ARTICLE 3

GENERAL PROVISIONS

SECTION 301. JURISDICTIONAL AREA. The Provisions of these regulations shall

apply to all structures and land in the incorporated area of Sutherland, Nebraska; and that

portion of the unincorporated areas within one (1) mile of the corporate limits of Sutherland

as shown on the Official Zoning Maps.

A. A jurisdictional area shall be shown on the Official Zoning District Map and filed in

the Office of the Village Clerk.

SECTION 302. ESTABLISHMENT OF DISTRICTS. The jurisdictional area is hereby

divided into six (6) zoning districts which are designated as follows:

"A-1" Agricultural District

"C-1" Commercial Business District

“C-2” Highway Commercial District

"I-D" Industrial District

"R" Residential District

"S-R" Suburban Residential District

"M-P" Mobile Home Park

SECTION 303. ZONING DISTRICT MAPS. The boundaries of the districts are shown

on the Official Zoning District Maps which are filed in the Office of the Village Clerk. Said

zoning maps, with all notations, references, and other information shown thereon, are as

much a part of these zoning regulations as if such notations, references, and other

information were specifically set forth herein.

SECTION 304. RULES WHERE UNCERTAINTY MAY ARISE.

Where uncertainty exists with respect to the boundaries of the various districts as shown

on the Official Zoning District Maps, incorporated herein, the following rules apply;

A. The district boundaries are the center lines of streets, alleys and waterways, unless

otherwise indicated; and where the designation of a boundary line on the zoning

map coincides with the location of streets, alleys, or waterways, the centerline of

such streets, alleys or waterways shall be constructed to be the boundary line of

such district.

B. Where the district boundaries do not coincide with the location of streets, alleys, or

waterways, but do coincide with lot lines, such lot lines shall be construed to be the

boundary of such district.

C. Where the district boundaries do not coincide with the location of streets, alleys,

waterways or lot lines, the district boundaries shall be determined by the use of the

scale shown on the zoning map.

SECTION 305. EXEMPTIONS. The following structures and uses shall be exempt from

the provisions of these regulations:

A. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar

equipment for the distribution to customers of telephone or other communications,

electricity, gas, or water, or the collection of sewage or surface water operated or

maintained by a public utility but not including substations located on or above the

surface of the ground.

B. Public Signs.

C. Structures under the size of 4ft. x 4ft. x 4ft.

D. Small landscaping accessory structures such as wishing wells, trellis, planters, etc.

E. Small portable children's playground structures.

F. Uncovered decks attached to a primary structure are allowed to be constructed to

within four (4) feet of a "side yard" setback. (Section G is exempt from the current

side yard setback of eight (8) feet for residentially zoned purposes.)

G. Projections for use as an entrance to a building or a structure, not to exceed one

hundred (100) square feet.

SECTION 306. APPLICATION OF REGULATIONS. The following general

requirements shall apply to all zoning districts:

A. No building, structure, or land shall hereafter be used or occupied in whole or in

part, and no building, structure or part thereof shall hereafter be erected,

constructed, reconstructed, moved or structurally altered except in conformity with

these regulations.

ARTICLE 4

RULES AND DEFINITIONS

SECTION 401. RULES

A. In the construction of these regulations, the provisions and rules of this section shall

be preserved and applied, except when the context clearly requires otherwise:

1. Words used in the present tense shall include the future.

2. Words in the singular number include the plural number, and words in the

plural number include the singular number.

3. The phrase "used for" shall include the phrase "arranged for", "designed for",

"intended for", "maintained for", and "occupied for".

4. The word "shall" is mandatory.

5. The word "may" is permissive.

6. The word "person" includes individuals, firms, corporations, associations,

governmental bodies and agencies, and all other legal entities.

7. The word "Board" means the Board of Adjustments.

8. Unless otherwise specified, all distances shall be measured horizontally.

9. The word "City" means Village of Sutherland, Nebraska.

10. The abbreviation N/A means not applicable.

11. Words or terms not defined in Article 4 shall have their ordinary meaning in

relation to the context.

B. Any word or phrase which is defined in this article or elsewhere in these regulations

shall have the meaning as so defined whenever the word or phrase is used in these

regulations, unless; such definition is expressly limited in its meaning or scope.

SECTION 402. INTERPRETATION

A. MINIMUM REQUIREMENTS. In their interpretation and application, the provision

of these regulations shall be held to be the minimum requirements for the promotion

of the public health, safety, morals and welfare.

B. OVERLAPING OR CONTRADICTORY REGULATIONS. Where the conditions

imposed by any provision of these regulations upon the use of land or structures are

either more restrictive or less restrictive than comparable conditions imposed by any

other provision of these regulations or provision of any other Law, Ordinance,

Resolution, Rule or Regulations of any kind, the Regulations which are more

restrictive shall govern unless specifically excepted.

C. PRIVATE AGREEMENTS. These regulations are not intended to abrogate, annul or

otherwise interfere with any easement, covenant or any other private agreement or

legal relationship, provided, however, that where the provisions of these regulations

are more restrictive (or impose higher standards or requirements) than such

easements, covenants or other private agreements or legal relationships, the

provisions of these regulations shall govern.

D. UNLAWFUL USES. The adoption of these regulations shall not be interpreted as

retroactively legalizing a use or structure, which was illegal under previous law.

SECTION 403. SEPARABILITY

It is hereby declared to be the intention of the Village that the provisions of these

regulations are separable, in accordance with the following rules:

A. If any court of competent jurisdiction shall adjudge any provision of these

regulations to be invalid, such judgment shall not affect any other provisions of

these regulations.

B. If any court of competent jurisdiction shall adjudge invalid the application of any

provision of these regulations to a particular property or structure, such judgment

shall not affect the application of said provisions to any other property or structure.

SECTION 404. DEFINITIONS

For the purpose of this Zoning Regulation, certain terms or words used herein shall be

interpreted or defined as follows, unless the context clearly indicates otherwise.

ABANDONMENT. To cease or discontinue a use or activity without intent to resume, but

excluding temporary or short-term interruptions to a use or activity during periods of

remodeling, maintaining, or otherwise improving or rearranging a facility, or during

normal periods of vacation or seasonal closure.

ABUTTING. Having property or district lines in common.

ACCESSORY APARTMENT. A second dwelling unit either in or added to an existing

single-family detached dwelling, or in a separate accessory structure on the same lot as the

main dwelling, for use as a complete, independent living facility with provision within the

accessory apartment for cooking, eating, sanitation, and sleeping. Such dwelling is an

accessory use to the main dwelling.

ACCESSORY STRUCTURE. A subordinate structure located on the same lot as the

principal structure, the use of which is incidental and accessory to that of the principal

structure.

