

ORDINANCE NO. 2026-2

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SEWARD, CHAPTER 410 ZONING AND SUBDIVISION, ARTICLE 3 USE TYPES, 410-3.9 INDUSTRIAL USE TYPES; TO AMEND ARTICLE 31 SUPPLEMENTAL USE REGULATIONS, 410-31.6 INDUSTRIAL USES; TO AMEND ATTACHMENT 1 USE MATRIX; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

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

Section 1. That §410-3.9 to be amended as follows

§410-3.9 Industrial Uses 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 and storage of agricultural chemicals such as anhydrous ammonia. Agricultural industries do not include retailers of farm equipment or other, generally nonhazardous agricultural supplies.
- 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:
 - (1) Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:
 - (a) The use of hand tools; or
 - (b) The use of domestic mechanical equipment not exceeding two horsepower; or
 - (c) A single kiln not exceeding 8 KW or equivalent.
 - (2) 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, and candle-making shops.
- D. Data Center: a centralized repository engaging in the storage, management, processing, conversion, data mining, and/or dissemination of digital data and information, and housing computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations.
- E. 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.

- F. 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.
- G. 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.
- H. Recycling collection: any site which is used in whole or part for the receiving or collection of any post-consumer, nondurable goods, including, but not limited to, glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- I. Recycling processing: any site which is used for the processing of any post-consumer, nondurable goods, including, but not limited to, glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
- J. 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.
- K. 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.
- L. Vehicle storage: storage of operating or nonoperating vehicles. Typical uses include storage of private parking tow-aways, impound yards, and personal RV and vehicle storage facilities but exclude dismantling, salvage, and individual storage or parking vehicles on primary residence property per ULDO Article 34. [Amended 2-8-2019 by Ord. No. 2019-05]
- M. 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.
- N. Warehousing (open): uses including open-air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.

Section 2. That §410-31.5 to be amended as follows

§410-31.6 Industrial Uses.

A. Data Center.

Any business that operates as a data center per the definition, that requires 65 kilowatts of electrical capacity, must comply with the following regulations:

- (1) Applicants shall be responsible for all costs to extend infrastructure to the data center site.
- (2) Any water cooling must use a closed loop or recycled water system.
 - (a) Cooling water flushing and refills are limited to times and procedures approved by the City of Seward Water/Wastewater Director.
- (3) Generators
 - (a) Generators are to run during electrical outages and testing only.
 - (b) Routine generator exercise maintenance is limited to Monday -Friday between the hours of 8a.m. and 5p.m.
 - (c) Battery Energy Storage Systems are permitted.
- (4) Parking shall be calculated according to 410-34.3, Schedule A, office requirements.
- (5) Fencing shall not be placed in front of landscaping.
- (6) No operation shall generate sound levels in excess of 65 dbA between the hours of 7:00 a.m. and 10:00 p.m., and 55 dbA between the hours of 10:00 p.m. and 7:00 a.m., measured at the property line. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.
 - (a) This requirement shall not apply in the case of emergency generator use or testing.
- (7) C-1 District Regulations.
 - (a) ~~Buildings are not to exceed 20,000 square feet and 5 MW of electrical capacity per~~ capacity.
 - (b) Tree plantings adjacent to public roads shall be placed every 20 linear feet or fraction thereof. Tree plantings adjacent to shared property lines shall be placed every 100 linear feet or fraction thereof.
 - (c) Generators must be fully screened
 - (d) Fenestration is at 30 percent of each exterior wall.
- (8) C-2 Districts Regulations.
 - (a) Data Center not to exceed 20,000 square feet of gross floor area per building site or business campus and not to exceed 20 MW of electrical capacity.
 - (b) Tree plantings adjacent to public roads shall be placed every 35 linear feet or fraction thereof. Tree plantings adjacent to shared property lines shall be placed every 100 linear feet or fraction thereof.
 - (c) Generators must be enclosed within a building or fully screened.
 - (d) Fenestration is at least 30 percent of the frontage façade.
 - (e) Frontage facades must incorporate the following standards at horizontal linear intervals that may vary in frequency but be no less frequent than every 100 horizontal linear feet or no less than 3 times the average height of the building:
 - (1) A change in one of the following design elements:
 - (a) Building Material

- (b) Pattern
- (c) Texture
- (d) Color
- (e) Accent Materials

(9) I-1 District Regulations.

- (a) Data Center not to exceed 100,000 square feet of gross floor area per building site or business campus and not to exceed 100 MW electrical capacity.
- (b) Tree plantings adjacent to public roads shall be placed every 50 linear feet or fraction thereof. Tree plantings adjacent to shared property lines shall be placed every 100 linear feet or fraction thereof.
- (c) Generators must be enclosed within a building.
- (d) Fenestration is at least 30 percent of the frontage façade.
- (e) Frontage facades must incorporate the following standards at horizontal linear intervals that may vary in frequency but be no less frequent than every 150 horizontal linear feet or no less than 3 times the average height of the building:
 - (1) A change in one of the following design elements:
 - (a) Building Material
 - (b) Pattern
 - (c) Texture
 - (d) Color
 - (e) Accent Materials
- (f) A decommissioning plan must be submitted.
 - (1) Future parking requirements shall be outlined.

(10) I-2 Districts Regulations.

- (a) Data center not to exceed 500,000 square feet of gross floor area per building site or business campus.
- (b) Tree plantings adjacent to public roads shall be placed every 30 linear feet or fraction thereof. Tree plantings adjacent to shared property lines shall be placed every 100 linear feet or fraction thereof.
- (c) Generators must be enclosed within a building.
- (d) Fenestration is at least 30 percent of the frontage façade.
- (e) Frontage facades must incorporate the following standards at horizontal linear intervals that may vary in frequency but be no less frequent than every 150 horizontal linear feet or no less than 3 times the average height of the building:
 - (1) A change in one of the following design elements:
 - (a) Building Material
 - (b) Pattern
 - (c) Texture
 - (d) Color
 - (e) Accent Materials
- (f) A decommission plan must be submitted.
 - (1) Future parking requirements shall be outlined.

B. 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.

- (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 conditional 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.
- C. 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. The 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 chapter.
 - (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 preexisting residential zoning district or of any pre-established civic use.
- D. Vehicle storage.
- (1) Setback: All vehicle storage facilities shall be set back a minimum of 300 feet from the right-of-way of Highways 15 and 34.
 - (2) Fencing: All vehicle storage facilities will have a secure fencing system made from approved materials set forth herein.
 - (3) Screening: All vehicle storage facilities when adjacent to a lower density zoning district shall utilize screening as set forth in Article 33.
 - (4) Mobilization: All vehicles in a vehicle storage facility shall be operable and able to legally travel upon the streets and highways of the City of Seward and State of Nebraska.

Section 3. That Attachment 1 Use Matrix is amended as follows

ZONING AND SUBDIVISION

410 Attachment 1

City of Seward

Use Matrix

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

KEY:

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

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

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

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

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

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

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

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

SECTION 5. WHEN OPERATIVE; PUBLICATION IN PAMPHLET FORM. This ordinance shall be published in pamphlet form and shall be in full force from and after its passage, approval and publication or posting as required by law.

Dated this 17th day of March, 2026

CITY OF SEWARD, NEBRASKA

Joshua Eickmeier
Joshua Eickmeier, Mayor

ATTEST:

Derek Bargmann
Derek Bargmann
City Clerk

