



SEWARD COUNTY · NEBRASKA

Zoning Regulations

What Changed Between the 2007 Regulations and the 2026 Draft

A side-by-side look at districts, uses, renewable energy, rentals, and process — what's new, what tightened, and what carried forward.

Prepared for Seward County landowners & residents · A plain-language guide

Old vs. New — Same County, A Full Rewrite

OLD — 2007 REGULATIONS

Seward County Zoning Regulations

- Adopted June 26, 2007 (Resolution 2567)
- Organized into 12 numbered articles
- Uses listed district-by-district
- Nine base districts, plus three overlays
- Wind tucked into a supplemental article
- No solar, battery, data-center or rental rules

NEW — 2026 DRAFT

Seward County Zoning (Draft 4.27.26)

- Public-review draft dated 2026 — a full rewrite
- Expanded to 16 numbered articles
- One consolidated Land Use Matrix (Sec. 5.06)
- Eight base districts, plus six overlays
- Renewable energy gets its own article (10)
- Adds battery storage, solar, ADUs, data centers, rentals

Modernized, More Structured, Selectively Stricter

01

Modernized

Adds tools the 2007 code lacked — battery storage, solar, data centers, accessory dwelling units, and short-term rentals.

02

More structured

Replaces scattered per-district use lists with one Land Use Matrix and a clearer 16-article system that's far easier to navigate.

03

Selectively stricter

Tightens process around conditional-use permits, the Board of Adjustment, and rentals — while keeping the county's rural, ag character.

The bottom line: this is less about loosening or tightening lot sizes and setbacks, and more about administrative clarity, overlay protection, and a modern land-use toolkit.

Base Districts — Renamed and Reorganized

OLD — 2007 BASE DISTRICTS

A-1 Agricultural Preservation
TA-1 Transitional Agricultural
R-1 / R-2 Residential / Urban-Density
R-M Mobile Home Residential
C-1 / C-2 Village Dev. / Highway Commercial
I-1 Industrial
CMD Clustered / Mixed-Use Development

NEW — 2026 BASE DISTRICTS

A-1 Agricultural
TA-1 Transitional Agriculture
R-1 Residential Estates
R-2 Residential Suburban
MU-1 / MU-2 Light & General Mixed-Use
I-1 / I-2 Light & General Industrial

Mixed-use and split industrial tiers replace the old village-commercial and single-industrial categories.

Overlays — Broader Environmental Protection

OLD — 2007 OVERLAYS

- GWC — Groundwater Conservation
- FW / FF — Floodway & Flood Plain
- WP — Wellhead Protection

Three overlays, focused on water and flooding.

NEW — 2026 OVERLAYS (SEC. 5.16–5.21)

- AHO** — Airport Hazard
- GWC** — Groundwater Conservation
- FHO** — Flood Hazard
- OD** — Over-Density **NEW**
- WPO** — Wellhead Protection
- CORPOD** — CO₂ Recovery Pipeline **NEW**

From Scattered Lists to One Land Use Matrix

OLD — PER-DISTRICT USE LISTS

Each district article carried its own “permitted” and “conditional” use sections. To compare districts, you flipped between articles and reconciled slightly different wording in each.

Side-by-side comparison meant cross-referencing by hand.

NEW — LAND USE MATRIX (SEC. 5.06)

- E** Exempt from permit
- P** Permitted
- C** Conditional-use permit
- T** Temporary
- Not permitted

One table covers every district — faster review, less ambiguity.

Renewable Energy — Now Its Own Article

OLD — SUPPLEMENTAL WIND ONLY

- Small Wind Systems (Sec. 8.03) — ≤ 100 kW
- Commercial / Utility Wind (Sec. 8.04) — ≥ 100 kW
- Both allowed by conditional use
- No solar, no battery storage, no decommissioning rules

NEW — ARTICLE 10: RENEWABLE ENERGY

- 10.02** Battery Energy Storage (BESS) **NEW**
- 10.03** Solar Energy Facilities **NEW**
- 10.04** Small Wind Energy Systems
- 10.05** Commercial / Utility-Scale Wind
- 10.06** Discontinuation & Decommissioning **NEW**

Battery Storage Gets Real Rules (Sec. 10.02)

Standalone battery energy storage systems (BESS) had no place in the 2007 code. The 2026 draft creates a full framework — sized by capacity, held to fire-safety standards, and required to plan for removal.