ACCESSORY USE. (See also, home occupation) A use incidental to, and on the same lot as

a principal use. A structure or use that: a) is clearly incidental to and customarily found in

connection with a principal building or use; b) is subordinate to and serves as a principal

building or a principal use; c) is subordinate in area, extent, or purpose to the principal

building or principal use served; d) contributes to the comfort, convenience, or necessity of

occupants, business, or industry in the principal building or principal use served; and e) is

located on the same lots as the principal building or use served.

Comment. Each of the above definitions of accessory structure and accessory use, explicitly

states that the use or structure must be: a) subordinate or incidental to the principal use, and

b) located on the same lot as the principal use.

ACREAGE. Any parcel of land which may be measured in terms of acres. Usually qualified

by its zoning or usage, such as residential acreage, industrial acreage, etc.

AGRICULTURE. (see also, farm) The use of land for agricultural purposes, including

farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal

and poultry husbandry and the necessary accessory uses for packing, treating, or storing

the produce; provided, however, that the operation of any such accessory uses shall be

secondary to that of normal agricultural activities.

AGRICULTURAL FARM OR OPERATION. A tract of land or a combination of tracts of

land utilized primarily for agricultural purposes which either singularly or jointly consist of

at least twenty (20) acres and which produces one thousand dollars ($1,000) or more of farm

products each year. (Amended Ord. “A”, 2011)

AIRPORT. Any area of land or water designed and set aside for the landing and take-off of

aircraft, including all necessary facilities for the housing and maintenance of aircraft.

AIR RIGHTS. The ownership or control of all land, property, and the area of space at and

above a horizontal plane over the ground-surface of land used for railroad or expressway

purposes. The horizontal plane shall be at a height that is reasonably necessary or legally

required for the full and free use of the ground surface.

ALLEY. A dedicated public right-of-way, other than a street, which provides only a

secondary means of access to abutting property, and has a right-of-way which has a

minimum of 20 feet in width.

ALTERATION. Alteration, as applied to a building or structure, is a change or

rearrangement in the structural parts of an existing building or structure. Enlargement,

whether by extending a side, increasing in height, or the moving from one location or

position to another, shall be considered an alteration.

AMUSEMENT ARCADE. A building or part of a building in which five or more pinball

machines, video games, or other similar player operated amusement devises are

maintained.

ANIMAL HOSPITAL OR CLINIC. An establishment where animals are admitted

principally for examination, treatment, board or care, by a Doctor of Veterinary Medicine.

This does not include open kennels or runs.

ANTENNA. (see also, satellite dish antenna and towers) A wire or set of wires used in

transmitting and receiving electromagnetic waves and including the supporting structure;

includes, but is not limited to amateur radio antennas, television antennas, and satellite

receiving dishes.

AQUACULTURE. Land devoted to the hatching, raising, and breeding offish or other

aquatic plants or animals for sale or personal use.

AQUIFER. A geological unit in which porous and permeable conditions exist and thus

capable of yielding usable amounts of water.

AQUIFER RECHARGE AREA. An area that has soils and geological features that are

conductive to allowing significant amounts of surface water to percolate into groundwater.

ARCHITECTURAL PROJECTION. Any part of a structure or building which projects

outward from the vertical plane of the structure or building such as but not limited to steps,

porches, decks, patios, eaves, and carports.

AUTOMOBILE WRECKING YARD. (see also, junkyard) The dismantling or wrecking of

used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked

vehicles or their parts. The presence on any lot or parcel of land of two or more motor

vehicles, which, for a period exceeding 30 days, have not been capable of operating under

their own power and from which parts have been or are to be removed for reuse or sale,

shall constitute prima-facie evidence of an automobile wrecking yard.

BAR/TAVERN/NIGHTCLUB An establishment serving alcoholic beverages in which the

principal business is the sale of such beverages at retail for consumption on the premises

and where sandwiches and snacks may be available for consumption on the premises.

BASEMENT. That portion of a building having more than one-half of its height below

finished grade. This portion shall not be a completed structure, but shall serve as a

substructure or foundation for the remainder of the building.

BED AND BREAKFAST INN, BOARDING OR LODGING. A building other than a hotel or

motel where, for compensation and by pre-arrangement for definite periods, meals, or

lodging and meals, but not exceeding 20 persons. Individual cooking facilities are not

provided.

BEDROOM. A room in a dwelling unit planned and intended for sleeping separable from

other rooms by a door.

BILLBOARD. A sign that identifies or communicates a commercial or noncommercial

message related to an activity conducted, a service rendered, or a commodity sold.

BOARD OF ADJUSTMENT. The Board hears appeals of administrative acts, interprets the

Zoning Map and can grant variances from Zoning Regulations, as authorized by Nebraska

Statute 19-910.

BORROW PIT. Any place or premises where dirt, soil, sand, gravel, or other material is

removed below the grade of surrounding land for any purpose other than that necessary

and incidental to site grading or building construction.

BUFFER AREA. (see also, screening) A landscaped area intended to separate and partially

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

BUILDING. An enclosed structure, anchored to permanent foundation, and having

exterior or party walls and a roof, designed for the shelter of persons, animals or property.

When divided by other than common or contiguous walls, each portion or section of such

building shall be regarded as a separate building, except that two buildings connected by a

breezeway shall be deemed one building. "Building" includes "structure". (Amended Ord.

“A”, 2011)

BUILDING COVERAGE. (see lot coverage)

BUILDING ENVELOPE. The net cubic space that remains for placing a structure on a site

after building line, setbacks, side yard, height, and bulk regulations are observed.

BUILDING HEIGHT. The vertical distance to the highest point of the roofs; to the deck

line of mansard roofs; and to the average height between eaves and the ridge for gable, hip,

and gambrel roofs, measured from the curb level if the building is not more than 12 feet

from the front lot line or from the grade in all other cases. (Amended Ord. “A”, 2011)

Source: A Survey of Zoning Definitions, (American Planning Association, 1989).

BUILDING LINE. A building limit fixed at a specific distance from the front, rear, or side

boundaries of a lot beyond which a structure cannot lawfully extend.

CAMP GROUNDS. Any premises where two (2) or more camping units are parked/placed

for camping purposes, or any premises used or set apart for supplying to the public,

camping space for two (2) or more camping units for camping purposes, which include any

buildings, structures, vehicles or enclosures used or intended for use or intended wholly or

in part for the accommodation of transient campers. (Amended Ord. “A”, 2011)

CANOPY/ SHELTER (OPEN). An open sided, rigid or non-rigid type covering or shelter

that is suspended or supported over a tube-type frame. An open-sided canopy/shelter for

front yard setbacks only shall meet the required setbacks as set forth in that zoning

district.

