for Final Plat Approval of Major Subdivisions in Table 11.3801; and payment of a filing fee of one hundred dollars (\$100.00) plus ten dollars (\$10.00) for each lot and filing fees. The final plat shall not be accepted for filing until the filing fee has been paid.

2. Final Subdivision Agreement

The final plat application shall include the final subdivision agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon along with action on the Final Plat.

3. Performance Bond

The subdivision agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternately, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

4. Final Plat Approval

(a) The Zoning Administrator and Planning Commission shall review the final plat for consistency with the approved preliminary plat and for compliance with the Land Development Ordinance and other applicable local, state, or federal statutes and regulations. If the final plat meets all conditions of the ordinance and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to approve the final plat.

(b) If the Planning Commission finds in its review that the submitted final plat is inconsistent with the preliminary plat, does not comply with the conditions of relevant ordinances and statutes, or requires a waiver of any section of the Land Development Ordinance, it shall hold a public hearing on the final plat. Following such public hearing, the Commission shall transmit its recommendation on the final plat to the City Council.

Subdivision Regulations

- (c) The City Council shall take final action on the application. The City Council is further empowered to grant waivers of a section of the Land Development Ordinance after a waiver request has received a recommendation from the Planning Commission.
- f. Filing the Final Plat
1. Following City Council approval of a final plat, the Chairman of the Planning Commission and the Mayor of the City of Seward shall sign a certificate of approval, which shall be a part of the reproducible documents of the subdivision plat required with submission of the final plat.
 2. The passage of an Ordinance by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat. The Zoning Administrator shall record the plat in the office of the Register of Deeds of Seward County and shall file an executed print on mylar or similar film in the office of the City Clerk/ Zoning Administrator as satisfactory evidence of such recording before the City shall recognize the plat as being in force.
 3. The subdivider must file the fully executed plat along with all applicable covenants and other documentation within 90 days of the execution of the plat by the Chairman of the Planning Commission and the Mayor. Filings shall be with the Seward County Register of Deeds and the State Survey Depository Record.

Subdivision Regulations

**Table 11.3801:
Application Requirements**

	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
			Preliminary	Final
PLAT INFORMATION				
Name, address of owner and applicant.	X	X	X	X
Name, signature, license number, seal and address of engineer, land surveyor, architect, planner, and/or landscape architect, as applicable, involved in preparation of plat.	X	X		X
Title block, denoting type of application, legal description, and general location.	X	X	X	X
Key map, showing location with reference to surrounding property, streets, current street names, city limits, and other features within 200 feet of the subdivision boundary.	X	X	X	X
Present and proposed zoning.	X	X	X	X
North arrow, date, and graphic scale.	X	X	X	X
Benchmark NGVD 1929 or NAVD 1988	X	X	X	X
Signature blocks for Planning Commission Chair, Administrative Official, and Mayor.	X	X	X	X
Appropriate certification blocks.	X	X	X	X
Documentation.	X	X		X
Metes and bounds description, including dimensions, bearings, curb data, tangent length, radii, arcs, chords, and central angles for all centerlines and ROW's, and centerline curves on streets.			X	X
Acreage of tract.			X	X
Date of original and all revisions.	X	X	X	X
Dimensioning of setbacks.		X	X	X
Location, dimensions, and names of existing and proposed streets.	X	X	X	X
All proposed lot lines, lot dimensions, and lot areas in square feet.	X	X	X	X

Subdivision Regulations

**Table 11.3801:
Application Requirements**

	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
			Preliminary	Final
PLAT INFORMATION (cont.)				
Existing and proposed easements or land reserved for or dedicated to public use.	X	X	X	X
Phasing plan.			X	X
Payment of application fees.	X	X	X	X
ENVIRONMENTAL INFORMATION				
Property lines within 200 feet.		X	X	X
All existing watercourses, flood-plains, wetlands, habitat areas or other environmentally sensitive features within 200 feet.	X	X	X	X
Existing ROW's and easements within 200 feet.		X	X	
Topography at two- foot contours including areas up to 200 feet of the plat boundaries.		X	X	
Existing site drainage system.		X	X	
Drainage calculations and percolation tests if needed.			X	X
IMPROVEMENTS AND CONSTRUCTION INFORMATION				
Proposed utility infrastructure plans including water, sanitary sewer, and storm water management and detention.			X (Concept)	X (Detail)
Road and paving cross-sections.			X	
Proposed street names.			X	X
New block and lot numbers.		X	X	X

Subdivision Regulations

**Table 11.3801:
Application Requirements**

	ADMINISTRATIVE SUBDIVISION	MINOR SUBDIVISION	MAJOR SUBDIVISION	
			Preliminary	Final
Certifications and seals from licensed Professional Engineer and/or Licensed Surveyor, as required by State Statute.	X	X		X
Improvement financing plan, including sources of funding (Private, assessments, public, Sanitary and Improvement Districts, and other sources).			X	X
Draft subdivision agreement.			X	
Final subdivision agreement.				X
Required Number of Copies of Plat Document	5	15	20	20
Reduced 8 ½ by 11 copy		1	1	1
Required Minimum Scale of Plat Documents	1"=100 feet	1"=100 feet	1"=200 feet	1"=100 feet
18x24 inch Submission of Final Plat to register of Deeds and City of Seward		X		X
Electronic file to City of Seward		X	X	X

ARTICLE 39

SUBDIVISION DESIGN CRITERIA AND GENERAL STANDARDS

11.3901 Purpose

The purpose of this Article is to provide flexible design alternatives in order to assure that subdivisions in the Seward area create functional and attractive environments, minimize adverse effects, become assets to the city's urban and natural setting, and adapt to their specific situation. The section defines specific types of subdivisions that have varying design characteristics, applicable to various settings within the City of Seward and jurisdiction. It outlines specific design criteria that should be incorporated into the concepts of various types of subdivisions.

11.3902 Site Design and Constraints

a. Consideration of Plans

The design of developments shall consider all existing local and regional plans for Seward and its Jurisdiction. These include the Comprehensive Development Plan for the City of Seward.

b. Grading Plan Required

1. A Grading Plan is required for erosion and sediment control on all construction sites greater than 5 acres in size. Prior to grading or site disturbing activity, the developer shall apply to the Building Department for a grading permit. The application for a grading permit shall include:

(a) A location map showing the location and extent of grading activity.

(b) A Sediment and Erosion Control Plan.

2. After submission of a complete application for a grading permit, the Zoning Administrator shall review the application. As part of the review, the Zoning Administrator shall circulate the petition to any agency with statutory authority for the management of drainageways and stormwater management.

3. A grading permit shall be issued within ten working days if the Zoning Administrator has received assurances from applicable state agencies that the Sediment and Erosion Control Plan is compatible with statute, and further that it is compatible with the objectives and policies of the City's Comprehensive Development Plan and Land Development Ordinance. If the submitted Sediment and Erosion Control Plan is deemed inadequate, the applicant will be given a list of mitigation measures that must be included to ensure conformance. The Zoning Administrator shall issue a grading permit to the applicant upon certification that mitigation measures will be taken as prescribed, consistent with applicable state and federal regulations regarding soil and sediment erosion, and environmental water quality.

c. National Pollutant Discharge Elimination System Stormwater Permit

The subdivider shall obtain coverage under the general National Pollutant Discharge Elimination System (NPDES) permit (Number NER 100000) for stormwater discharge. A copy of the general permit is available at the office of the Public Works Superintendent. The subdivider shall apply for authorization to discharge by submitting a Notice of Intent (NOI) using form CSW-NOI. The

Subdivision Regulations

subdivider shall comply with the terms and conditions of the general permit. A copy of the NOI shall be submitted to the Public Works Superintendent along with the agreement prior to the beginning of any construction activities. This item shall be considered incidental to the project and shall not be subject to a separate fee.

d. Preservation of Natural Features and Drainage Patterns

1. To the maximum extent possible, development shall be located to preserve natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impact and alteration of natural features and drainage patterns.

2. The subdivider shall give maximum consideration to the preservation of the following areas as open space, to the extent consistent with reasonable utilization of land:

(a) Wetlands and other unique environmental areas, as defined in Section 404, Federal Water Pollution Control Act of 1972 and delineated on wetlands maps prepared by the US Fish and Wildlife Service. Construction and fill activity shall be prohibited on wetlands in excess of one acre in size. Development and fill upon wetlands smaller than once acre in size should be avoided whenever possible, but regulated by permit authority of applicable state and federal agencies.

(b) Significant stands or mature specimens of trees shall be designated by required tree surveys.

(1) Non-Residential and Attached Residential: No tree taller than 20 feet or larger than 12 inches in diameter (measured six inches above the ground) shall be removed except when approved by the Zoning Administrator or his/her designee. Trees removed subject to City approval shall be replaced as noted in Table 11.3901. The owner of a site with natural landscaping that is unhealthful (for example, spaced too closely) may be permitted to plant replacement trees in the parkway or elsewhere in the City, if approved by the Zoning Administrator.

