

# CITY OF HENDERSON ZONING REGULATIONS

## Table of Contents

<b>Article I-PURPOSE .....</b>	<b>1</b>
Section.....	1
<b>Article II-DEFINITIONS .....</b>	<b>1</b>
Section 2.01 Definitions ( <b>updated 6-13-2017</b> ).....	1-15
<b>Article III-ESTABLISHMENT OF ZONING DISTRICTS.....</b>	<b>16</b>
Section 3.01 Establishment of Districts.....	16
Section 3.02 The Zoning Map.....	17
Section 3.03 Interpretation of Zoning District Boundaries.....	17
<b>Article IV-GENERAL PROVISIONS .....</b>	<b>18</b>
Section 4.01 Application of regulations.....	18
Section 4.02 Coordination with subdivision regulations and access standards manual.....	18
Section 4.03 Conditional use regulations.....	18-19
Section 4.04 Approved water supply and sewerage disposal for buildings.....	20
Section 4.05 Townhouses .....	20-21
Section 4.06 Duplexes.....	21
Section 4.07 Condominiums .....	21
Section 4.08 Junkyards .....	21
Section 4.09 Obstructions to vision at street intersection on corner lots ( <b>updated 08-15-2017</b> ) .....	21-22
Section 4.10 Side yard regulations for corner lots .....	22
Section 4.11 Regulations for double-frontage lots .....	23
Section 4.12 Application for yards to one building only.....	23
Section 4.13 Use of yards for accessory buildings .....	23
Section 4.14 Use exceptions .....	23
Section 4.15 Height exceptions .....	23
Section 4.16 Variances and Conditional Use Permits.....	24
Section 4.17 <b>Reserved</b> .....	24
Section 4.18 Streets, alleys and railroad right-of-way.....	24
Section 4.19 Permitted uses .....	24

Section 4.20 Permitted area .....	24
Section 4.21 Structures on Lot.....	22
Section 4.22 <b>Reserved</b> .....	25
Section 4.23 Waiver of Yard Requirements for Handicap Accessibility .....	25
Section 4.24 Accessory buildings .....	25-26
Section 4.25 Prohibited uses in all residential districts.....	26
Section 4.25-1 Sexually oriented businesses prohibited in all districts except the M-2 Zone .....	26
Section 4.26 Excavation and Filling of Land; Land Disturbing Activity .....	27-28
Section 4.27 Construction begun prior to adoption of regulations.....	28
Section 4.28 Voting place .....	28
Section 4.29 Approval of plats .....	28
Section 4.30 Essential services .....	28-29
Section 4.31 Building grades .....	29
Section 4.32 Building to be moved.....	29
Section 4.33 Temporary Sales and Vending Requirements .....	29-30
Section 4.34 Signs (Reference to Article X - Signs and Outdoor Advertising Displays).....	30
Section 4.35 Existing and/or nonconforming junk and/or used auto parts yard .....	30-31
Section 4.36 Annexed areas.....	31
Section 4.37 Utility and drainage easements.....	31
Section 4.38 Home Occupations.....	31-32
Section 4.39 Shopping Centers Regulations .....	32-38
<b>Article V-BOARD OF ZONING ADJUSTMENT.....</b>	<b>39</b>
Section 5.01 Powers and duties .....	39-43
Section 5.02 Schedule of fees, charges and expenses .....	44
<b>Article VI-ADMINISTRATION, ENFORCEMENT AND VIOLATIONS .....</b>	<b>45</b>
Section 6.01 Enforcement, Enforcement Officer .....	45-46
Section 6.02 Building permits .....	46-47
Section 6.03 Certificates of occupancy .....	47
Section 6.04 Violations; penalties .....	47
Section 6.05 Clarification of administrative jurisdiction .....	47-48
Section 6.06 Zoning Permit.....	48-49
Section 6.07 Site Plan ( <b>updated 08-15-2017</b> ).....	49-50
<b>Article VII-AMENDMENTS.....</b>	<b>51</b>
Section 7.01 Application for amendment .....	51