CANOPY/ SHELTER (ENCLOSED). An enclosed, rigid or non-rigid type covering or shelter

that is suspended or supported over a tube-type frame. An enclosed canopy/shelter for front

only shall meet the required setbacks as set forth in that zoning district.

CARPORT. (see garage)

CAR WASH. An area of land and/or a structure with machine or hand operated facilities

used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

CARRY OUT RESTAURANT. (see Restaurant, Fast Food)

CAT. Any feline species over four (4) months of age.

CEMETERY. Land used or intended for to be used for the burial of the dead and dedicated

for cemetery purposes, including columbiums, crematories, mausoleums, and mortuaries

when operated in conjunction with and within the boundaries of such cemetery.

CHILD CARE. (see Daycare)

CHILD CARE CENTER. A facility which is or should be licensed by the Nebraska

Department of Health and Human Services under the authority of Sections 71-1908

through 71-1918, Revised Statutes of Nebraska, as provided and defined under the Title

474 of the Nebraska Administrative Code, Chapter 6, Section 002.

(Amended Ord. “A”, 2011)

CELLAR. (see also basement) A story having more than one-half (1/2) of its height below

grade.

CHURCH OR PLACE OF RELIGIOUS WORSHIP. A place where religious worship is

conducted.

CLEAR-CUTTING. The indiscriminate removal of trees, shrubs, or undergrowth with the

intention of preparing real property for non agricultural development purposes. This

definition shall not include the selective removal of non-native tree and shrub species when

the soil is left relatively undisturbed; removal of dead trees; or normal mowing operations.

CLINIC. A building designed and used for the diagnosing and treatment of human patients

that does not include overnight care facilities.

CLUB OR LODGE. A non profit association or organization formed for either fraternal,

social, educational, philanthropic, or other similar purposes, including unions and

professional organizations.

CLUSTER DEVELOPMENT. A development design technique that concentrates buildings

in specific areas on a site to allow the remaining land to be used for recreation, common

open space, and preservation of environmentally sensitive areas.

COCKTAIL LOUNGE. (see bar/tavern)

COMMERCIAL USE. A lot or tract of land or an establishment having facilities designed or

used for the exchange or buying and selling of goods and services for a profit.

COMMUNITY CENTER. A place, structure, area or other facility used for and provides

religious, fraternal, social, and/or recreational programs generally open to the public and

designed to accommodate and serve significant segments of the community.

CONDITIONAL USES. Uses which due to their nature, are dissimilar to the normal uses

permitted within a given zoning district or where the products, process, mode of operation

or nature of business may prove detrimental to the health, safety, welfare, morals, or

convenience of the immediate neighborhood and its environs.

CONDOMINIUM. A single dwelling unit under individual ownership within a two-family

or multiple dwelling unit structure.

CONGREGATE HOUSING. (see also nursing homes or convalescent homes)

CONSERVATION AREAS. Environmentally sensitive and valuable lands protected from

any activity that would significantly alter their ecological integrity, balance, or character,

except in cases of marshes, shallow grassy ponds, hardwood swamps, cypress swamps,

natural shorelines (other than natural beaches or dunes), sand pinescrub communities, and

other areas of significant biological productivity or uniqueness.

CONSERVATION EASEMENT. An easement granting a right or interest in real property

that is appropriate to retaining land or water areas predominantly in their natural, scenic,

open, or wooded condition; retaining such areas as suitable habitat fish, plants, or wildlife;

or maintaining existing land uses.

CONVENIENCE STORE. Any retail establishment offering for sale prepackage food

products, household items, and other goods commonly associated with the same.

CUL-DE-SAC. An adequate turnaround of not less than 110 foot diameter right-of-way:

shall be provided at the closed end of a dead-end local street longer than one lot in length.

Such local street segment shall not exceed five hundred (500) feet in length from the centerline

of an intersection of a cross street to the center of the cul-de-sac.

DAY CARE CENTER. A building or place where care, supervision, custody or control is

provided for more than seven (7) unrelated children or adults for any part of a 24-hour day.

DAY CARE HOME. A private residence in which care, supervision, custody or control is

provided for seven (7) or less unrelated children or adults for any part of a 24-hour day.

Baby-sitting service for seven (7) or less infants shall be-considered a day care home. Such

residence shall be licensed by the Nebraska Department of Health and Human Services.

(Amended Ord. “A”, 2011)

DECK- An elevated flat floored, roofless area attached to primary structure.

 (adopted 8/26/98 by Ord. #406)

DISTRICT OR ZONE. A section or sections of the Zoning Area for which uniform

regulations governing the use of land, the height, use, area, size, and intensity of use of

buildings, land, and open spaces are herein established.

DOG. Any canine species over four (4) months of age.

DOMESTIC ANIMALS. (see household pet)

DRIVE-IN FACILITY. Any portion of a building or structure from which business is

transacted, or is capable of being transacted, directly with customers located in a motor

vehicle during such business transactions.

DRIVE-IN RESTAURANT. (see restaurant, drive-in, and restaurant, fast-food)

DUMP. (see landfill)

DWELLING MULTIFAMLY. A building or portion thereof used for occupancy by two or

more families living independently of each other and containing two or more dwelling units.

DWELLING, SEASONAL. A dwelling not used for permanent residence and not occupied

for more than six months in each year.

DWELLING, SINGLE-FAMILY, ATTACHED (group, row, and town houses). A building

containing dwelling units, each of which has a primary ground floor access to the outside

and which are attached to each other by walls without openings. The term is intended

primarily for such dwelling types as townhouses.

DWELLING, SINGLE-FAMLY, DETACHED. A residential building containing not more

than one dwelling unit entirely surrounded by open space on the same lot.

DWELLING UNIT. A room or group of rooms located within a dwelling forming a habitable

unit for one family

EASEMENT. The right of a person, government agency, or public utility company to use

public or private land owned by another for a specific purpose.

ELDERLY HOUSING AND/OR HANDICAPPED. A two-family or multiple-family dwelling

having accommodations for and occupied exclusively by elderly or handicapped residents

and necessary maintenance personnel.

EARTH SHELTERED RESIDENCE. A residence designed as a complete structure, below

or partially below ground level, which was not intended to serve as substructure or

foundation for a building.

FACADE. The exterior wall of a building exposed to public view or that wall viewed by

persons not within the building.

FAMILY. One or more persons occupying the premises and living as a single housekeeping

unit, as distinguished from a group occupying a boarding house, fraternity or sorority

house, lodging house, hotel or motel.

FARM. A parcel of land used for growing or raising agricultural products, including related

structures thereon, but excluding livestock confinement facility or operation. (Amended

Ord. “A”, 2011)

FAST-FOOD RESTAURANT. (see restaurant, fast-food and restaurant, drive-in)

FENCE. A structure, other than a building, which is barrier all used as a boundary or

means of protection or confinement.