Table 11.3901: Tree Replacement Schedule

Diameter of Removed Tree	Number of Replacement Trees
12" to 25"	4 trees at 2" or 2 trees at 4"
26" or Greater	6 trees at 2" or 3 trees at 4"

(2) Single-Family Residential: Placement of the building must avoid trees taller than 20 feet or larger than twelve inches in diameter, measured 54 inches above the ground. Any such tree removed or damaged shall be replaced by a species compatible with existing trees, on a one-to-one basis. The number of replacement trees will be limited by what can be reasonably accommodated within the available lot area.

(c) Flood plain lands, other than areas that have already experienced substantial development.

Subdivision Regulations

(d) Slopes in excess of 15% as measured over a 10-foot interval. Development on slopes over 15% may be permitted only if an erosion and slope stabilization plan is submitted and approved with the development and if appropriate measures are taken in compliance with this approved plan. The City may, at its discretion, require the review and certification of such a plan by a licensed Professional Engineer.

(e) Habitats of endangered species. Development shall avoid fill or disturbance of habitat sites as identified on federal or state lists administered by the US Fish and Wildlife Service of the US Department of the Interior, and applicable state environmental regulatory agencies. Developers are encouraged to preserve habitat areas as a connected open space consistent with the parks and greenways system designated in the Seward Comprehensive Development Plan.

e. General Guidelines for Subdivision Layout

Subdivisions shall be designed to comply with the following overall performance objectives:

1. Avoidance of adverse effects on ground water and aquifer recharge.
2. Reduction and minimizing of cut and fill.
3. Avoidance or reduction of unnecessary impervious surfaces.
4. Prevention of flooding and encroachment of water onto other properties.
5. Provision of adequate access to lots, including alternative routes to lots and sites within the subdivision and minimizing of cul-de-sacs over 600 feet.
6. Mitigation of negative environmental effects on surrounding properties, including effects of shadow, noise, odor, traffic, drainage, and utilities.
7. Respect for the urban character and traditional layout of Seward, including providing continuity to established street and community facility networks; establishing linkages and connections between new development and existing parts of the city; and preserving historically and architecturally significant sites and buildings, determined as those sites or districts either listed on or determined to be eligible for listing on the National Register of Historic Places, as determined by the State Historic Preservation Officer.
8. Dedication of arterial, collector, and key local streets on the general alignments specified in the Comprehensive Development Plan.

d. Site Design Objectives and Approval

The Planning Commission and City Council shall take the above Site Design objectives into account during their review and approval of subdivision applications.

ARTICLE 40

CIRCULATION SYSTEM DESIGN

11.4001 Purpose

The purpose of this Article is to assure the development of functional and safe circulation patterns within new subdivisions, in order to encourage economical and effective movement of motor vehicles, bicycles, and pedestrians; provide access for public safety vehicles; and encourage the development of circulation systems that enhance the quality of life within new and existing neighborhoods in the City of Seward and its planning jurisdiction.

11.4002 General Standards

The design of circulation systems should conform to the following general standards and requirements:

a. Roadway System Design

1. The road system shall be designed to permit safe and orderly movement of traffic, to meet but not exceed needs of the present and future served population; to be simple and logical; to respect natural features, topography, and landscape, and to present an attractive streetscape.
2. The system shall conform with the City's Comprehensive Development Plan. For streets not shown on the Comprehensive Development Plan, the arrangement of streets shall provide for the logical extension of existing streets.
3. The street network of a subdivision should provide for logical, continuous extensions of streets to subsequent later developments. Such extensions shall make provision when necessary with a temporary turnaround with a radius of at least 50 feet.
4. The system shall provide adequate traffic flow through a subdivision and provide at least two routes from each lot within the subdivision to the rest of the City, except as explicitly permitted by the approving authorities. Additionally, the system should be designed to discourage through traffic from using local streets.
5. The system should provide good internal street network connectivity. Internal connectivity shall be measured by a Connectivity Index, calculated as:

$$CI = L/N$$

where N = the number of nodes (including intersections and cul-de-sac heads) in a subdivision and L = the number of street links defined by those nodes. A desirable target for street connectivity is an index of over 1.20.

b. Pedestrian and Bicycle Systems

1. A continuous pedestrian system shall be provided within each non-industrial subdivision, designed to conduct pedestrians between every point in the subdivision in a safe manner.

Subdivision Regulations

2. In conventional subdivisions, the pedestrian system will ordinarily be provided by sidewalks placed parallel to and on both sides of each street, with exceptions permitted to preserve natural features, create visual interest, or maintain greenways and pedestrian ways proposed in the Seward Comprehensive Development Plan.
3. In innovative developments, the pedestrian system may be an independent network diverging from streets but providing continuous pedestrian access between all points.
4. All aspects of the pedestrian system, including sidewalks and intersection crossings, must be designed to comply with the Americans with Disabilities Act.
5. Bikeways or recreational trails shall be required only if specifically indicated by the Comprehensive Development Plan. Any land dedicated for trail development shall be credited toward the satisfaction of pedestrian system and open space standards set forth by this ordinance.

11.4003 Street Hierarchy and Design

a. Characteristics of the Hierarchy

1. Streets shall be classified according to a street hierarchy with design tailored to function.
2. The street hierarchy shall be defined by road function and projected average daily traffic (ADT), as calculated by trip generation rates prepared by the Institute of Transportation Engineers or other generally accepted standards.
3. Each residential street shall be classified and designed to meet appropriate standards for its entire length.
4. The applicant shall demonstrate to the satisfaction of the approving agencies that the distribution of traffic created by the subdivision will not exceed the design capacity of the proposed street system and its individual segments.
5. The categories, functions, and projected traffic loads of the street hierarchy are set forth in Table 11.4001.

b. Cartway Width

1. Cartway width for each street classification is determined by parking and curbing requirements based on form or intensity of adjacent development.
2. To promote economical development of streets, minimum cartway width should generally be used. Minimum cartway widths are set forth in Table 11.4002.

c. Curbs, Gutters, and Shoulders

1. Curbing shall be required for the purposes of safety, drainage, and protection of the pavement edge, as set forth in Table 11.4003.

Subdivision Regulations

2. Requirements for curbs vary according to street function and the nature of adjacent development. Adjacent development is defined as urban or rural as follows:

(a) Rural: Residential or predominately agricultural land use where average lot frontage exceeds 150 feet and subdivisions are not provided with urban services, including municipal water and/or sanitary sewer. Rural subdivisions are typically located within an RR district.

(b) Urban: Residential land use where average lot frontage is less than or equal to 150 feet and subdivisions are provided with municipal water or sanitary sewer service; or adjacent land uses include commercial, office, industrial, or civic use types.

3. Where curbing is not required, edge definition and stabilization shall be provided.

4. Where curbing is required, shoulders and drainage swales may be used only if soils or topography make the provision of shoulders preferable to curbs; or where the character of an area is preserved by the use of shoulders and drainage swales.

5. Shoulders, when developed, shall be at least eight feet in width on each side for all streets; and located within right-of-way. Swale width is site-specific. Shoulders shall consist of stabilized turf or other acceptable material.

6. All curbs shall provide ramps for accessibility by handicapped people consistent with the requirements of the Americans with Disabilities Act.

7. Curb construction shall follow standards established by the City of Seward.

d. Sidewalks

1. Sidewalk requirements are determined by road classification and intensity of development, as set forth in Table 11.4003.

2. Where sidewalks are not otherwise required by Table 11.4003, the City Council may require their installation if necessary to provide access to generators of pedestrian traffic or major community features; to continue a walk on an adjacent street; to link parts of the city; or to accommodate future development.

3. In conventional development, sidewalks shall be placed generally parallel to streets within right-of-way. Exceptions are possible to preserve important natural features or to accommodate topography or vegetation; when applicant shows an alternative for a safe and convenient pedestrian system; or in conservation or traditional neighborhood development (TND) subdivisions.

4. In commercial areas, sidewalks may abut curb provided they are a minimum of five feet wide. In industrial areas, sidewalks are not mandatory but may be ordered in by the City Council.

5. Pedestrian rights-of-way at least 15 feet in width may be required through the center of blocks over 600 feet in length if deemed necessary by the approving agencies to provide access to schools or community facilities; or to maintain a continuous pedestrian network within and

Subdivision Regulations

between subdivisions and districts of the City of Seward and its jurisdiction. Such rights-of-way shall be dedicated to the public in the same manner as streets.

6. Sidewalks shall provide a clear path of at least four foot in width, free of any obstructions.

7. All sidewalks shall be constructed according to current standards in use by the City of Seward. Sidewalks shall be of concrete construction four inches thick except at points of vehicular crossing where they shall be six inches thick and no less than a minimum of six sack mix.

