

CITY OF HENDERSON ZONING REGULATIONS

Table of Contents

Article I-PURPOSE	1
Section.....	1
Article II-DEFINITIONS	1
Section 2.01 Definitions (updated 08-25-2020).....	1-15
Article III-ESTABLISHMENT OF ZONING DISTRICTS.....	16
Section 3.01 Establishment of Districts.....	16
Section 3.02 The Zoning Map.....	17
Section 3.03 Interpretation of Zoning District Boundaries.....	17
Article IV-GENERAL PROVISIONS	18
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 (updated 08-15-2017)	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 Pools, in-ground and above grounds (added 9-04-2018).....	24
Section 4.18 Streets, alleys and railroad right-of-way.....	24
Section 4.19 Permitted uses.....	25

Section 4.20 Permitted area	25
Section 4.21 Structures on Lot.....	25
Section 4.22 Solar Energy System (added 11-05-2019)	25-27
Section 4.23 Waiver of Yard Requirements for Handicap Accessibility	27
Section 4.24 Accessory buildings	27-28
Section 4.25 Prohibited uses in all residential districts.....	28
Section 4.25-1 Sexually oriented businesses prohibited in all districts except the M-2 Zone	28
Section 4.26 Excavation and Filling of Land; Land Disturbing Activity	29-30
Section 4.27 Construction begun prior to adoption of regulations.....	30
Section 4.28 Voting place	30
Section 4.29 Approval of plats	30
Section 4.30 Essential services	30-31
Section 4.31 Building grades	31
Section 4.32 Building to be moved.....	31
Section 4.33 Temporary Sales and Vending Requirements	31-32
Section 4.34 Signs (Reference to Article X - Signs and Outdoor Advertising Displays).....	32
Section 4.35 Existing and/or nonconforming junk and/or used auto parts yard	32-33
Section 4.36 Annexed areas.....	33
Section 4.37 Utility and drainage easements.....	33
Section 4.38 Home Occupations.....	33-34
Section 4.39 Shopping Centers Regulations	34-40
Article V-BOARD OF ZONING ADJUSTMENT.....	41
Section 5.01 Powers and duties	41-45
Section 5.02 Schedule of fees, charges and expenses	46
Article VI-ADMINISTRATION, ENFORCEMENT AND VIOLATIONS	47
Section 6.01 Enforcement, Enforcement Officer	47-48
Section 6.02 Building permits	48-49
Section 6.03 Certificates of occupancy	49
Section 6.04 Violations; penalties	49
Section 6.05 Clarification of administrative jurisdiction	49-50
Section 6.06 Zoning Permit.....	50-51
Section 6.07 Site Plan (updated 08-15-2017)	51-52
Article VII-AMENDMENTS.....	53
Section 7.01 Application for amendment	53

Section 7.02 Commission procedure	53
Section 7.03 Notice of public hearing.....	53
Section 7.04 Public hearing on application	53
Section 7.05 Recommendation of the Planning Commission on Zoning Amendment	53-54
Section 7.06 Action by the Legislative Body on Zoning Ordinance Amendments (updated May 2012).....	54-55
Section 7.07 Reserved	55
Article VIII-NONCONFORMING USES AND STRUCTURES.....	56
Section 8.01 Statement of purpose.....	56
Section 8.02 Nonconforming lots of record	56
Section 8.03 Nonconforming uses of land	57
Section 8.04 Nonconforming structures	57-58
Section 8.05 Nonconforming uses of structures or of structures and premises in combination	58-59
Section 8.06 Repairs and maintenance	59
Section 8.07 Legal nonconforming conditional uses.....	59
Section 8.08 Report on nonconforming uses	59
Article IX-OFF-STREET PARKING AND LOADING REQUIREMENTS.....	60
Section 9.01 Off-Street parking requirements.....	60-66
Section 9.02 Off-Street loading requirements	66-67
Section 9.03 Off-Street waiting area for drive-through facilities	67-68
Section 9.04 Interior Landscaping for Off-Street Parking.....	68
Article X-SIGNS AND OUTDOOR ADVERTISING DISPLAYS	69
Article XI- R-1, SINGLE FAMILY RESIDENTIAL DISTRICT.....	70
Section 11.01 Statement of purpose.....	70
Section 11.02 Permitted uses	70
Section 11.03 Conditional uses	70-71
Section 11.04 Area, height, bulk and placement regulations	71
Article XII- R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT	72
Section 12.01 Statement of purpose.....	72
Section 12.02 Permitted uses	72
Section 12.03 Conditional uses	72
Section 12.04 Area, height, bulk and placement regulations	72
Article XIII- R-3, MEDIUM TO HIGH DENSITY RESIDENTIAL DISTRICT	73
Section 13.01 Statement of purpose.....	73
Section 13.02 Permitted uses	73
Section 13.03 Conditional uses	73