FLAG LOT. (see lot, flag)

FLEA MARKET. A building or open area in which stalls or sales areas are set aside, and

rented or otherwise provided, and which are intended for by various unrelated individuals

to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique

and may include the selling of goods at retail by businesses or individuals who are

generally engaged in retail trade.

FLOODPLAIN. Floodplain or flood prone area means any land area, susceptible to being

inundated by water from any source.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas 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.

FLOODWAY FRINGE. All the land in a floodplain not lying within a delineated floodway.

Land within a floodway fringe is subject to inundation by relatively low velocity flows and

shallow water depths.

FLOOR AREA, GROSS. The sum of the areas of the several floors of a building, including

areas used for human occupancy in basements, attics, and penthouses, as measured from

the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not

used for human occupancy, or any floor space in accessory building intended and designed

for the parking of motor vehicles in order to meet the parking requirements of this by law,

or any such floor space intended and designed for accessory heating and ventilating

equipment. It shall include the horizontal area at each floor level devoted to stairwells and

elevator shafts.

FLOOR AREA RATIO. Determined by dividing the gross floor area of all buildings on a lot

by the area of that lot.

FRONTAGE. The length of any property line of a premises, which property line abuts a

legally accessible street right-of-way.

FRONT YARDS. (see yard, front)

FUNERAL HOME. A building or part thereof used for human funeral services. Such

building may contain space and facilities for: a) embalming and the performance of other

services used in preparation of the dead for burial; b) the performance of autopsies and

other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral

supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation.

Where a funeral home is permitted, a funeral chapel shall also be permitted.

GARAGE, PRIVATE. A building for the private use of the owner or occupant of a principal

building situated on the same lot of the principal building for the storage of motor vehicles

with no facilities for mechanical service or repair of a commercial or public nature.

GARAGE, PUBLIC. A building designed and used for the storage of automotive vehicles

operated as a business enterprise with a service charge or fee being paid to the owner or

operator for the parking or storage of privately owned vehicles.

GAS STATION. (see service station)

GLARE. A sensation of brightness within the visual field that causes annoyance,

discomfort, or loss in visual performance.

GOVERNING BODY. The Village Board of Trustees of Sutherland, NE.

GRADE. The average of the finished ground level at the center of all walls of a building. In

case walls are parallel to and within five feet of a sidewalk, the ground level shall be

measured at the sidewalk.

GREENHOUSE. A structure for starting and growing plants that is moved to a different

location within the building envelope on the same premises. An initial Site Plan & land Use

Permit is required and seasonal notification of reconstruction.

GROSS AREA. Total area inclusive of, site, street or roadway right-of-way, and required

supporting facilities.

GROSS LEASABLE AREA. The total floor area designed for tenant occupancy and

exclusive use, including basements, mezzanines, and upper floors, if any, expressed in

square feet and measured from the center line of joint partitions and from outside wall

faces.

GROUND COVERAGE. (see lot coverage)

GROUP HOME FOR THE HANDICAPPED. (see also, family) A dwelling shared by four or

more handicapped persons, including resident staff, who live together as a single

housekeeping unit and in a long-term, family-like environment in which staff persons

provide care, education, and participation in community activities for the residents with the

primary goal of enabling the resident to live as independently as possible in order to reach

their maximum potential.

As used herein, the term "handicapped" shall mean having: 1) a physical or mental

impairment, that substantially limits one or more of such person's major life activities so

that such person is incapable of living independently; 2) a record of having such an

impairment; or 3) being regarded as having such an impairment. However, "handicapped"

shall not include current illegal use of or addiction to a controlled substance, nor shall it

include any person whose residency in the home would constitute a threat to the health and

safety of other individuals. The term "group home for the handicapped" shall not include

alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or

other housing facilities serving as an alternative to incarceration.

GUN RANGE. An outdoor area designated for the firing of firearms at targets within the area.

HALFWAY HOUSE. A licensed home for inmates an release from more restrictive custodial

confinement or initially placed in lieu of such more restrictive custodial confinement,

wherein supervision, rehabilitation, and counseling are provided to mainstream residents

back into society, enabling them to live independently. Such placement is pursuant to the

authority of the State Department of Corrections.

HAZARDOUS SUBSTANCES. Any substance or material that, by reason of their toxic,

caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or

deleterious to the health of any person handling or otherwise corning into contact with such

material or substance.

HEALTH /RECREATION FACILITY. An indoor facility including uses such as game

Courts, exercise equipment, locker rooms, jacuzzi, and/or sauna and pro shop.

HEALTHCLUB. Health club means, but is not limited to gymnasiums (except public),

private clubs (athletic, health, or recreational), reducing salons, and weight control

establishments.

HELIPORT. (the Federal Aviation Administration distinguishes between types of heliports

in its definition.)

HELIPORT-UNLIIMTED USE. Any landing area used by helicopters which, in addition,

includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling,

service, storage, tie-down areas, hangers and other necessary buildings and open spaces.

HELIPORT-LIMITED USE. Any landing area used for the landing and taking of

helicopters, including all necessary passenger and cargo facilities, fueling, and emergency

service facilities.

HELISTOP-UNLIMITED USE. Any landing area used for the landing and taking off of

helicopters for the purpose of picking up or discharging of passengers or cargo. No fueling,

refueling, or service facilities.

HELISTOP-LIMITED USE. Any land area used for the taking off or landing or private

helicopters for the purpose of picking up and discharging of passengers or cargo. This

facility is not open to use by any helicopter without prior permission having been obtained.

HISTORIC DISTRICT. A geographically defined area possessing a significant concentration

or continuity of landmarks, improvements, or landscape features united by historic events

or by physical development, and which area has been designated as an historic landmark

district; said district may have within its boundaries noncontributing buildings or other

structures that, while not of such historic and/or architectural significance to be designated

as landmarks, nevertheless contribute to the overall visual character of the district.

HOME OCCUPATION. A business, profession, service or trade conducted for gain or support entirely within a residential building or its accessory structures. (see Article 6 for

requirements)

HOME OCCUPATION, RURAL. An accessory use to a customary farming operation or

nonfarm household located in a rural area designed for gainful employment involving the

sale of goods and services that is conducted either from within the dwelling and/or from

accessory buildings located within 500 linear feet of the dwelling unit occupied by the

family conducting the home occupation.

HOMEOWNERS ASSOCIATION. A private, nonprofit corporation of homeowners for the

purpose of owning, operating, and maintaining various common properties.

HOSPITAL. An establishment used primarily for in-patient care and provides health,

medical, mental, and surgical care of the sick or injured.