8. All sidewalks, crossings, and other segments of a continuous pedestrian system must comply with standards of the Americans with Disabilities Act.

e. Bikeways and Recreational Trails

1. Bikeways and recreational trails shall be required in subdivisions only when specified as part of the comprehensive development plan.

2. All off-street recreational trails shall be a minimum of ten feet in width for two-way traffic and comply with the Americans with Disabilities Act. Surfacing of trails shall be acceptable to the City of Seward. Gradients for bikeways and recreational trails should not exceed five percent, except for short distances. Minimum dedicated trail right-of-way shall be 20 feet unless varied by the City Council.

3. Recreational trails may satisfy part of the requirements of this ordinance for sidewalks or open space.

4. All residential streets shall utilize bicycle safe drainage grates at storm sewer inlets.

f. Alleys

It is the general policy of the City of Seward to discourage the use of alleys outside of Planned Unit Developments or Traditional Neighborhood Developments. When permitted in such projects, alleys shall be paved and shall have a width of not less than 14 feet. Alleys shall not be used for parking.

g. Right-of-Way

1. Measurement: The right-of-way of a street shall be measured from lot line to lot line, and shall be wide enough to contain the cartway, curbs or shoulder, sidewalks and sidewalk setbacks, other necessary graded areas, and utilities.

2. Any right-of-way that continues an existing street shall be no less than that of existing street.

3. The requirements for right-of-ways for functional categories of roads is set forth in Table 11.4003.

4. Dedications: Dedications of right-of-way for collector, community, or arterial streets shall be made consistent with the comprehensive development plan.

Subdivision Regulations

h. Street Design Standards

1. Pavement

(a) All streets shall be paved to current standards utilized in the City of Seward except:

(1) Local streets in rural subdivisions. Rural subdivisions may utilize a gravel or crushed rock surface of sufficient thickness and with an adequate base to provide a durable surface. This permission is subject to submission of a petition by the platting owners binding themselves and all succeeding property owners to agree that all paving would be completed by a special assessment project if the subdivision were annexed by the city. Such petition shall waive any required resolution of necessity, any applicable limitations of the amount that could be assessed against subdivision property owners including intersection costs, and other costs normally paid by the City in special assessment projects. When hard-surfaced, local streets in rural subdivisions may utilize 45-inch P.C.C.P. non-reinforced paving or 5 inch hot mix asphaltic paving.

(2) Courts or lanes, which may utilize six-inch concrete, provided that such courts or lanes remain in private or private cooperative ownership. The subdivision agreement and plat should clearly indicate that such streets are private and are not subject to city maintenance or acquisition.

(b) Street pavement thickness shall relate to the role of the street in the hierarchy, subgrade conditions, and pavement type.

2. Continuity of Arterial or Collector Streets

No subdivision shall prevent the extension of arterial or collector streets through and beyond the subdivision. The subdivider may plan and design collector streets not designated in the Comprehensive Development Plan subject to the approval of the City Council.

3. Cul-de-sacs

(a) Cul-de-sac streets designed to have one end permanently closed generally should not exceed 600 feet in length and shall be designed so that vision from entrance to end is not restricted. A longer length is permissible within conservation developments or in the case of unconventional developments, such as golf course subdivisions.

(b) The closed end of a cul-de-sac within a conventional subdivision shall have a turnaround with a street property line diameter of at least 100 feet in residential subdivisions. This diameter may be increased by the Planning Commission if deemed necessary in the case of a commercial or industrial subdivision. In very low density settings, the Planning Commission may allow the use of hammerhead designs or other non-standard designs.

4. Street Grades

Maximum permitted street grades are set forth in Table 11.4002. In typical circumstances, the minimum permitted street gradient shall be 1.0%. In exceptional circumstances, the Public Works Superintendent may permit street gradients of less than 1.0%; however, under no circumstances may the gradient be less than 0.4%.

Subdivision Regulations

5. Street Intersections

(a) Streets shall intersect as nearly at right angles as possible, unless limited by topography, existing street alignments, or other clearly defined constraints.

(b) In most cases, no more than two streets should intersect at a single intersection. Exceptions may be made within TND or Planned Unit Developments.

(c) Local streets shall minimize intersections with major arterials.

(d) New intersections along one side of an existing or proposed street shall, if possible, align with intersections on the other side of the street. Offsets between adjacent intersections shall measure at least 150 feet between centerlines. The use of T-intersections is encouraged on local streets within the interior of a subdivision.

(e) Intersection design standards are set forth in Table 11.4002.

6. Block Size

(a) The length, widths, and shapes of blocks shall be suited to the proposed land use and design of the proposed subdivision. Blocks within urban subdivisions shall not exceed 600 feet in length, unless necessitated by exceptional topography or other demonstrable constraints. Blocks within rural subdivisions shall not exceed 1,320 feet

7. Specific design standards established by the City of Seward's Subdivision Design Manual.

8. Other design standards shall be as set forth in Table 11.4004.

11.4004 Lighting and Wiring

a. Underground Wiring

1. All electric, telephone, television, cable TV, and other communication lines shall be provided by underground wiring within easements or public right-of-way, except where in the opinion of the approving authorities, such location is not feasible. Poles for permitted overhead lines shall be placed in rear lot line easements; or in other locations designed to lessen their visual impact.

2. New lots adjacent to existing overhead service may utilize that service; however, new local service connections shall be underground.

Subdivision Regulations

**Table 11.4001:
Street Hierarchy**

<i>Residential Street Type</i>	<i>Function</i>	<i>Guideline Maximum ADT</i>
Lane or Court	Street providing private access to no more than twelve housing units. Private streets are permitted only in Planned Developments.	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed. East-west orientation provides best solar access. Local residential streets usually do not interconnect with adjoining neighborhoods or subdivisions.	250-1,000
Collector	Conducts and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Collectors may be included in the city's Surface Transportation Program system for federal aid.	1,000-2,500
Frontage Road	A street that generally runs parallel to a controlled access arterial and provides access to individual properties along its length.	1,000-2,500
Minor Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Seward, including downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited on other arterials. Other arterials should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid.	2,500-7,500
Major Arterials	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid.	7,500+

Subdivision Regulations

**Table 11.4002:
Cartway Width, Grade, and Intersection
Standards**

<i>Residential Street Type</i>	<i>Moving Lanes</i>	<i>Maximum Grade</i>	<i>Cartway Width</i>	<i>Minimum Curb Radii</i>
Lane or Court (Private)	Two 11-foot	10% (5%*)	25 feet	20 feet (Note 1)
Cul-de-sac	Two 11-foot	10% (5%*)	28 feet	25 feet (Note 1)
Urban Local	Two 11-foot	10% (5%*)	28 feet	25 feet (Note 1)
TND or PUD Local	Two 10-foot	10%	25 feet	25 feet (Note 1)
Rural Local	Two 12-foot	10%	28 feet	25 feet (Note 1)
Collector	Two 12-foot	8% (5%*)	36 feet	35 feet (Note 1)
Frontage	Two 12-foot	8% (5%*)	30 feet	25 feet (Note 1)
Arterials	Note 2	6%	Note 2	Note 2

* Denotes Maximum Street Grade Within 50 Feet of an Intersection

Note 1: Intersections shall be rounded at the curb line, with the street having the highest radius requirement as shown in Table 11.4002, determining the minimum standard for all curb lines.

Note 2: Arterial street width, grade, and curb radii are determined by state standards and the designation of individual street or roadway segments.

Subdivision Regulations

**Table 11.4003:
Cartway Width, Sidewalk, and Right-of-Way
Standards**

<i>Street Type</i>	<i>Cartway Width</i>	<i>Curb/ Shoulder</i>	<i>Sidewalk (Note 2)</i>	<i>Total ROW</i>
Private Lane or Court	25 feet	Not Required	Required	50 feet
Cul-de-sac	28 feet	Required	Required	60 feet at approach 100 feet diameter
Rural Local	28 feet	Not Required	Not Required	66 feet
Urban Local	28 feet	Curb	Both sides	60 feet
TND or PD	25 feet	Curb	Both sides	60 feet
Community Boulevard (divided)	18 feet, 18 foot median	Project specific	Both sides	85 feet
Community Boulevard (undivided)	36 feet	Project specific	Both sides	66 feet
Collector				
Rural Collector	25 feet	Not Required	Not Required	66 feet
Urban Collector	36 feet	Curb	Both Sides	70 feet*
Frontage	30 feet	Curb	One side	40 feet
Urban and Rural Arterials	36-48 feet (Note 1)	Note 1	Note 1	66-80 feet minimum

* Right-of-way widths for these classes of street may be modified within Traditional Neighborhood Developments, Planned Developments, or Conservation Subdivisions.

Notes to Table 11.4003.

Note 1: Arterial street width, grade, and curb radii are determined by state standards and the designation of individual street or roadway segments.