Section 13.04 Area, height, bulk and placement regulations	73
Article XIV- R-4, MULTI-FAMILY RESIDENTIAL DISTRICT	74
Section 14.01 Statement of purpose.....	74
Section 14.02 Permitted uses	74
Section 14.03 Conditional uses	74
Section 14.04 Area, height, bulk and placement regulations	74
Article XV- PUD, PLANNED UNIT DEVELOPMENT DISTRICT	75
Section 15.01 Statement of purpose (updated 08-15-2017)	75
Section 15.02 Permitted uses	75-77
Section 15.03 Area Requirements (updated 08-15-2017).....	77-80
Section 15.04 Application procedure	80-81
Article XVI- R-MH, MANUFACTURED HOME DISTRICT	82
Section 16.01 Statement of purpose.....	82
Section 16.02 Permitted uses	82
Section 16.03 Conditional uses	82-83
Section 16.04 Building site area	83
Section 16.05 Setback Requirements.....	83
Section 16.06 General Requirements.....	84
Section 16.07 Manufactured Home Park Requirements	84-86
Section 16.08 Special conditions	86
Section 16.09 Enforcement.....	86
Section 16.10 Nonconforming Manufactured Home Parks	86
Article XVII- R-O, RESIDENTIAL/OFFICE DISTRICT	87
Section 17.01 Statement of purpose.....	87
Section 17.02 Permitted uses	87
Section 17.03 Conditional uses	88
Section 17.04 General regulations for all Residential/Office Districts	88-89
Section 17.05 Area, height, bulk and placement regulations	89
Article XVIII- NB, NEIGHBORHOOD BUSINESS DISTRICT	90
Section 18.01 Statement of purpose.....	90
Section 18.02 Permitted uses	90
Section 18.03 Conditional uses (updated 08-07-2018).....	90-91
Section 18.04 General regulations.....	91
Section 18.05 Area, height, bulk and placement requirements.....	91
Article XIX- GB, GENERAL BUSINESS DISTRICT	92

Section 19.01 Statement of purpose.....	92
Section 19.02 Permitted uses	92-94
Section 19.03 Conditional uses (updated 08-25-2020).....	94
Section 19.04 General regulations.....	94
Section 19.05 Area, height, bulk and placement regulations	94
Article XX- CBD, CENTRAL BUSINESS DISTRICT	95
Section 20.01 Statement of purpose.....	95
Section 20.02 Permitted uses	95
Section 20.03 Conditional Uses (updated 08-25-2020)	95
Section 20.04 General Regulations	95
Section 20.05 Area, height, bulk and placement requirements.....	95
Article XXI- H-C, HIGHWAY COMMERCIAL DISTRICT	96
Section 21.01 Statement of purpose.....	96
Section 21.02 Permitted uses	96
Section 21.03 Conditional uses (updated 08-25-2020).....	97
Section 21.04 General requirements	97-98
Section 21.05 Area, height, bulk and placement requirements.....	98
Article XXII- R-5, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT.....	99
Section 22.01 Statement of Purpose (updated 12-10-2014).....	99
Section 22.02 Permitted Uses	99
Section 22.03 Conditional Uses.....	99
Section 22.04 Area, height, bulk and placement regulations	99
Article XXIII- M-1, LIGHT INDUSTRIAL DISTRICT.....	100
Section 23.01 Statement of purpose.....	100
Section 23.02 Permitted uses	100-101
Section 23.03 Conditional uses	101
Section 23.04 Area, height, bulk and placement regulations	101
Article XXIV- M-2, HEAVY INDUSTRIAL DISTRICT.....	102
Section 24.01 Purpose and findings	102-103
Section 24.02 Permitted uses	103
Section 24.03 Conditional uses	103-104
Section 24.04 Area, height, bulk and placement regulations	104
Section 24.05 General requirements for sexually oriented businesses	104-105