HOTEL. (see also motel) A facility offering transient lodging accommodations for

compensation to the general public, may provide additional services, such as restaurants,

meeting rooms, and recreational facilities.

HOUSEHOLD PET. Small animals including fish or fowl permitted in the house or yard,

and kept for company or pleasure, such as dogs, cats, rabbits, canaries, parrots, parakeets,

or goldfish.

HOUSING FOR THE ELDERLY. (see elderly housing)

IMPERVIOUS SURFACE. A surface that has been compacting with a layer of material so

that it is highly resistant to infiltration by water. It includes surfaces such as compacted

sand, limestone, or clay, as well as most conventionally surfaced streets, roofs, sidewalks,

parking lots, and other similar structures.

INDUSTRIAL PARK. An industrial park is designed as a coordinated environment for a

variety of industrial and related activities. The project is developed or controlled by one

proprietary interest. It has an enforceable master plan and/or covenants, conditions, and

restrictions. The development may be on one parcel, may be subsidized, may have

condominium ownership, or a combination of these types.

INDUSTRY, HEAVY. A use engaged in the basic processing and manufacturing of

materials or products predominantly from extracted or raw-materials, or a use engaged in

storage of, or manufacturing process using flammable or explosive materials, or storage or

manufacturing process that potentially involve hazardous or commonly recognized offensive

conditions.

INDUSTRY, LIGHT. A use engaged In the manufacturing, predominantly from previously

prepared materials, of finished products or parts, including processing, fabrication,

assembly, treatment, packaging, incidental storage, sales, and distribution of such

products; but excluding basic industrial processing.

INOPERABLE MOTOR VEHICLE. A motor vehicle that is wrecked, dismantled, or unable

to move under its own power, is impounded by a governmental agency or is not currently

licensed.

INSTITUTION. A building occupied by a non-profit corporation or a non-profit

establishment for public use.

JUNK. Used machinery, scrap iron, steel, other ferrous and nonferrous metals, tools,

implements or portions thereof, glass, plastic, cordage, building materials, or other waste

that has been abandoned from its original use and may be used again in its present or in

new form.

JUNK YARD. (see also automobile wrecking yard) An open area where waste or used or

Second hand materials are bought, sold, exchanged, stored, processed, or handled.

Materials shall include but are not limited to scrap iron and other metals, paper rags,

rubber tires, and bottles. An automobile wrecking yard is also considered a junkyard.

KENNEL, COMMERCIAL. An establishment licensed to operate a facility housing dogs,

cats or other animals where grooming, breeding, boarding, training, or selling of animals is

conducted as a business.

KENNEL, PRIVATE. Any building or buildings or land designed or arranged for the care of

dogs, cats, or other household pets belonging to the owners of the principal use, kept for

purpose of show, hunting, or as pets.

LABORATORY, MEDICAL. An establishment which provides bacteriological, biological,

medical, x-ray, pathological and other similar analytical or diagnostic services.

LANDFILL. A disposal site employing an engineering method of disposing solid wastes in

a manner that minimizes environmental hazards by spreading, compacting to the smallest

volume, and applying cover material over all exposed waste at the end of each operating

day and in conformance with the requirements of the Nebraska Department of Health and

Human Service System. (Amended Ord. “A”, 2011)

LAUNDRY, SELF-SERVICE. A business that provides home-type washing, drying, and/or

ironing machines for hire to be used by customers on the premises.

LIVESTOCK, CONFINEMENT FACILITIES/OPERATIONS. Shall mean any building(s),

lot(s), pen(s), pool(s) or pond(s) or other confined spaces, which normally are not used for

raising crops or grazing animals, which are designed and/or used for on-going confined

raising, feeding or management of animals for more than 180 consecutive days. (Amended

Ord. “A”, 2011)

LIVESTOCK SALES YARD. A confined area with or without structures designed or used

for holding livestock for the purpose of sales or transfer by auction, consignment or other

means.

LODGING HOUSE. A building or place where lodging is provided (or which is equipped

regularly to provide lodging) by prearrangement for definite periods, for compensation, for

three or more persons in contradistinction to hotels open to transients.

LOT. (see also, lot of record) A parcel of land occupied, or intended to be occupied, by a

building and its accessory buildings, or by group dwellings and their accessory buildings,

together with such open spaces as are required. Having at least the minimum area required

for a lot in the zone in which such lot is located and having its principal frontage on a public

street or public right of way.

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

LOT, CORNER. A lot abutting on and at the intersection of two or more streets.

LOT COVERAGE. Determined by dividing that area of lot which is occupied or covered by

the total horizontal projected surface of all buildings, including covered porches and

accessory buildings, by the gross area of that lot.

LOT DEPTH. The average distance between the front and rear lot lines.

LOT, FLAG. A lot with access provided to the bulk of the lot by means of a narrow corridor.

LOT, INTERIOR. An interior lot is a lot other than a comer lot.

LOT LINE. The boundary line of a lot.

LOT LINE, FRONT. (see also, yard, front) On an interior lot, the lot line abutting a street;

or, on a comer lot, the shorter lot line abutting a street; or, on a through lot, the lot line

abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot

line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR. The lot line not intersecting a front lot line that is most distant from

and most closely parallel to the front lot line. A lot bounded by only three lot lines will not

have a rear lot line.

LOT LINE, SIDE. Any lot line not a front or rear lot line.

LOT OF RECORD. (see also lot) A lot whose existence, location, and dimensions have been

legally recorded or registered in a deed or on a plat.

LOT, SUBSTANDARD. A lot or parcel of land that has less than the required minimum

area or width as established by the zone in which it is located and provided that such lot or

parcel was of record as a legally created lot on the effective date of the ordinance codified in

this title.

LOT, THROUGH. A lot having its front and rear yards each abutting on a street and/or

public right of way.

LOT, WIDTH. The horizontal distance between side lot lines, measured at the required

front setback line except in flag lot where you don't measure the panhandle.

MANUFACTURED HOME. A factory-built structure which is to be used as a place for

human habitation, which is not constructed or equipped with a permanent hitch or other

device allowing it to be moved other than to a permanent site, which does not have

permanently attached to its body or frame any wheels or axles, and which bears a label

certifying that it was built to compliance with National Manufactured Home Construction

and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States

Department of Housing and Urban Development, or a modular housing unit as defined in

Section 71-1557 of the Nebraska Revised Statutes bearing the seal of the Department of

Health and Human Service System.