Note 2: The edge of the sidewalk closest to the street is normally located eight feet in from the curb line. Sidewalks may meander and diverge from this distance but should at no point be located closer than 4 feet from the inside of the curb or edge of pavement.

Note 3: Required sidewalks in Industrial zoning districts are not mandatory but the City Council may order in sidewalks in any zoning districts.

Subdivision Regulations

**Table 11.4004:
Street Design Requirements**

<i>Street Type</i>	<i>Minimum radius of horizontal curves</i>	<i>Minimum sight distance on vertical curves</i>	<i>Maximum Slope</i>	<i>PCC Pavement Thickness</i>
Lane or Court	150 feet	150 feet	10%	6 inches with reinforcing wire; 7 inches without wire
Local				
Urban	200 feet	150 feet	10%	6 inches with reinforcing wire; 7 inches without wire
Rural	200 feet	150 feet	10%	6 inches or gravel
TND/PUD	150 feet	150 feet	10%	6 inches with reinforcing wire; 7 inches without wire
Collector	300 feet	250 feet	8%	8 inches
Frontage	300 feet	250 feet	8%	8 inches
Arterials	400 feet	350 feet	8%	8 inches or determined by road design

ARTICLE 41

PUBLIC IMPROVEMENTS AND INFRASTRUCTURE

11.4101 Purpose

The purpose of this Article is to assure that all subdivisions developed in the City of Seward and its jurisdiction are adequately furnished with necessary public services. These services include adequate water, wastewater management, and storm water drainage utilities; and park and open space resources.

11.4102 Water

a. Connection

1. All installations shall be properly connected to an approved and functioning community water system, constructed in conformance with the applicable design standards of the city.
2. All residential subdivisions inside of the corporate limits of Seward shall be connected to an existing public water supply system if such a system is available within 300 feet of the subdivision.
3. Developments with more than 15 units and located within 0.5 mile of an existing public water system must provide adequate justification as to why they are unable to connect to such a system. For developments with more than 15 units and located more than 0.5 mile from a public water supply, the water supply strategy shall be considered by the approving authorities on a case-by-case basis.
4. In a pre-existing subdivision that is served by well and/or septic systems that would otherwise require connection under the provisions of this section, the Board of Adjustment may grant permission to build on previously undeveloped lots of record, subject to compliance with Title 124, satisfactory percolation tests reviewed by the Public Works Superintendent, and other applicable requirements.
5. All proposals for new water supplies, extensions, or main installation shall be approved by the City of Seward.

b. Capacity

1. The water supply system shall be adequate to handle the necessary flow, based on complete development of the subdivision.
2. The demand rates for all uses, including emergency fire demand, shall be included in the computation of total water demand.
3. Fire protection shall be furnished for any development connected to the municipal water system. Computation of minimum fire flows shall be based on calculations of the American Insurance Association and National Board of Fire Underwriters.

Subdivision Regulations

4. Hydrants spaced for necessary fire flow and provided with adequate means of drainage as approved by the Public Works Superintendent and Fire Chief. All mains serving hydrants shall be at least eight inches in diameter, should be looping mains, and should have appropriate state approvals. All fire hydrant leads shall be a minimum of six inches in diameter.
5. Installation of water systems shall conform to current design standards in use within the City of Seward, as set forth by the Subdivision Design Manual.
6. A certification from a registered Professional Engineer shall be filed with the City of Seward certifying that the water supply system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska. This certification shall be affixed to an accurate set of "as-built" system plans. The subdivision's engineer shall furnish five sets of as-built drawings and one electronic file compatible with the current version of AutoCad.
7. All state requirements shall be met and approvals from the Department of Health and Human Services Regulations and Licensure Division shall be obtained for all water systems.

c. Private or Community Well Systems

If the development does not meet the required criteria for connection to a public water system or for reasons of topography, economic feasibility, or other special condition proposes water service by a community and/or private well, the developer shall request a variance according the following provisions:

1. The developer shall submit with the preliminary plat application an Economic Feasibility Study Report and an Environmental Impact Study report, prepared by a Professional Engineer, which documents the cost of providing city water service to the subdivision versus the cost of the proposed well system.
2. If a well system is approved by the City with the preliminary plat approval, the system shall be designed and built in accordance with regulations of the Public Works Superintendent and the Nebraska Department of Health and Human Services Regulations and Licensure Division. Both agencies shall approve its construction before the City issues Certificates of Occupancy for any buildings in the subdivision.
3. If a public water supply system is proposed to be provided to an area within a ten-year period from the time of platting, as indicated in an officially adopted document of the City or other authorized agency, the City may require installation of a capped system or dry lines. Alternately, the City may require a payment in lieu of the improvement, to be credited toward the extension and connection of the subdivision to a future public water supply.
4. City approval to install a community and/or private well system shall be allowed subject to the following additional provisions:
 - (a) The system, including all distribution lines, hydrants, valves, and appurtenances, shall conform to current design standards in use within the City of Seward and shall remain the property of the Developer and/or Homeowners' Association.

Subdivision Regulations

(b) The developer and all successive lot owners shall agree to connect to the City water system if installed to the subdivision. Such connection shall not be required for ten years after the date of construction of the initial well system.

(c) With connection to the City water system, all existing lot owners shall be required to disconnect from and abandon the pre-existing well system in conformance with all local and State standards and shall share equally in the cost of such disconnection. Disconnection and abandonment shall be completed within six months after connection to the City water system.

11.4103 Sanitary Sewers

a. Connection

1. All installations shall be properly connected to an approved and functioning sanitary sewer system prior to issuance of a certificate of occupancy.

2. All residential subdivisions inside of the corporate limits of Seward shall be connected to an existing public sanitary sewer system if such a system is available within 300 feet of the subdivision.

Developments with more than 15 units and located within 0.5 mile of an existing public sanitary sewer system must provide adequate justification as to why they are unable to connect to such a system. For developments with more than 15 units and located more than 0.5 mile from a public sanitary sewer system, the waste disposal strategy shall be considered by the approving authorities on a case-by-case basis.

In a pre-existing subdivision that is served by well and/or septic systems that would otherwise require connection under the provisions of this section, the Board of Adjustment may grant permission to build on previously undeveloped lots of record, subject to compliance with Title 124, satisfactory percolation tests reviewed by the Public Works Superintendent, and other applicable requirements.

3. If the City creates a benefit fund for the purpose of financing public extensions of sanitary interceptor sewers to newly developing areas, each subdivision to be benefited by such extensions shall contribute to such a fund. Subdivisions within the city limits of Seward at the time of platting; or subdivisions currently served by existing sanitary sewer service shall be exempt from this requirement. Contributions to the fund shall be computed on the basis of proportionate costs and benefits of necessary extensions. Assessments shall be made on a per lot basis for single-family development; a per-unit basis for multi-family residential development; and a site area basis for non-residential development.

4. All proposals for new public sanitary sewer systems or extensions of existing systems shall be approved by appropriate public agencies.

5. All state requirements shall be met and approvals from the Department of Environmental Quality or other appropriate state agencies shall be obtained for all wastewater disposal systems.

Subdivision Regulations

b. Capacity

1. The sanitary sewer system shall be adequate to handle the necessary flow, based on complete development of the subdivision including peak flows.
2. Installation of sanitary sewer systems shall conform to current design standards in use within the City of Seward as set forth by the Subdivision Design Manual.
3. A certification from a registered Professional Engineer shall be filed with the City of Seward certifying that the sanitary sewer system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska. This certification shall be affixed to an accurate set of "as-built" system plans. The subdivision's engineer shall furnish five sets of as-built drawings and one electronic file compatible with the current version of AutoCad.

c. Private Wastewater Disposal Systems

If the development does not meet the required criteria for connection to a public sanitary sewer system and gravity sewer service connections, or if for reasons of topography, economic feasibility, or other special conditions, the developer proposes service by a private wastewater disposal system, the developer shall request a variance according the following provisions:

1. Subsurface or septic systems are not permissible on any lot created after the effective date of this Ordinance if the gross density of the subdivision is higher than one unit per 70,000 square feet; if individual lots are smaller than one acre; or in any urban subdivision.
2. The developer shall submit with the preliminary plat application an Economic Feasibility Study Report and an Environmental Impact Study report, prepared by a Professional Engineer, which documents the cost of providing city sewer service to the subdivision versus the cost of the proposed private disposal system.
3. The preliminary and final plat shall indicate the envelope for home sites on each lot. Percolation tests must be done on areas outside the envelopes of home sites. The preliminary plat application shall also show the location of wells and septic fields for each lot and/or for the subdivision as a whole, and shall submit percolation tests for each lot, taken at the proposed adsorption field sites to determine the size of the field required for each lot.
4. The City shall consider all these submittals in determining whether to permit installation of private wastewater disposal systems for the subdivision.
5. If a private wastewater disposal system is approved by the City with the preliminary plat approval, the system shall be designed and built in accordance with regulations of the Nebraska Department of Environmental Quality and the City of Seward's Subdivision Design Manual. The developer's Professional Engineer shall furnish the City with five certified copies of as-built plans and one electronic copy compatible with AutoCad showing service line locations and final sewer and maintenance access locations, lengths, elevations, and grades.
6. If a sanitary sewer system is to be provided to an area within a ten-year period, as indicated in an officially adopted document of the City the County, or other authorized

Subdivision Regulations

agency, the City may require installation of a capped system or dry lines. Alternately, the City may require a payment in lieu of the improvement, to be credited toward the extension and extension of the subdivision of a future sanitary sewer system.