Section 7.02 Commission procedure .....	51
Section 7.03 Notice of public hearing.....	51
Section 7.04 Public hearing on application .....	51
Section 7.05 Recommendation of the Planning Commission on Zoning Amendment .....	51-52
Section 7.06 Action by the Legislative Body on Zoning Ordinance Amendments.....	52-53
Section 7.07 <b>Reserved</b> .....	53
<b>Article VIII-NONCONFORMING USES AND STRUCTURES.....</b>	<b>54</b>
Section 8.01 Statement of purpose.....	54
Section 8.02 Nonconforming lots of record .....	54
Section 8.03 Nonconforming uses of land .....	55
Section 8.04 Nonconforming structures.....	55-56
Section 8.05 Nonconforming uses of structures or of structures and premises in combination .....	56-57
Section 8.06 Repairs and maintenance .....	57
Section 8.07 Legal nonconforming conditional uses.....	57
Section 8.08 Report on nonconforming uses .....	57
<b>Article IX-OFF-STREET PARKING AND LOADING REQUIREMENTS.....</b>	<b>58</b>
Section 9.01 Off-Street parking requirements.....	58-64
Section 9.02 Off-Street loading requirements .....	64-65
Section 9.03 Off-Street waiting area for drive-through facilities .....	65-66
Section 9.04 Interior Landscaping for Off-Street Parking.....	66
<b>Article X-SIGNS AND OUTDOOR ADVERTISING DISPLAYS .....</b>	<b>67</b>
<b>Article XI- R-1, SINGLE FAMILY RESIDENTIAL DISTRICT.....</b>	<b>68</b>
Section 11.01 Statement of purpose.....	68
Section 11.02 Permitted uses .....	68
Section 11.03 Conditional uses .....	68-69
Section 11.04 Area, height, bulk and placement regulations .....	69
<b>Article XII- R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT .....</b>	<b>70</b>
Section 12.01 Statement of purpose.....	70
Section 12.02 Permitted uses .....	70
Section 12.03 Conditional uses .....	70
Section 12.04 Area, height, bulk and placement regulations .....	70
<b>Article XIII- R-3, MEDIUM TO HIGH DENSITY RESIDENTIAL DISTRICT .....</b>	<b>71</b>
Section 13.01 Statement of purpose.....	71
Section 13.02 Permitted uses .....	71
Section 13.03 Conditional uses .....	71

Section 13.04 Area, height, bulk and placement regulations .....	71
<b>Article XIV- R-4, MULTI-FAMILY RESIDENTIAL DISTRICT .....</b>	<b>72</b>
Section 14.01 Statement of purpose.....	72
Section 14.02 Permitted uses .....	72
Section 14.03 Conditional uses .....	72
Section 14.04 Area, height, bulk and placement regulations .....	72
<b>Article XV- PUD, PLANNED UNIT DEVELOPMENT DISTRICT .....</b>	<b>73</b>
Section 15.01 Statement of purpose ( <b>updated 08-15-2017</b> ) .....	73
Section 15.02 Permitted uses .....	73-75
Section 15.03 Area Requirements ( <b>updated 08-15-2017</b> ).....	75-78
Section 15.04 Application procedure .....	78-79
<b>Article XVI- R-MH, MANUFACTURED HOME DISTRICT .....</b>	<b>80</b>
Section 16.01 Statement of purpose.....	80
Section 16.02 Permitted uses .....	80
Section 16.03 Conditional uses .....	80-81
Section 16.04 Building site area .....	81
Section 16.05 Setback Requirements.....	81
Section 16.06 General Requirements.....	82
Section 16.07 Manufactured Home Park Requirements .....	82-84
Section 16.08 Special conditions .....	84
Section 16.09 Enforcement.....	84
Section 16.10 Nonconforming Manufactured Home Parks .....	84
<b>Article XVII- R-O, RESIDENTIAL/OFFICE DISTRICT .....</b>	<b>85</b>
Section 17.01 Statement of purpose.....	85
Section 17.02 Permitted uses .....	85
Section 17.03 Conditional uses .....	86
Section 17.04 General regulations for all Residential/Office Districts .....	86-87
Section 17.05 Area, height, bulk and placement regulations .....	87
<b>Article XVIII- NB, NEIGHBORHOOD BUSINESS DISTRICT .....</b>	<b>88</b>
Section 18.01 Statement of purpose.....	88
Section 18.02 Permitted uses .....	88
Section 18.03 Conditional uses .....	88
Section 18.04 General regulations.....	89
Section 18.05 Area, height, bulk and placement requirements.....	89
<b>Article XIX- GB, GENERAL BUSINESS DISTRICT .....</b>	<b>90</b>