(Amended Ord. “A”, 2011)

MOBILE HOME. A year-round, transportable structures which is a single family dwelling

unit suitable for permanent, more than thirty (30) days of living quarters, more than eight

(8) feet wide and forty (40) feet in length and built to be towed on its own chassis with or

without a permanent foundation when connected to the required utilities. This portable

dwelling may consist of one (1) or more units that can be telescoped when towed and

expanded later for additional capacity, or two (2) or more units, separately towable but

designed to be joined as one (1) integral unit. Nothing in this definition shall be construed

so as to include prefabricated, modular, precut dwelling units or these manufactured in

sections or parts away from the site and transported thereto for assembly. (Amended Ord.

“A”, 2011)

MOBILE HOME PARK. Any area of land which two (2) or more mobile homes are parked,

connected to utilities and used by one (1) or more persons for living or sleeping purposes. A

mobile home parked in this area can either be placed on permanent foundation or

supported only by its wheels, jacks, blocks, or skirtings or a combination of these devices. A

mobile home park includes any premises set apart for supplying to the public parking

space, either free of charge or for revenue purposes for one (1) or more mobile homes,

connected to utilities and used by one (1) or more persons living, or sleeping purposes and

shall include any building, structure, tent, vehicle or enclosure used or intended for use as

part of the equipment of such mobile home park. (Amended Ord. “A”, 2011)

MODULAR HOME. Any dwelling whose construction consists entirely of or the major

portions of its construction consist of a unit or units not fabricated on the final site for the

dwelling units, which units are movable or portable until placed on a permanent foundation

and connected to utilities. All modular homes shall bear a label certifying that it was built

to compliance with the Nebraska Department of Health and Human Services System as

established in Section 71-1557 of the Nebraska revised Statutes. (Amended Ord. “A”, 2011)

MOTEL. (see also, hotel). A building or group of detached buildings designed or used

primarily for providing sleeping accommodations for automobile travelers and having a

parking space adjacent to a sleeping room. An automobile court or tourist court with more

than one unit or motor lodge shall be deemed a motel.

MUNICIPAL ENGINEER. Village of Sutherland Engineer.

NIGHTCLUB. (see also, bar) A bar, restaurant, coffee house or similar establishment

where a dance floor or entertainment is provided.

NONCONFORMING BUILDING STRUCTURE. A building/structure which does not

comply with the lot size requirements or bulk regulations applicable to new buildings/

structures in the zoning district in which it is located.

NONCONFORMING USE. An existing use of a structure or land which does not conform

with the regulations of the district in which it is situated as established by this Regulation

or any amendments hereto.

NURSING HOMES OR CONVALESCENT HOMES. An institution or agency licensed by

the State for the reception, board, care or treatment of three (3) or more unrelated

individuals.

OFFICE. A building or portion of a building wherein services are performed involving

predominately administrative, professional or clerical operations.

OFFICE PARK. A large tract of land that has been planned, developed and operated as an

integrated facility for a number of separate office buildings and supporting uses with

special attention given to circulation, parking, utility needs, aesthetics and compatibility.

OFF-STREET PARKING. An area that is laid out for the purpose of parking motor vehicles

of residents, customers, employees or visitors and is not located on public right-of-way. Offstreet

parking shall be considered as an accessory use to the principal use for which the

parking is provided and shall be provided on the same site as the principal use and within

the same zoning district. Off-street parking spaces shall not open directly on a public street

but shall open directly on a driveway or aisle that is adequate to provide a safe means of

access.

OPEN SPACE. An area of land or water, or combination thereof, planned for recreation, but

does not include areas utilized for streets, alleys, driveways or private roads, off-street

parking or loading areas, or required front, rear or side yards.

OUTDOOR STORAGE. The keeping, in an unroofed area, of any goods, junk, material,

merchandise or vehicles in the same place.

PARCEL. A continuous quantity of land in the possession of, or owned by, or recorded as

the property of the same person or persons.

PARK. An area open to the general public and reserved for recreational, educational or

scenic purposes.

PARKING LOT. (see also, garage, public) A tract of land used for the temporary parking of

motor vehicles when such use is not accessory to any other use.

PARKING SPACE. An area on a lot and/or within a building intended for the use of

temporary parking of a vehicle.

PARKING SPACE, HANDICAPPED. An area on a lot and/or within a building intended for

the use of temporary parking of a vehicle owned or operated by or for a certified

handicapped person.

PEDESTRIAN WAY. A right-of-way or easement dedicated to public use, which cuts across

a block to facilitate pedestrian access to adjacent streets and properties.

PERIMETER. The outer 4' of the property boundary.

PERMIT INSPECTOR. An official appointed to inspect premises for conformance with

zoning regulations. May issue a stop work order where non-conformance is found to exist.

PET. (see household pet)

PHOTOCOPY SERVICE. (see print shop)

PLACE OF WORSHIP. (see church)

PLACE OR COURT. An open, unoccupied space, other than a street or alley, permanently

reserved as the principal means of access to abutting property.

PLANNING COMMISSION. The Sutherland Planning Commission.

PLANT NURSERY. Land used to raise trees, shrubs, flowers and other plants for sale or

for transplanting.

PORCHES. A covered entrance to a primary structure. (Adopted 8/26/98 by Ord. #406)

PRINCIPAL BUILDING/STRUCTURE. A building/structure in which the primary use, of

the lot on which the building is located, is conducted.

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

use.

PRINT SHOP. A business establishment that provides duplicating services, using

photocopy, blueprint and/or offset printing equipment, including collating of booklets and

reports.

PROFESSIONAL OFFICE. Any building or part thereof used by one or more persons

engaged in the practice of law, medicine, accounting, architecture, engineering or other

occupations customarily considered as a profession.

PUBLIC UTILITY. Any business which furnishes the general public telephone service,

telegraph service, electricity, natural gas or water, and any other business so affecting the

public interest as to be subject to the supervision or regulation by an agency of the State.

REAR YARD. (see yard, rear)

RECREATIONAL VEHICLE. A vacation trailer or other vehicular or portable unit which is

either self-propelled or towed or is carried by a motor vehicle and which is intended for

human occupancy and is designated for vacation or recreational purposes but not a

residential use.

RECREATIONAL VEHICLE PARK. A lot which is operated on a fee or other basis as a

place for the parking of occupied recreational vehicles.

RECYCLING CENTER. A facility which accepts salvage material limited to paper,

aluminum foil, containers made of glass, plastic, metal, aluminum, and paper; and similar

household wastes; no hazardous material as defined by state and federal law is accepted;

there is no wrecking or dismantling of salvage material. (Amended Ord. “A”, 2011)

RECYCLING COLLECTION POINT. A collection point for small refuse items, such as

bottles and newspapers, located either in a container or small structure. (Amended Ord.

“A”, 2011)

RECYCLING PLANT. A facility that is not a junkyard and in which recoverable resources,

such as newspapers, magazines, books and other paper products; glass; metal cans; and

other products are recycled, reprocessed and treated to return such products to a condition

in which they may again be used for production.