7. City approval to install a community and/or private wastewater disposal system shall be allowed subject to the following additional provisions:

(a) The system, including all sewer mains and appurtenances, shall conform to current design standards in use within the City of Seward and shall remain the property of the Developer and/or Homeowners' Association.

(b) The developer and all successive lot owners shall agree to connect to the City sanitary sewer system if installed to the corner of their lot. Such connection shall not be required for ten years after the date of construction of the initial wastewater system.

(c) With connection to the City sanitary sewer system, all existing lot owners shall be required to disconnect from and abandon the pre-existing well system in conformance with all local and State standards and shall share equally in the cost of such disconnection. Disconnection and abandonment shall be completed within six months after connection to the City sewer system.

11.4104 Storm Water Management

a. Design

1. All subdivisions shall have a storm water management system that is adequate to prevent the undue or unplanned retention of storm water on the site. Undue retention does not include:

(a) Retention through planned facilities.

(b) Retention not substantially different from pre-existing conditions.

2. The design of the storm water management system shall be consistent with general and specific concerns and standards of the Comprehensive Development Plan and the drainage control programs of applicable public agencies. Design shall be based on environmentally sound site planning and engineering techniques and the City of Seward Stormwater Design Standards.

3. To maximum degree possible, drainage from subdivisions shall conform to natural contours of land and not disturb pre-existing drainageways.

4. Adjacent properties shall not be unduly burdened with surface water from the subdivision. Specifically:

(a) There may be no unreasonable impediment of water from higher adjacent properties across the subdivision, causing damage to lower properties.

(b) No action shall unreasonably collect and channel storm water onto lower properties. The volume or rate of post-development run off shall not exceed the amount of pre-development runoff, and is to be managed in a manner consistent with Nebraska statutes and existing case law regarding such flows.

Subdivision Regulations

5. Design shall use the best available technology to minimize off-site runoff, encourage natural filtration, simulate natural drainage, and minimize discharge of pollutants. Best available technology may include retention basins, swales, porous paving, and terracing.
6. No surface water may be channeled into a sanitary sewer system.
7. Where possible, a subdivision's drainage system shall coordinate with that of surrounding properties or streets.
8. All storm water design shall be reviewed and approved by the Public Works Superintendent. The preliminary plat submission must include preliminary drainage computations and demonstrations that the proposed storm water management system meets the requirements of this Section. A certification from a registered Professional Engineer shall be filed with the City of Seward certifying that the storm water management system of the subdivision is designed and constructed in accordance with the requirements of this Section; and all applicable standards of the State of Nebraska. This certification shall be affixed to an accurate set of "as-built" system plans.

b. Erosion Control

1. With the submission of the preliminary plat, the subdivider shall submit an erosion control plan, prepared and certified by a licensed Professional Engineer, for any land disturbing activity. All grading activities must be carried out consistent with this approved erosion control plan.

c. Seeding

1. The area of the plat, with the exception of street right-of-way, on which existing vegetation has been destroyed as a result of grading shall be seeded with a seeding formula as approved by the City during the first growing season immediately following the completion of grading operations.

11.4105 Parks and Public Facilities

Purpose

In order to serve the educational and recreational needs of new residents within the subdivision and promote the public health, welfare, community character and property values, residential subdividers are required to donate resources to make improvements to the City of Seward's parks system as a condition of subdivision approval.

11.4106 Parks Reservations

a. General Requirements

The amount of park facilities for new residents is partly based on data and policy in the adopted City of Seward Comprehensive Plan. The Plans reflect a local adaptation of standards of the National Recreation and Park Association (NRPA). The Comprehensive Plan is the result of a system-wide technical analysis and citizen participatory planning process, which identified near-term and long-range needs for the local parks system.

Given these findings, the City of Seward has determined the following:

Subdivision Regulations

1. Neighborhood Park Dedication. The City of Seward's standard for neighborhood park service is 2 acres per 1,000 people. Consistent with this standard and the comprehensive development plan, a subdivision shall dedicate up to 0.006 acres per single-family detached dwelling unit and .004 acres per unit for other types of housing for a neighborhood park. Alternately, the subdivider shall pay a fee equivalent to the cost of 0.006 acres per single-family detached dwelling unit and .004 acres per unit for other types of housing, to be used specifically by the City for the acquisition and development of park and recreational facilities which directly benefit the subdivision.

2. Location. Land donated for new parks shall be located based generally on the City's Comprehensive Development Plan and official map and shall specifically consider the design of each development and natural features present. The amount of land required shall not include wetlands, floodway, floodplain or storm water detention facilities.

c. Park Donation Substitutes

If park land would be more appropriately located off-site, the City Council may agree to accept cash in lieu of land from a residential subdivider. The amount of land required from a residential subdivider may be reduced depending on the amount of the improved land, up to two (2) acres established as a private park by the subdivider, provided that such land is determined to be of equivalent value and available by right to all residents of the development. The subdivider shall present evidence, through physical design and legal documentation that the private facility shall be equally available to all residents of the development.

d. Criteria for Requiring a Contribution of Cash in Lieu of Park and Recreation Land

1. General Requirements. Where the subdivision is small and the resulting site is too small to be practical or when the available land is inappropriate for parks and recreation land use, or when land for a park and recreation use cannot be made contiguous to land dedication for a school site, the City Council shall determine whether the subdivider shall be required to pay a cash contribution in lieu of the required land donation.

2. Park Accounting Trust and Use of Fees

(a) The cash contributions in lieu of land for parks and recreation use shall be held in trust by the City of Seward for expenditure by the City as determined by the City Council. Such cash contributions shall be used solely for the acquisition of land for parks and recreation that will be available to serve the immediate or future needs of the residents of the subdivision or development, or for the improvement of recreation facilities and other parks already existing which will benefit the subdivision.

11.4107 Topography and Grading

The slope, topography and geology of the dedicated site and its surroundings must be suitable for its intended purposes. A subdivider shall allow the City to have access to the proposed sites for the purpose of conducting soil boring tests.

11.4108 Timing and Conveyance

Subdivision Regulations

Unless otherwise determined through a Subdivision Agreement, a subdivider shall convey to the City (or such other governmental body, corporation or such owner as determined by the City) the land required under this Section at the time of final approval by the City Council of the subdivision or re-subdivision plat or final development plan, by the delivery of the following documents:

- a. A good and sufficient Trustee's or Warranty Deed conveying fee simple title free and clear of all liens and encumbrances (except liens or encumbrances dischargeable by cash accompanying said deed) except for current real estate taxes;
- b. A deposit of money equal to 100% of the most ascertainable taxes for the year, pro-rated to the date that the deed is delivered;
- c. A plat of survey containing thereon the legal description of the property to be conveyed and any other matters which may be required by the City Administrator, under as advised by the Zoning Administrator, City Attorney, and the consulting Public Works Superintendent.

11.4109 Timing of Payment

Cash contributions required under this Section shall be paid as follows:

a. Fees Paid Prior to Final Plat

Unless otherwise provided by the terms of a developer agreement entered into between the City and the subdivider, all fees required pursuant to this Section, including fees arising from the development of land located in the City's two-mile planning jurisdiction that may be subject of an intergovernmental agreement, shall be due and owing prior to the final plat approval by the City Council.

However, if the subdivider's lands are the subject of an annexation agreement, payment shall be made at the times and in the manner provided in said annexation agreement.

b. Procedures for Fee Collection and Administration

It shall be the duty of the City Clerk, or other official designated by the City Council to establish regulations and procedures for the collection and administration of the cash contributions required under this Section.

11.4110 Development Agreements

a. Development Agreements May Establish Time and Manner of Compliance

The City may enter into a Development Agreement with any subdivider that sets forth the time and manner of compliance with the terms of this Section and implementation of any other provisions of these regulations. Such development agreements may be included as part of the Subdivision Agreement required for subdivisions subject to the provisions of Section 11.4204.

b. Prior Development Agreements

If any development agreement has previously been entered into between the City and a subdivider, and that Agreement remains in full force and effect, the provisions of that agreement shall control,

Subdivision Regulations

and this Section shall have no force and effect, provided that the subdivider complies with the terms of such Agreement. However, if such subdivider is not complying with the terms of that Agreement then the provisions of this Section shall apply and the City shall utilize the criteria set forth herein to determine the appropriate exaction amount, less credits, if any.