Tier 1

≤ 600 kWh

Smaller systems — a lighter permit path for on-site and accessory storage.

Tier 2

> 600 kWh

Larger or mixed-chemistry systems face added review and may need a financial guarantee.

Safety

NFPA 855

Nationally recognized fire-safety standards apply to siting and installation.

Removal

6 months

Discontinued systems must be decommissioned and the site restored.

What it means for you: large battery projects can't simply appear and be abandoned — siting, safety, and cleanup are built into the permit.

Solar — Scaled From Rooftop to Field

The 2007 regulations were silent on solar. The 2026 draft sorts solar into classes by size — from a single home system up to utility-scale fields — and even allows farming alongside panels.

OLD — 2007

No dedicated solar standards. A ground-mounted array would fall to general conditional-use review with no size classes or setbacks of its own.

NEW — CLASSES I–IV BY CAPACITY

- Individual (ISECS) & commercial (CSECS) systems, sized in classes up to 2+ MW
- Agrivoltaics allowed — crops or grazing continue beneath the panels
- Ground-mount: 75-ft setback from road centerline; rear-yard arrays capped at 12 ft tall

Wind — Carried Forward, With More Rigor

OLD — SECTIONS 8.03 & 8.04

- Small Wind (8.03): accessory use, ≤ 100 kW
- Height & noise limits; setbacks from property lines
- Commercial / Utility Wind (8.04): ≥ 100 kW
- Setback tables incl. habitat, wetland & bluff
- Allowed by conditional use permit

NEW — SECTIONS 10.04 & 10.05

- Small Wind (10.04): one system per legal lot
- Commercial / Utility Wind (10.05): conditional use
- Requires meteorological-tower study
- Shadow-flicker analysis required
- Professional-engineer certification required

Who Takes It Down? Decommissioning (Sec. 10.06)

The single biggest gap in the 2007 code was the end of a project's life. The 2026 draft requires renewable projects to guarantee their own removal — so the county and neighboring landowners aren't left with the cleanup.

Surety bond

Projects post financial security sized to the estimated cost of removal.

5-year review

Cost estimates are revisited on a regular cycle so the guarantee keeps pace.

Site restored

Equipment removed and land returned toward its prior condition within set deadlines.

Applies across battery storage, solar, and wind — a consistent “plan for the end” rule the old code never had.

Short-Term Rentals — A Defined Permit Lane

OLD — BED & BREAKFAST ONLY

The 2007 code only recognized Bed & Breakfast inns (def. 2.03.68) — a conditional use in the A-1 and TA-1 ag districts, with the operator required to live on-site. Modern whole-home short-term rentals weren't addressed.

NEW — SHORT-TERM RENTALS (SEC. 9.13)

- Recognized as its own use in residential structures
- No party rentals in residential zones
- Operators must file county & state lodging taxes
- Must meet state & federal life-safety codes
- Permit revocable for non-compliance (9.13.02)

ADUs — From a Definition to a Real Standard

OLD — DEFINED, BARELY REGULATED

- Defined in 2.03.045 as a secondary dwelling
- Capped at 25% of the primary structure
- Maximum 600 sq ft
- One per parcel; shared utilities & address

NEW — ADU STANDARDS (SEC. 9.09)

- One ADU per lot, set by the Land Use Matrix
- Up to 800 sq ft (or smaller than the main home)
- Max two bedrooms; own kitchen, bath & entrance
- Deed restriction — can't be sold separately
- Detached ADU within 200 ft of the main dwelling

Data Centers — Named for the First Time

OLD — NOT ADDRESSED

The 2007 regulations contain no concept of a data center. A proposal would have been squeezed into the closest industrial use category with no tailored standards.