REPLAT. The act of re-designing the configuration of lots within a parcel of land.

RESEARCH LABORATORY. A building or group of buildings in which are located facilities

for scientific research, investigation, testing or experimentation, but not facilities for the

manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESIDENTS ASSOCIATION. (see homeowners association).

RESORT. A hotel or motel that serves as destination point for visitors. A resort generally

provides recreational facilities for persons on vacation. A resort shall be self-contained and

provide personal services customarily furnished at hotels, including the serving of meals.

Buildings and structures in a resort should complement the scenic qualities of the location

in which the resort is situated.

RESTAURANT. A public eating establishment at which the primary function is the

preparation of food.

RESTAURANT, DRIVE-IN. An eating establishment, where for compensation, food is

prepared and dispensed, having only incidental consumption within the principal building

on the premises.

RESTAURANT, FAST-FOOD. An establishment that offers quick food service, which is

accomplished through a limited menu of items already prepared and held for service, or

prepared, fried or grilled quickly, or heated in a device such as a microwave oven. Orders

are not generally taken at the customer's table and food is generally served in disposable

wrapping or containers.

RETIREMENT HOUSING. (see elderly housing)

RIGHT-OF-WAY. An area or strip of land, either public or private, on which irrevocable

right-of-passage has been recorded for the use of vehicles or pedestrians or both.

ROAD, PUBLIC. (see also right-of-way and street). The public property reserved or

dedicated for street traffic.

ROAD, PRIVATE. (see also right-of-way and street). An area open to vehicular ingress and

egress established as a separate tract for the benefit of certain adjacent properties. The

definition shall not apply to driveways.

RODEO GROUNDS. A tract of land used for the public performance featuring ordinary

rodeo contests. These grounds are often used for other public benefits and performances

when sponsored by clubs and organizations of the community.

ROOMING HOUSE. (see bed & breakfast, boarding or lodging).

SAND OR GRAVEL PIT. Land used for the extraction of sand and/or gravel which use shall

conform to the provisions of this regulation or amendments thereto.

SANITARY LANDFILL. A lot or parcel of land used primarily for the disposal,

abandonment, dumping, burial or burning of garbage, sewage, trash, refuse, junk,

discarded machinery or motor vehicles, or parts thereof, or other waste, and which is in

conformance with the requirements of the Nebraska Department of Health and Human

Service System. (Amended Ord. “A”, 2011)

SANITARY TRANSFER STATION. A collection point for temporary storage of refuse. No

processing of refuse would be allowed. The transfer station must be in conformance with

the requirements of the Nebraska Department of Health and Human Service System.

(Amended Ord. “A”, 2011)

SALVAGE OR JUNK YARD. A place where waste, discarded or salvaged metals, building

materials, paper, textiles, used plumbing fixtures, abandoned or inoperable motor vehicles

or parts thereof, and other used materials are bought, sold, exchanged, stored, baled or

cleaned; and places or yards for the storage of salvaged metal, materials and equipment;

but not including pawn shops and establishments for the sale, purchase or storage of used

cars or trucks presently in operable condition, boats or trailers presently in operable

condition, and used furniture and household equipment in usable condition and not

including the processing of used, discarded or salvaged material as part of manufacturing

operations.

(Amended Ord. “A”, 2011)

SATELLITE DISH ANTENNA. A device incorporating a reflective surface that is solid,

open mesh, or bar configured and the shape of a shallow dish, cone, horn or cornucopia

device may be used to transmit and/or receive radio electromagnetic waves between

terrestrially and/or other based uses. This definition is meant to include but not limited to

what are commonly referred to as satellite stations, TVRO's (television reception only

satellite antennas), and satellite microwave antennas.

SCENIC CORRIDOR. A strip of land on each side of a stream or roadway that is generally

visible to the public traveling on such route.

SCENIC EASEMENT. An easement, the purpose of which is to limit development in order

to preserve a view or scenic area.

SCHOOL. A facility that provides a curriculum of elementary and/or secondary

academic/vocational instruction, including kindergartens, elementary schools, junior high

schools and high schools.

SCREENING. (see also buffer area) 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.

SECONDARY FRONT YARD. Adjoining a front yard and not the primary entrance to the

primary structure. (adopted 8/26/98 by Ord. #406)

SELF-SERVICE STORAGE FACILITY. A building consisting of individual, small, selfcontained

units that are leased or owned for purpose of storage.

SERVICE STATION. Any premises where gasoline and other petroleum products are sold

and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs and

carburetor cleaning are conducted. Service stations shall not include premises where heavy

automobile maintenance activities such as engine overhauls, automobile painting and body

fender work are conducted.

SELF-SERVICE STATION. An establishment where liquids used as motor fuels are stored

and dispersed into the fuel tanks of motor vehicles by persons other than the service station

attendants and may include facilities available for the sale of other retail products.

SETBACK. The required minimum horizontal distance between the building line and the

related front, side or rear property line. This determines the building envelope. See yard

illustration on page 29.

SHELTER, MISSION. A facility providing temporary housing for one or more individuals

who are otherwise homeless.

SHOPPING CENTER. A grouping of retail business and service uses on a single site with

common parking facilities.

SIDE YARD. (see yard, side)

SIDEWALK CAFE. An area adjacent to and directly in front of a street-level eating or

drinking establishment located within the sidewalk area of the public right-of-way

exclusively for dining, drinking and pedestrian circulation. The encroachment area of a

sidewalk cafe may be separated from the remainder of the sidewalk by railings, fencing or

landscaping planter boxes or a combination thereof.

SIGHT TRIANGLE. An area at a street intersection in which nothing shall be erected,

placed, planted or allowed to grow in such a manner as to materially impede vision between

a height of 2 ½ feet and 10 feet above the grades of the bottom of the curb of the

intersecting streets, measured from the point of intersection of the center-line of the streets,

90 feet in each direction along the center-line of the streets. At the intersection of major or

arterial streets, the 90 foot distance shall be increased to 120 feet for each arterial leg of the

intersection.

SIGN. Any visual device which shall display or include any letter, work, model, banner,

flag, pennant, insignia, device or representation used as, or which is in the nature of, an

advertisement or announcement which directs attention to an object, product, place,

activity, person, institution, organization or business, but shall not include any display of

official notice or official flag.

SIGN, AWNING. A visual device painted, stamped, perforated, stitched or otherwise

applied on a valance.

SIGN, BILLBOARD. (see billboard)

SIGN, ELECTRONIC MESSAGE BOARD. Any visual device that uses changing lights to

form a message or messages wherein the sequence of messages and the rate of change is

electronically programmed and can be modified by electronic processes.