Section 19.01 Statement of purpose.....	90
Section 19.02 Permitted uses .....	90-92
Section 19.03 Conditional uses .....	92
Section 19.04 General regulations.....	92
Section 19.05 Area, height, bulk and placement regulations .....	92
<b>Article XX- CBD, CENTRAL BUSINESS DISTRICT .....</b>	<b>93</b>
Section 20.01 Statement of purpose.....	93
Section 20.02 Permitted uses .....	93
Section 20.03 Conditional Uses ( <b>updated 08-15-2017</b> ) .....	93
Section 20.04 General Regulations .....	93
Section 20.05 Area, height, bulk and placement requirements.....	93
<b>Article XXI- H-C, HIGHWAY COMMERCIAL DISTRICT .....</b>	<b>94</b>
Section 21.01 Statement of purpose.....	94
Section 21.02 Permitted uses .....	94
Section 21.03 Conditional uses .....	95
Section 21.04 General requirements .....	95
Section 21.05 Area, height, bulk and placement requirements.....	95
<b>Article XXII- R-5, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT .....</b>	<b>96</b>
Section 22.01 Statement of Purpose ( <b>updated 12-10-2014</b> ).....	96
Section 22.02 Permitted Uses .....	96
Section 22.03 Conditional Uses.....	96
Section 22.04 Area, height, bulk and placement regulations .....	96
<b>Article XXIII- M-1, LIGHT INDUSTRIAL DISTRICT.....</b>	<b>97</b>
Section 23.01 Statement of purpose.....	97
Section 23.02 Permitted uses .....	97-98
Section 23.03 Conditional uses .....	98
Section 23.04 Area, height, bulk and placement regulations .....	98
<b>Article XXIV- M-2, HEAVY INDUSTRIAL DISTRICT.....</b>	<b>99</b>
Section 24.01 Purpose and findings .....	99-100
Section 24.02 Permitted uses .....	100
Section 24.03 Conditional uses .....	100-101
Section 24.04 Area, height, bulk and placement regulations .....	101
Section 24.05 General requirements for sexually oriented businesses .....	101-102
<b>Article XXV- AG, AGRICULTURE DISTRICT .....</b>	<b>103</b>
Section 25.01 Statement of purpose.....	103