Further, if the development contemplated by a subdivider has either increased in number of units or has otherwise increased the demand for park and recreation facilities, then the developer Agreement previously entered into between the subdivider and the City shall be amended and the subdivider shall provide additional land, or a pro-rata fee, based on the provisions of this Section, less credits, if any.

11.4111 Easements

a. Utility Easements

1. Urban Subdivisions: Easements for utilities shall be provided for in the subdivision dedication allowing for the construction, maintenance, repair, and replacement of utilities. Such easements shall be at least 15 feet in width, centered on the lot lines, and 10 feet in width along the rear property line where not adjacent to additional lots, and shall be provided along:

(a) All rear property lines.

(b) Side property lines where necessary to provide a continuous easement. Easement requirements may be waived with proof that such easements are not required by utility service providers.

2. Easements of greater width may be required along lot lines or across lots. Easements of lesser width may be approved if accepted by utility providers. Easements shall connect with easements on adjoining properties.

3. Easements shall be approved in writing by any appropriate public or private utility provider intending to use such easement for their facilities. Such approval shall be submitted prior to final plat approval.

4. Rural Subdivisions: Easements for utilities shall be placed within street rights-of-way, without requirements for additional utility easements.

b. Drainage Easements

Where a subdivision is crossed by a watercourse, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided. It shall correspond generally with the extent of such watercourse, together with any additional construction or expansion necessary to allow it to conduct storm water adequately. Easements shall extend not less than 20 feet on each side from the centerline of the waterway. The total width of any easement shall be sufficient to cover the 100-year flood plain calculated for a fully developed upstream drainage basin. Parallel streets or parkways may be utilized to preserve such drainageways.

Subdivision Regulations

c. Setback Requirements for Structures Adjacent to Creeks and Drainageways

1. In addition to other applicable provisions of city ordinances, no persons shall be granted a permit for the construction of any structure, exclusive of fences, bank stabilization structures, poles signs, and non-related parking areas adjacent to any creek or stream unless such structure is located so that no portion thereof is any closer to the stream than will allow a maximum 3:1 slope between the water's edge (during normal flow conditions) of the stream and the closest point of the structure at-grade.

2. An exemption from the provisions of Sub-section (1) above may be granted if all of the following conditions are met and required certification is filed with the City of Seward:

(a) Certification by a registered professional engineer or architect that adequate bank stabilization structures or slope protection will be installed in the construction of said structure, having an estimated useful life equal to that of the structure, which will provide adequate lateral support so that no portion of the structure adjacent to the stream will be endangered by erosion or lack of lateral support.

(b) Certification shall be affixed to an accurate set of "as-built" construction plans for the structure, as well as "as-built" plans of depicting any bank stabilization or slope protection measures or structures.

(c) In the event that the structure is adjacent to any stream that has been channelized or otherwise improved by any agency of government, then such certification providing this exemption must take the form of a certification as to the adequacy and protection of the improvements installed by such governmental unit.

d. Other Easements

The subdivision shall provide easements for other public utilities that cross through it, in a form acceptable to the City or appropriate public agency.

11.4113 Dedications

Before final plat approval is granted to the subdivision, dedications to public use of all streets, alleys, other public right-of-ways, or other parks and public lands shall be completed as required by this Ordinance.

ARTICLE 42

IMPROVEMENT FINANCING AND GUARANTEES

11.4201 Purpose

The purpose of this Article is to ensure the equitable financing and proper installation and maintenance of required streets, utilities, and other improvements. The guarantee shall be structured to provide adequate assurances to the City while not adding unnecessary costs to the developer.

11.4202 Application

This Section applies to subdivisions that require the installation of streets, utilities, or other public improvements by the City or developer.

11.4203 Responsibility of Subdivider

The subdivider shall be responsible for the installation and/or construction of all improvements required by this Ordinance and shall warrant the design, materials, workmanship, construction, and performance of such improvements for two years after the date of completion.

11.4204 Subdivision Agreement

a. Condition for Approval of Plat

As a condition for final approval, each subdivision plat must include a subdivision agreement entered into between the City of Seward and the subdivider. Additionally, no contract for the construction of public improvements involving a subdivision within the extraterritorial jurisdiction but outside the corporate limits of Seward shall be awarded without the approval of such an agreement.

b. Components of the Agreement

The agreement shall include provisions for the financing and distribution of responsibilities among the City and the subdivider for land acquisition, design, and installation of public improvements. The agreement shall also state specifically how public services will be provided in the subdivision prior to annexation by the City.

c. Rules for Distributing Improvement Costs

Generally, the following rules shall be followed in distributing costs for public improvements:

1. Public Costs

Allowable public costs will be those items that have demonstrable benefit to the general public. These items may include:

- (a) Pavement width in excess of 28 feet for streets designated as collector or arterial streets in the Seward Comprehensive Development Plan or any subsequent amendment thereof. On

Subdivision Regulations

collector and arterial streets requiring a higher standard of paving than normal, the additional cost shall be borne by the City or other public agency.

- (b) The incremental cost of water mains over eight inches.
- (c) Oversized storm sewers or drainage structures required to serve other areas in the watershed. Such expenses may also be assessed on an area basis to properties served by the improvement.
- (d) Sanitary outfall sewers or water lines outside of the limits of a subdivision that serve areas larger than that of the subdivision, provided that such extension is consistent with the sequencing of development specified in the Comprehensive Development Plan.
- (e) The additional costs of sanitary sewers over 8 inches in diameter, when such sewers are required by the City.
- (f) Park and recreation facilities consistent with the Comprehensive Development Plan.
- (g) Those costs required to be paid by the City for extension of water and sewer lines, pursuant to the Seward Municipal Code.

2. Private Costs

Allowable special assessment costs will be those items that have direct benefit primarily to adjacent properties. These items may include:

- (a) The entire cost of grading street rights-of-way, including intersections.
- (b) All sanitary sewer lines serving the subdivision up to 8 inches and water lines serving the subdivision up to eight inches.
- (c) All paving and street construction, including curbs and gutters, up to a cartway width of 28 feet.
- (d) A stormwater management system adequate to provide for the collection, retention, and removal of surface runoff, extending to the boundaries of the subdivision
- (e) Sidewalks as required by this Ordinance. Construction of sidewalks may be delayed until after completion of site grading and construction, but must be completed prior to occupancy of the structure.
- (f) The private share of trails or bicycle paths included in the city's system, as identified by the Comprehensive Development Plan; or trails or bicycle paths whose primary benefit is to residents of the subdivision.
- (g) The contract charge for underground electrical and gas service.
- (h) An iron rod not less than five-eighths (5/8) inch in diameter and 24 inches in length as follows:

Subdivision Regulations

(1) Set three feet deep at the intersection of all lines forming angles in the boundary of the subdivision and at all street intersections.

(2) At lot corners and changes in direction of block and lot boundaries.

(h) Those costs required to be paid by the developer for extension of water and sewer lines, pursuant to the Seward Municipal Code.

3. The subdivider in lieu of installing and constructing said improvements at his/her expense, may, along with all owners of property to be affected by such improvements and all perfected lien holders, petition the Council to cause the construction of such improvements. This petition shall waive any required resolution of necessity, any applicable limitations of the amount, which could be assessed against subdivision property owners including intersection costs, and other costs normally paid by the City in special assessment projects.

11.4205 Subdivisions Contiguous with City

Unless otherwise provided as a specific part of the subdivision approval by the city, all subdivisions now or hereafter laid out adjoining or contiguous to the corporate limits of the city shall be included within such corporate limits and become a part of the City of Seward. The residents of the subdivision shall be entitled to all the rights and privileges and subject to all laws, ordinances, rules, and regulations of the City of Seward.

11.4206 Performance Guarantees

a. As a condition of the final approval of the plat and prior to its recording with the Seward County Register of Deeds, the City Council shall require and accept the following:

1. The furnishing of a performance bond, letter of credit, cash escrow, or other guarantee in a form acceptable to the City, in an amount not to exceed 100% of the estimated cost of the improvement installation.

2. A specification of the time allowed for the installation of improvements. This period may be extended by the City Council.

3. The performance guarantee amount and requirement, along with the permitted time for installation, shall be included within the Subdivision Agreement negotiated between the City and the Developer and approved with the Final Plat.