SIGN, FLASHING. Any visual device, which, by method or manner of illumination, flashes

on or off, with varying light intensity, shows motion, or creates the illusion of motion or

revolves in a manner to create the illusion of being on or off.

SIGN, FREE STANDING. A visual device supported by one or more upright poles, columns

or braces placed in or on the ground and not attached to any building or structure.

SIGN, ILLUMINATED. A visual device illuminated in any manner by an artificial light

source.

SIGN, PORTABLE. A visual device that is not affixed to a permanent structure.

Source: The Illustrated Book of Development Definitions, (Maskowitz, Harvey and Carl

Lindbloom, 1995).

SIGN, PROJECTING. Any visual device other than a wall sign that is attached to and

projects from the wall or face of a building or structure.

SIGN, ROOF. Any visual device erected upon, against or directly above a roof.

SIGN, TEMPORARY. A visual device intended for use for only a limited period of time.

SIGN, WALL. A visual device painted on or attached to the outside of a building

SIGN, WINDOW. A visual device painted, stenciled or affixed on a window.

SITE PLAN. A plan showing accurately and with complete dimensioning, property

boundaries of a site, location of all buildings, structures, uses and principal site

development features proposed for a specific parcel of land.

SITE PLAN AND LAND USE PERMIT. Authorization given a land owner to develop a

particular site and/or use for a specific purpose.

SLOPE. Rise/Run x 100%

SPECIAL USE. (see conditional use)

STABLE, PRIVATE. An accessory building in which domestic animals are kept for private

use.

STABLE, PUBLIC. An accessory building in which domestic animals are kept for

commercial use including boarding, hire and sale.

STORY. That portion of a building included, between the surface of any floor and the

surface next above it, or if there be no floor above it, the space between such floor and the

ceiling above it. A basement shall be counted as, a story if its ceiling is over six feet above

the average level of the finished ground surface adjoining the exterior walls of such story, or

if it is used for business or dwelling purposes.

STREET. A right-of-way, other than an alley, dedicated to the public use, which provides

the principal access to adjacent properties.

A. MAJOR OR ARTERIAL STREET OR ROAD: A street or road which provides for

through traffic movement between and around areas and across the county or city

with direct access to abutting property; subject to necessary control of entrances,

exits and curb uses.

B. MINOR OR COLLECTOR STREET OR ROAD: A street or road which provides for

traffic movement between major or arterial and local streets or roads with direct

access to abutting property.

C. LOCAL STREET OR ROADS: A street or road which provides direct access to

abutting land and for local traffic movement, whether in farming, business,

industrial or residential areas.

STRUCTURE. Anything constructed, erected or manufactured, the use of which requires a

permanent location on the ground or attached to something having a permanent location on

the ground, but not including fences or public items such as utility poles, street light

fixtures and street signs.

STRUCTURAL ALTERATIONS. Any change or rearrangement of the supporting members

of a building, such as bearing walls or partitions, columns, beams or girders or any

complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the

following shall not be considered structural alterations:

a. Attachment of a new front where structural supports are not changed.

b. Addition to fire escapes where structural supports are not changed.

c. New windows where lintels and support walls are not materially changed.

d. Minor repair or replacement of nonstructural members.

SUBDIVISION: The division of a tract of land into six or more lots or parcels for the

purpose of transfer of ownership or building development, or, if a new street is involved,

any division of a parcel of land. The terms subdivision includes re-subdivision, or “re-platt”

and the term "re-subdivision", as used herein, shall include any further subdivision of a lot

or parcel of land previously subdivided, for sale, use or other purposes, which varies from

the latest, approved subdivision of the same.

TAVERN. An establishment in which the primary function is the public sale and serving of

distilled or cereal malt beverages.

THIS ZONING REGULATION. The document duly approved and adopted by the Board of

Trustees of the Village of Sutherland, Nebraska, which establishes and implements zoning

requirements.

THROUGH LOT. (see lot, through)

TOWER. (see also - antenna) A structure situated on a nonresidential site that is intended

for transmitting or receiving television, radio or telephone communications, excluding those

used exclusively for dispatch communications.

TOWNHOUSE. (See also - dwelling, single-family, attached) One of a group or row of not

less than two (2) nor more than twelve (12) attached, single family dwellings designed and

built as a single structure facing upon a street in which the individual townhouse may or

may not be owned separately. For the purpose of the side yard regulations, the structure

containing the row or group of townhouses shall be considered as one building occupying a

single lot. (Amended Ord. “A”, 2011)

TRACT. A plot or parcel of land shown by survey, other than a lot in a subdivision which is

recorded in the Office of the Register of Deeds.

TRANSITIONAL USE. A permitted use or structure that by nature or level and scale of

activity acts as a transition or buffer between two or more incompatible uses.

TRUCK TERMINAL. Land and buildings used as a relay station for the transfer of a load

from one vehicle to another or one party to another. The terminal cannot be used for

permanent or long-term accessory storage for principle land uses at other locations. The

terminal facility may include storage areas for trucks and buildings or areas for the repair

of trucks associated with the terminal.

USE. The specific purpose for which land or building is used. The term "permitted use", or

its equivalent, shall not be deemed to include any illegal nonconforming use.

VARIANCE. The authorization by the Board of Adjustment of a variance from the specific

terms of the Zoning Regulation. Variances are limited to those authorized in the powers

and duties of the Board of Adjustment defined in this Regulation.

WAREHOUSE. A building used primarily for the storage of goods and materials.

WAREHOUSING AND DISTRIBUTION. A use engaged in storage, wholesale and

distribution of manufactured products, supplies and equipment, but excluding bulk storage

of materials that are inflammable or explosive or that create hazardous or commonly

recognized offensive conditions.

WETLANDS. An area that is inundated or saturated by surface water or groundwater at a

frequency and duration sufficient to support, and that, under normal circumstances, does

support, a prevalence of vegetation typically adapted for life in saturates soil conditions,

commonly known as hydrophytic vegetation.

YARD. A required open space on a lot adjoining a lot line, containing only landscaping or

other uses as provided by this zoning ordinance.

YARD, FRONT. (see also lot line, front) A yard extending along the width of a front lot line

between side lot lines and from the front lot line to the front building line in depth.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear

lot line and the nearest line of the building.

YARD, SIDE. A yard lying between the side line of the lot and the nearest line of the

building and extending from the front yard to the rear yard, or in the absence of either of

such front or rear yards, to the front or rear lot lines.

ZONING ADMINISTRATOR. The person or persons authorized and empowered by the

Governing Body to administer the requirements of these zoning regulations.

ZONING AREA. The area that is zoned as set out on the Official Zoning Map filed of record.

ZONING REGULATIONS. The term zoning regulations or this or these regulations shall

mean the requirements stipulated in the regulations herewith attached.