Article XXV- AG, AGRICULTURE DISTRICT	106
Section 25.01 Statement of purpose.....	106
Section 25.02 Permitted uses	106-107
Section 25.03 Conditional uses	107
Section 25.04 Exceptions	107
Section 25.05 Area, height, bulk and placement regulations	107
Article XXVI- FLOOD-PRONE AREAS* (*Cross references: Flood Damage Prevention, Chapter 13).....	108
Section 26.01 Statement of purpose.....	108
Section 26.02 Boundaries (updated 05-07-2019)	108
Section 26.03 Definitions	108-109
Section 26.04 Warning	109
Section 26.05 Notification	109
Section 26.06 Disclaimer of Liability	109
Article XXVII- SCHEDULE OF REGULATIONS.....	110
Schedule "A"	110
Schedule "B"	111
Article XXVIII- HENDERSON CITY-COUNTY AIRPORT HEIGHT REGULATIONS*	112
Section 28.01 Statement of purpose (updated 9-02-2014)	112
Section 28.02 Definitions (updated 9-02-2014).....	112-114
Section 28.03 Airport zones (updated 9-02-2014)	114-116
Section 28.04 Airport zones height limitations	116-117
Section 28.05 Use Restrictions	117
Section 28.06 Nonconforming Uses (updated 9-02-2014).....	117-118
Section 28.07 Permits (updated 9-02-2014)	118-119
Article XXIX- REGULATION OF CELLULAR ANTENNA TOWERS.....	120
Section 29.01 Purpose	120
Section 29.02 Definitions	120-121
Section 29.03 Where Permitted	121-122
Section 29.04 Uniform Application Requirements.....	122-125
Section 29.05 Design Standards	126-128
Section 29.06 Planning Commission Action	128
Section 29.07 Amendments	128
Article XXX- RIVERFRONT ZONES RF-1, RF-2, RF-3, AND RF-4.....	129
Section 30.01 Statement of purpose.....	129
Section 30.02 RF-1 Recreation, active and passive	129-130

Section 30.03 RF-2 Light Commercial (updated 08-25-2020).....	131-137
Section 30.04 RF-3 Green Space.....	137
Section 30.04. ¹ RF-4 Residential District.....	138-143
Article XXXI- AUDUBON RESIDENTIAL DISTRICT.....	144
Section 31.01 Statement of purpose.....	144
Section 31.02 Applicability.....	144
Section 31.03 Permitted Uses.....	144-146
Section 31.04 Lot and Building Standards.....	146-147
Section 31.05 Parking.....	147-148
Section 31.06 Utility Services.....	148
Section 31.07 Signage (updated 2-14-2017).....	148-149
Article XXXII- AUDUBON COMMERCIAL DISTRICT.....	150
Section 32.01 Statement of purpose.....	150
Section 32.02 Applicability.....	150
Section 32.03 Permitted Uses (updated 08-25-2020).....	150-152
Section 32.04 Lot and Building Standards.....	153-154
Section 32.05 Parking.....	154-155
Section 32.06 Utility Services.....	155
Section 32.07 Signage (updated 2-14-2017).....	155-156
Article XXXIII- GATEWAY ZONE DISTRICT #1.....	157
Section 33.01 Statement of purpose.....	157
Section 33.02 Applicability.....	157-159
Section 33.03 Non-Conformities.....	159
Section 33.04 Review and Approval Procedures.....	159-160
Section 33.05 Lot and Building Standards.....	160-161
Section 33.06 Permitted Uses (updated 08-25-2020).....	161-165
Section 33.07 Design and Building Exterior Requirements.....	165-166
Section 33.08 Access Management.....	167-168
Section 33.09 Parking.....	168-170
Section 33.10 Drive-Thru Facilities.....	170
Section 33.11 Outdoor Storage and Sales and Shipping Locations.....	170-171
Section 33.12 Dumpsters.....	171
Section 33.13 Utility Services.....	172
Section 33.14 Signage (updated 12-05-2017).....	172-173

Article XXXIV- Henderson Innovative Planning District (HIP) 174

Section 34.01 Statement of purpose..... 174

Section 34.02 Permitted Uses (**updated 08-25-2020**)174-176

Section 34.03 Lot and Building Standards177-180

Section 34.04 Building Material Standards.....181

Section 34.05 Parking.....181-182

Section 34.06 Signage (**updated 12-05-2017**)183-184