11.4207 Notification of Completion and Acceptance by City

a. Notification

Upon substantial completion of all required improvements, the developer shall notify the Public Works Superintendent in writing, as well as submitting a certification from a registered Professional Engineer, attesting to the adequacy of the installation.

b. Inspection and Acceptance

Subdivision Regulations

1. The Public Works Superintendent shall inspect all installations, and shall approve, partially approve, or disapprove the installation. Upon completion of improvements, he/she shall file a statement with the City Council and Zoning Administrator certifying that the improvements have been completed satisfactorily or listing the defects in the improvements.
2. If the installation is approved, the Public Works Superintendent shall notify the Developer of acceptance in writing. Such acceptance shall release the developer from liability pursuant to the performance guarantee for the installation. The City has the right to retain up to 10% of the value of the performance guarantee for a period of up to one year from the date of acceptance to remedy any deficiencies which appear during that period.
3. If improvements are not accepted or not completed within the specified time, the performance guarantee shall be forfeited and used by the City to complete satisfactory installation of improvements.
4. No residential occupancy permits shall be issued for a subdivision unless the installation of improvements has been inspected and approved in full by the Public Works Superintendent.

ARTICLE 43

NONCONFORMING DEVELOPMENT

11.4301 Purpose

The purposes of this Article are:

- a. To allow for reasonable use of legally created lots of record that do not meet current minimum requirements for their respective zoning districts.
- b. To provide for reasonable use of legally constructed structures that do not meet current site development regulations for their respective zoning districts.
- c. To allow for the reasonable continuation of legally established uses that do not meet current use regulations for their respective zoning districts.
- d. To limit the continuation and provide for the gradual replacement of nonconforming uses.

11.4302 Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

11.4303 Nonconforming Lots

a. Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Zoning Regulations.

b. Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

11.4304 Nonconforming Structures

These regulations apply to buildings and structures that were constructed legally under regulations in effect before the effective date of these Regulations.

a. Continuation

A lawful nonconforming structure existing on the effective date of this section may be continued, repaired, maintained, or altered, subject to the provisions of this Section.

b. Additions or Enlargements to Nonconforming Structures

Nonconforming Development

1. A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:

(a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.

(b) The nonconforming building and impervious surface coverages on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.

(c) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of 25 feet or 50 percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.

2. No permitted addition to a nonconforming structure may place a wall within ten feet of a window of an adjacent pre-existing residential structure.

3. Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.

c. Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.

d. Repair of Nonconforming Structures

A lawful nonconforming building damaged by fire, explosion, storm or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity.

e. Conversion of a Conforming Building

A conforming building shall not be changed in any way that will result in a nonconforming development.

f. Applicability of Landscaping and Screening Regulations

A pre-existing structure, building, or development shall be exempt from Section 38, Landscaping and Screening Regulations. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of these Regulations shall be subject to Section 38.

11.4305 Nonconforming Uses

a. Continuation of Nonconforming Uses

Nonconforming Development

1. Any nonconforming use lawfully existing on the effective date of these regulations may continue, subject to the limitations of this Section.

2. Whenever the use of a premise becomes nonconforming through a subsequent change in the Unified Land Development Ordinance or zoning district boundaries, such use may be continued or changed to another nonconforming use of the same or lesser intensity if approved by the City Council at a public hearing following a public hearing by the Planning Commission including their recommendation to the City Council.

b. Change of Nonconforming Uses

A nonconforming use may be changed to another nonconforming use of the same or lesser intensity, as measured by the Intensity Rating in the Use Matrix, provided an application for such change is first approved by the City Council after public hearing and recommendation of the Planning Commission.

c. Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged.

d. Abandonment of Nonconforming Use

1. If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of twelve months, any subsequent use must conform to all use regulations applicable to the property's zoning district.

2. If a structure housing a nonconforming use converts to a conforming use, it forfeits any further claim to nonconforming use rights.

e. Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

f. Damage or Destruction of Structures

Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 60 percent of the replacement cost of the structure, the nonconforming use shall no longer be permitted.

g. Nonconforming Uses and Special Use Permits

A lawful pre-existing use that requires a Special Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in Section 44.

ARTICLE 44

ADMINISTRATION AND PROCEDURES

11.4401 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Unified Land Development Ordinance. These provisions include procedures for reviewing specific uses within certain zoning districts; amending the Zoning Regulations; and granting variances.

11.4402 Site Plan Review Procedure

a. Purpose

The Site Plan Review Procedure provides for the administrative review in addition to plan review required by other sections of the Seward Municipal Code of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

b. Administration

The Zoning Administrator, or his/her designee shall review, evaluate, and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the Planning Commission and City Council.

c. Uses Requiring Site Plan Review

All uses indicated as subject to Site Plan Review in Table 11.4401 are subject to the provisions of this section, unless otherwise subject to a Special Use Permit procedure for specific zoning districts.

d. Application Requirements

An application for a Site Plan Review may be filed by the owner(s) of a property or the owners' authorized agent with the Zoning Administrator. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address, and legal description of the property
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - a) The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.

Nonconforming Development

- c) The location, size, and use of proposed and existing structures on the site.
- d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
- e) Location of any major site feature, including drainage and contours at no greater than five foot intervals.
- f) Any other information that may be required for review by the Zoning Administrator, or his/her designee.

e. Administrative Action and Appeal

The Zoning Administrator, or his/her designee must act upon each complete application within ten working days of filing. An applicant may appeal a denial to the Board of Adjustment within ten days of the action. The Board of Adjustment shall consider the appeal at the first available meeting after the filing of the appeal.

f. Review and Evaluation

1. The Zoning Administrator, or his/her designee (or the Board of Adjustment in cases of appeal), shall review and approve the site plan based on the criteria established in Table 11.4401 and conformance with applicable regulations in these Zoning Regulations.
2. The Zoning Administrator, or his/her designee (or the Board of Adjustment in cases of appeal), shall make the following findings before approval of the site plan:
 - a) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 11.4401.
 - b) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.
 - c) The site plan conforms to the Zoning Regulations.

g. Modification of Site Plan

The Zoning Administrator, or his/her designee (or the Board of Adjustment in cases of appeal), may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics.

Nonconforming Development

h. Term and Modification of Approval

1. A Site Plan Approval shall become void two years after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
2. The Zoning Administrator, or his/her designee, may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 11.4401.
3. The Zoning Administrator, or his/her designee may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

i. Approval to Run With Land

An approval pursuant to this section shall run with the land until the expiration date of such approval.

11.4403 Special Use Permit Procedure

a. Purpose

The Special Use Permit Procedure provides for public review and discretionary City Council approval for uses within zoning districts, which have unusual site development or operating characteristics that could adversely affect surrounding properties.

b. Administration

The Zoning Administrator shall be responsible for the administration of the Special Use Permit Procedure. The Planning Commission shall review, evaluate, and make a recommendation on each application. The City Council shall approve or deny applications for Special Permit Uses.

c. Application Requirements

An application for a Special Use Permit may be filed with the Zoning Administrator by the owner(s) of a property or the owners' authorized agent. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address and legal description of the property (shall be verified with a certified copy of the last deed or document of record from the Seward County Register of Deeds Office).
3. A description of the nature and operating characteristics of the proposed use.
4. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

Nonconforming Development

d. Approval Process

1. The Planning Commission, following ten days notice and publication, shall hold a public hearing on each proposed Special Use Permit application and, following such public hearing, shall recommend action to the City Council. A vote either for or against the application by a majority of all Planning Commission members shall constitute a recommendation to the City Council. A vote either for or against an amendment by less than a majority of all Planning Commission members shall constitute a failure to make a recommendation to the City Council.
2. The City Council, following ten days notice and publication, shall hold a public hearing on each proposed Special Use Permit application and, following such public hearing, shall act on the proposed Special Use Permit. On applications that receive a recommendation of approval from the Planning Commission, a majority vote of those members either elected or appointed to the City Council is required for approval. On applications that receive a recommendation of denial from the Planning Commission, a majority vote plus one of those members either elected or appointed to the City Council is required for approval.
3. Protest: If a valid protest petition opposing an amendment is filed with the City Clerk by eligible property owners, pursuant to Section 19-905 R.R.S. 1943 (Reissue 1991), a majority vote plus one of those members either elected or appointed to the City Council is required for approval. A valid protest petition must meet the following criteria:
 - a) Submission of the petition in the office of the City Clerk within fourteen (14) days after the conclusion of the public hearing on the amendment by the Planning Commission.
 - b) Notarized signatures by at least one of the following:
 - 1) The owner or owners of at least 20% of the property proposed for the Special Use Permit.
 - 2) The owners of 20% of the total area, excepting public rights-of-way and public property, within the zoning jurisdiction of the city and within 300 feet of the proposed rezoning.

e. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing these regulations by the governing body, notice of public hearings shall be provided by the following methods:

1. Notice By Posted Sign: A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen inches in height and twenty-four inches in width with a yellow or white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

Nonconforming Development

2. Publication: At least ten days before the date of hearing, the City Clerk/Zoning Administrator shall have published in a daily newspaper having a general circulation in the City of Seward a notice of the time, place and subject matter of such hearing.