Section 25.02 Permitted uses .....	103-104
Section 25.03 Conditional uses .....	104
Section 25.04 Exceptions .....	104
Section 25.05 Area, height, bulk and placement regulations .....	104
<b>Article XXVI- FLOOD-PRONE AREAS* (*Cross references: Flood Damage Prevention, Chapter 13).....</b>	<b>105</b>
Section 26.01 Statement of purpose.....	105
Section 26.02 Boundaries.....	105
Section 26.03 Definitions .....	105-106
Section 26.04 Warning .....	106
Section 26.05 Notification .....	106
Section 26.06 Disclaimer of Liability .....	106
<b>Article XXVII- SCHEDULE OF REGULATIONS.....</b>	<b>107</b>
<b>Schedule "A" .....</b>	<b>107</b>
<b>Schedule "B" .....</b>	<b>108</b>
<b>Article XXVIII- HENDERSON CITY-COUNTY AIRPORT HEIGHT REGULATIONS* .....</b>	<b>109</b>
Section 28.01 Statement of purpose ( <b>updated 9-02-2014</b> ) .....	109
Section 28.02 Definitions ( <b>updated 9-02-2014</b> ).....	109-111
Section 28.03 Airport zones ( <b>updated 9-02-2014</b> ) .....	111-113
Section 28.04 Airport zones height limitations .....	113-114
Section 28.05 Use Restrictions .....	114
Section 28.06 Nonconforming Uses ( <b>updated 9-02-2014</b> ).....	114-115
Section 28.07 Permits ( <b>updated 9-02-2014</b> ) .....	115-116
<b>Article XXIX- REGULATION OF CELLULAR ANTENNA TOWERS.....</b>	<b>117</b>
Section 29.01 Purpose .....	117
Section 29.02 Definitions .....	117-118
Section 29.03 Where Permitted .....	118-119
Section 29.04 Uniform Application Requirements.....	119-122
Section 29.05 Design Standards .....	123-125
Section 29.06 Planning Commission Action .....	125
Section 29.07 Amendments .....	125
<b>Article XXX- RIVERFRONT ZONES RF-1, RF-2, RF-3, AND RF-4.....</b>	<b>126</b>
Section 30.01 Statement of purpose.....	126
Section 30.02 RF-1 Recreation, active and passive .....	126-127
Section 30.03 RF-2 Light Commercial .....	128-134
Section 30.04 RF-3 Green Space .....	134

Section 30.04. <sup>1</sup> RF-4 Residential District .....	135-140
<b>Article XXXI- AUDUBON RESIDENTIAL DISTRICT .....</b>	<b>141</b>
Section 31.01 Statement of purpose.....	141
Section 31.02 Applicability .....	141
Section 31.03 Permitted Uses .....	141-143
Section 31.04 Lot and Building Standards .....	143-144
Section 31.05 Parking.....	144-145
Section 31.06 Utility Services .....	145
Section 31.07 Signage ( <b>updated 2-14-2017</b> ) .....	145-146
<b>Article XXXII- AUDUBON COMMERCIAL DISTRICT .....</b>	<b>147</b>
Section 32.01 Statement of purpose.....	147
Section 32.02 Applicability .....	147
Section 32.03 Permitted Uses .....	147-149
Section 32.04 Lot and Building Standards .....	150-151
Section 32.05 Parking.....	151-152
Section 32.06 Utility Services .....	152
Section 32.07 Signage ( <b>updated 2-14-2017</b> ) .....	152-153
<b>Article XXXIII- GATEWAY ZONE DISTRICT #1.....</b>	<b>154</b>
Section 33.01 Statement of purpose.....	154
Section 33.02 Applicability .....	154-156
Section 33.03 Non-Conformities .....	156
Section 33.04 Review and Approval Procedures.....	156-157
Section 33.05 Lot and Building Standards .....	157-158
Section 33.06 Permitted Uses ( <b>updated 08-15-2017</b> ).....	158-162
Section 33.07 Design and Building Exterior Requirements.....	162-163
Section 33.08 Access Management.....	164-165
Section 33.09 Parking.....	165-167
Section 33.10 Drive-Thru Facilities .....	167
Section 33.11 Outdoor Storage and Sales and Shipping Locations .....	167-168
Section 33.12 Dumpsters.....	168
Section 33.13 Utility Services .....	169
Section 33.14 Signage ( <b>updated 12-05-2017</b> ) .....	169-170
<b>Article XXXIV- Henderson Innovative Planning District (HIP) .....</b>	<b>171</b>
Section 34.01 Statement of purpose.....	171
Section 34.02 Permitted Uses .....	171-173

Section 34.03 Lot and Building Standards ..... 174-177  
Section 34.04 Building Material Standards..... 178  
Section 34.05 Parking .....178-179  
Section 34.06 Signage (**updated 12-05-2017**).....180-181