NEW — DEFINED & PLACED (SEC. 9.22)

- Data centers get a formal definition in Article 2
- Placed in the Land Use Matrix as a conditional use in MU-2, I-1 and I-2
- Section 9.22 reserved for detailed standards as the draft advances

A placeholder today — but the county now has a named category to regulate.

Other Uses the 2007 Code Didn't Cover

Self-Storage Sec. 9.07

Mini-warehouses get their own rules — 5,000 sq ft minimum lot, 50-ft buffer to the road, fully enclosed.

Special Events Sec. 4.13

Temporary gatherings (up to 120 days) move into a defined permit lane instead of ad-hoc handling.

Mixed-Use Districts MU-1 / MU-2

New light and general mixed-use zones give small-scale commercial a clearer home near town.

Over-Density Overlay Sec. 5.19

A new overlay manages where residential density can rise above the base district allowance.

Where the Process Moved — and Tightened

Topic	Old (2007)	New (2026 Draft)
Conditional Use Permits	Article 5	Article 6 — notice, hearings, revocation (6.11)
Board of Adjustment	Article 10	Article 13 — 5 members, appeal to District Court (13.05)
Administration & Enforcement	Article 9	Article 14 — reorganized enforcement procedures
Amendments	Article 11	Article 15 — tied to the Comprehensive Plan
Off-Street Parking	Article 6	Article 7 — shared parking, ADA, design criteria
Renewable Energy	Section 8.03–8.04	Article 10 — dedicated framework

Residential Density — Old vs. New

R-1 Residential → Residential Estates **R-2** Urban Density → Residential Suburban

Standard	R-1 (2007)	R-1 (2026)	R-2 (2007)	R-2 (2026)
Maximum density	8 per ¼ sec	8 per ¼ sec	By lot size	12 per ¼ sec
Minimum lot area	5 acres ¹	5 acres	12,000 sq ft	3 acres ²
Minimum lot width	100 ft	100 ft	200 ft	100 ft
Yards — front / side / rear	30 / 35 / 35	30 / 30 / 30	30 / 35 / 35	25 / 25 / 25
Maximum lot coverage	25%	25%	25%	25%
Maximum building height	35 ft	35 ft	35 ft	35 ft

Yards in feet. ¹20,000 sq ft with community water & sewer. ²Subject to water/sewer connection; may be larger. 2026 setbacks are also measured 63 ft from a county-road centerline (30 ft from other platted streets).

New guardrails: an Over-Density Overlay (Sec. 5.19) flags parcels above the permitted density, and each accessory dwelling unit (Sec. 9.09) counts as one unit toward a lot's base density.

WHAT STAYED THE SAME

What Carried Forward — Rural Character Intact

For most landowners, day-to-day rules look familiar. The rewrite concentrates its energy on new uses and process — not on reshaping lot sizes and setbacks.

Bulk standards

Lot sizes and setbacks are largely carried forward; setbacks still measure from the road centerline.

Ag preservation

The A-1 and TA-1 agricultural districts continue to anchor the county's rural land base.

Water & flood overlays

Groundwater, wellhead, and flood-hazard protections all carry into the new overlay set.

The rewrite is less about loosening or tightening dimensions — and more about giving Seward County the tools it lacked in 2007.

BOTTOM LINE

A Modernized Toolkit

01

Character preserved

Ag districts and water, wellhead & flood overlays keep the county's rural identity intact.

02

Modern uses regulated

Battery storage, solar, wind, data centers, ADUs and rentals all get named, explicit treatment.

03

Process tightened

Conditional-use permits gain revocation; the Board of Adjustment gets a real procedural backbone.

04

Easier to read

One Land Use Matrix replaces scattered lists, and stable section numbers keep cross-references reliable.

Net read: less about loosening or tightening dimensions — more about giving Seward County the regulatory tools it didn't have in 2007.