3. Notification by Mail: At least 15 days prior to the date of hearing, the party initiating the request shall present the City Clerk/Zoning Administrator a certified address list of those persons who own property within 300 feet of the subject site. The City Clerk/Zoning Administrator shall mail notice of the time, place, and subject matter of the hearing to such property owners at least 10 days prior to the date of the hearing.

f. Criteria for Review

1. The Planning Commission and City Council shall review and approve the site plan based on the criteria established in Table 11.4401 and conformance with applicable regulations in this Ordinance.

g. Scope of Approval

1. The Planning Commission and/or City Council may, at their discretion, apply a Special Use Permit to a specific owner or applicant. The approving agencies may establish special site development or operational regulations as a condition for approval of a Special Use Permit.

2. The Planning Commission or City Council, in cases of appeal, shall not grant a Special Use Permit for any home occupation/home-based business, which is otherwise prohibited under Section 11.3110 of these Regulations.

h. Lapse and Revocation of Permit

1. A Special Use Permit shall become void six months after its effective date if the applicant has not carried out development or occupancy during that period. After such expiration, the applicant must reapply for another Special Use Permit, following the procedures of this section.

2. The City Council may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

i. Previously Approved Special Use Permits

1. Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval.

2. Any use lawfully established before the effective date of this Ordinance and required by this Unified Land Development Ordinance to have a Special Use Permit within its respective zoning district shall be deemed to have such a valid Special Use Permit, provided that it complies with all other applicable provisions of this Ordinance.

Nonconforming Development

Table 11.4401: **Criteria For Site Plan Review And Special Use Permits**

	CRITERION	APPLIES TO	
		Site Plan Review	Conditional Use Permit
Land Use Compatibility			
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.	X	X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X
Site Development			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainageways should be preserved.	X	X
Building Design			
	Architectural design and building materials should be compatible with surrounding areas or highly visible locations		X
Operating Characteristics			
Traffic Capacity	Project should not obstruct traffic on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

Nonconforming Development

Table 11.4401: **Criteria For Site Plan Review And Special Use Permits**

	CRITERIA	APPLIES TO	
		Site Plan Review	Special Use Permit
Operating Characteristics			
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments within 300 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities.	X	X
	Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	X	X
Comprehensive Plan			
	Projects should be consistent with the City of Seward's Comprehensive Development Plan.		X

11.4404 Amendment Procedure

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Zoning Regulations (text amendment) and/ or the official boundaries of zoning districts (rezoning).

b. Initiation of Amendments

1. Text amendments may be initiated by a citizen, the Planning Commission or City Council.
2. Rezoning may be initiated by a property owner or authorized agent; the Planning Commission; or the City Council.

c. Rezoning Application Requirements

An application for a rezoning may be filed with the Zoning Administrator, or his/her designee. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address and legal description of the property (shall be verified with a certified copy of the last deed or document of record from the Seward County Register of Deed's Office).
3. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
4. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

d. Amendment Process

1. The Planning Commission, following fifteen days notice and publication, shall hold a public hearing on each proposed text amendment or rezoning and, following such public hearing, shall recommend action to the City Council. A vote either for or against an amendment by a majority of all Planning Commission members shall constitute a recommendation to the City Council. A vote either for or against an amendment by less than a majority of all Planning Commission members shall constitute a failure to make a recommendation to the City Council.
2. The City Council, following fifteen days notice and publication, shall hold a public hearing on each proposed text amendment or rezoning and, following such public hearing, shall act on the proposed amendment or rezoning. On applications that receive a recommendation of approval from the Planning Commission, a majority vote of those members either elected or appointed to the City Council is required for approval. On applications that receive a recommendation of denial from the Planning Commission, a majority vote plus one of those members either elected or appointed to the City Council is required for approval.

Nonconforming Development

3. Protest: If a valid protest petition opposing an amendment is filed with the City Clerk by eligible property owners, pursuant to Section 19-905 R.R.S. 1943 (Reissue 1991), a majority vote plus one of those members either elected or appointed to the City Council is required for approval. A valid protest petition must meet the following criteria:

a) Submission of the petition in the office of the City Clerk within fourteen (14) days after the conclusion of the public hearing on the amendment by the Planning Commission.

b) Notarized signatures by at least one of the following:

1) The owner or owners of at least 20% of the property proposed for rezoning.

2) The owners of 20% of the total area, excepting public rights-of-way and public property, within the zoning jurisdiction of the city and within 300 feet of the proposed rezoning.

e. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing these regulations by the governing body, notice of public hearings shall be provided by the following methods:

1. Notice By Posted Sign: A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen inches in height and twenty-four inches in width with a yellow or white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

2. Publication: At least fifteen days before the date of any public hearing required by this Ordinance, the City Clerk shall have published in a daily newspaper having a general circulation in the City of Seward a Notice of the time, place and subject matter of such hearing.

11.4405 Extension of the Extra-Territorial Jurisdiction

Upon the automatic extension of the two-mile Extra-Territorial Jurisdiction due to annexation, the City Council with the recommendation of the Planning Commission shall zone properties within the newly established Jurisdiction concurrent with adoption of the annexation ordinance. The zoning shall consider the Comprehensive Development Plan of the City of Seward and the present use of the land.

11.4406 Building Permits and Certificates of Zoning Compliance

a. Administration and Enforcement

The Zoning Administrator shall administer and enforce these regulations and may direct other persons to assist him/her.

Nonconforming Development

If the Zoning Administrator, or his/her designee shall find that any of the provisions of these regulations are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.

b. Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the administrative official. No building permit shall be issued by the building official except in conformity with the provisions of these regulations, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by these regulations.

c. Application for Building Permit

All applications for building permits shall include plans if applicable in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

The application shall include such other information as lawfully may be required by the building official, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of these regulations. One copy of the plans shall be returned to the applicant by the building official, after he/she shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the building official.

d. Expiration of Building Permit

1. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the building official; and written notice thereof shall be given to the persons affected.
2. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the building official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
3. The expiration date of a building permit may be established for a period longer than two years if established at the time that such permit is issued by the City. The Building Official, or his/her designee may, at his/her discretion extend the expiration period of the building permit.

f. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

Nonconforming Development

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the building official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of these regulations, and punishable as provided by Section hereof.

11.4407 Schedule of Fees, Charges and Expenses.

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, appeals, and other matters pertaining to these regulations.

The schedule of fees shall be posted in the office of the Building and Zoning Department, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

11.4408 Board of Adjustment

a. Establishment

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. 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 Sections 19-901 to 19-914 of Nebraska State Statutes. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman, or, in his absence, the acting chairman, 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 of the Board shall constitute a quorum for the transaction of business.

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

Nonconforming Development

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 ten 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 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.

11.4409 Powers and Duties of the Board of Adjustment

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

a. Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decisions 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

b. Interpretation of Zoning Map: To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.

c. 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.

1. Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it finds that:

(a) Strict application of the zoning regulations will produce undue hardship.

(b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

(c) 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.

(d) 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.

Nonconforming Development

(e) 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.

(f) 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.

2. Findings by Board. The Board of Adjustment shall make findings that the requirements of Section 49.9c(l) have been met by the applicant for a variance.

3. Conditions for Grant of Variance.

(a) 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 Section 1214 of these regulations.

(b) 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.

(c) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

e. Board has Powers of Building Official on Appeals: Reversing Decisions of Building Official

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.

The concurring vote of four 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.

11.4410 Expiration or Revocation of Board of Adjustment Actions.

a. A variance or other permissive action of the Board of Adjustment shall become void six months after its effective date if the applicant has not carried out development or occupancy during that period. After such expiration, the applicant must reapply for another appropriate Board of Adjustment action, following the procedures of this section.

2. The Board of Adjustment may revoke a variance or other permissive action should the applicant violate the conditions under which the variance or other action was granted.

11.4411 Appeals from the Board of Adjustment.

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision by the District Court for the County in the manner provided by the laws of the State and particularly by 19-912 R.R.S. 1943 (Reissue 1991), and amendments thereto.

11.4412 Duties of Zoning Administrator, Board of Adjustment, City Council, and Courts on Matters of Appeal.

- a. It is the intent of these regulations that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of Board of Adjustment shall be to the courts as provided by law.
- b. Under these regulations the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments, or the repeal of these regulations as provided by law, (2) of establishing a schedule of fees and charges as stated in Section 12 of these regulations, and (3) of directing a city officer to appeal a decision of the Board of Adjustment.

11.4413 Severability Clause.

Should any section or provision of this resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

11.4414 Complaints Regarding Violations.

Whenever a violation of this ordinance occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint immediately, investigate, and take action thereon as provided by this resolution.

11.4415 Penalties for Violation.

- a. Any person, firm, or corporation violating any provision of the Zoning Regulations of the City of Seward, Nebraska, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense, and any actual costs or expense incurred by the City as a result of said offense shall be taxed as costs as a part of the judgment of conviction.
- b. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- c. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.