

CITY OF HENDERSON ZONING REGULATIONS

Table of Contents

Article I-PURPOSE	1
Section.....	1
Article II-DEFINITIONS	1
Section 2.01 Definitions (updated 04-05-2022).....	1-16
Article III-ESTABLISHMENT OF ZONING DISTRICTS.....	17
Section 3.01 Establishment of Districts.....	17
Section 3.02 The Zoning Map.....	18
Section 3.03 Interpretation of Zoning District Boundaries.....	18
Article IV-GENERAL PROVISIONS	19
Section 4.01 Application of regulations.....	19
Section 4.02 Coordination with subdivision regulations and access standards manual.....	19
Section 4.03 Conditional use regulations.....	19-20
Section 4.04 Approved water supply and sewerage disposal for buildings.....	21
Section 4.05 Townhouses	21-22
Section 4.06 Duplexes.....	22
Section 4.07 Condominiums	22
Section 4.08 Junkyards	22
Section 4.09 Obstructions to vision at street intersection on corner lots (updated 08-15-2017)	23
Section 4.10 Side yard regulations for corner lots	22
Section 4.11 Regulations for double-frontage lots	24
Section 4.12 Application for yards to one building only.....	24
Section 4.13 Use of yards for accessory buildings	24
Section 4.14 Use exceptions	24
Section 4.15 Height exceptions	24
Section 4.16 Variances and Conditional Use Permits.....	25
Section 4.17 Pools, in-ground and above grounds (added 9-04-2018).....	25
Section 4.18 Streets, alleys and railroad right-of-way.....	25
Section 4.19 Permitted uses.....	26

Section 4.20 Permitted area	26
Section 4.21 Structures on Lot.....	26
Section 4.22 Solar Energy System (added 11-05-2019)	26-28
Section 4.23 Waiver of Yard Requirements for Handicap Accessibility	28
Section 4.24 Accessory buildings	28-29
Section 4.25 Prohibited uses in all residential districts.....	29
Section 4.25-1 Sexually oriented businesses prohibited in all districts except the M-2 Zone	29
Section 4.26 Excavation and Filling of Land; Land Disturbing Activity	30-31
Section 4.27 Construction begun prior to adoption of regulations.....	31
Section 4.28 Voting place	31
Section 4.29 Approval of plats	31
Section 4.30 Essential services	31-32
Section 4.31 Building grades	32
Section 4.32 Building to be moved.....	32
Section 4.33 Temporary Sales and Vending Requirements	32-33
Section 4.34 Signs (Reference to Article X - Signs and Outdoor Advertising Displays).....	33
Section 4.35 Existing and/or nonconforming junk and/or used auto parts yard	33-34
Section 4.36 Annexed areas.....	34
Section 4.37 Utility and drainage easements.....	34
Section 4.38 Home Occupations.....	34-35
Section 4.39 Shopping Centers Regulations	35-41
Article V-BOARD OF ZONING ADJUSTMENT.....	42
Section 5.01 Powers and duties (updated 10-27-2020)	42-46
Section 5.02 Schedule of fees, charges and expenses	47
Article VI-ADMINISTRATION, ENFORCEMENT AND VIOLATIONS	48
Section 6.01 Enforcement, Enforcement Officer	48-49
Section 6.02 Building permits	49-50
Section 6.03 Certificates of occupancy	50
Section 6.04 Violations; penalties	50
Section 6.05 Clarification of administrative jurisdiction	50-51
Section 6.06 Zoning Permit.....	51-52
Section 6.07 Site Plan (updated 08-15-2017)	52-53
Article VII-AMENDMENTS.....	54
Section 7.01 Application for amendment	54

Section 7.02 Commission procedure	54
Section 7.03 Notice of public hearing.....	54
Section 7.04 Public hearing on application	54
Section 7.05 Recommendation of the Planning Commission on Zoning Amendment	54-55
Section 7.06 Action by the Legislative Body on Zoning Ordinance Amendments (updated May 2012).....	55-56
Section 7.07 Reserved	56
Article VIII-NONCONFORMING USES AND STRUCTURES.....	57
Section 8.01 Statement of purpose.....	57
Section 8.02 Nonconforming lots of record	57
Section 8.03 Nonconforming uses of land	58
Section 8.04 Nonconforming structures	58-59
Section 8.05 Nonconforming uses of structures or of structures and premises in combination	59-60
Section 8.06 Repairs and maintenance	60
Section 8.07 Legal nonconforming conditional uses.....	60
Section 8.08 Report on nonconforming uses	60
Article IX-OFF-STREET PARKING AND LOADING REQUIREMENTS.....	61
Section 9.01 Off-Street parking requirements.....	61-67
Section 9.02 Off-Street loading requirements	67-68
Section 9.03 Off-Street waiting area for drive-through facilities	68-69
Section 9.04 Interior Landscaping for Off-Street Parking.....	69
Article X-SIGNS AND OUTDOOR ADVERTISING DISPLAYS (updated 04-13-2021)	70
Article XI- R-1, SINGLE FAMILY RESIDENTIAL DISTRICT.....	71
Section 11.01 Statement of purpose.....	71
Section 11.02 Permitted uses	71
Section 11.03 Conditional uses	71-72
Section 11.04 Area, height, bulk and placement regulations	72
Article XII- R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT	73
Section 12.01 Statement of purpose.....	73
Section 12.02 Permitted uses	73
Section 12.03 Conditional uses	73
Section 12.04 Area, height, bulk and placement regulations	73
Article XIII- R-3, MEDIUM TO HIGH DENSITY RESIDENTIAL DISTRICT	74
Section 13.01 Statement of purpose.....	74
Section 13.02 Permitted uses (updated 10-27-2020).....	74
Section 13.03 Conditional uses (updated 10-27-2020).....	74-75

Section 13.04 Area, height, bulk and placement regulations	75
Article XIV- R-4, MULTI-FAMILY RESIDENTIAL DISTRICT	76
Section 14.01 Statement of purpose.....	76
Section 14.02 Permitted uses	76
Section 14.03 Conditional uses	76
Section 14.04 Area, height, bulk and placement regulations	76
Article XV- PUD, PLANNED UNIT DEVELOPMENT DISTRICT	77
Section 15.01 Statement of purpose (updated 08-15-2017)	77
Section 15.02 Permitted uses	77-79
Section 15.03 Area Requirements (updated 08-15-2017).....	79-82
Section 15.04 Application procedure	82-83
Article XVI- R-MH, MANUFACTURED HOME DISTRICT	84
Section 16.01 Statement of purpose.....	84
Section 16.02 Permitted uses	84
Section 16.03 Conditional uses (updated 04-05-2022).....	84-85
Section 16.04 Building site area	85-86
Section 16.05 Setback Requirements.....	86
Section 16.06 General Requirements.....	87
Section 16.07 Manufactured Home Park Requirements	87-89
Section 16.08 Special conditions	89
Section 16.09 Enforcement.....	89
Section 16.10 Nonconforming Manufactured Home Parks	89
Article XVII- R-O, RESIDENTIAL/OFFICE DISTRICT	90
Section 17.01 Statement of purpose.....	90
Section 17.02 Permitted uses	90
Section 17.03 Conditional uses	91
Section 17.04 General regulations for all Residential/Office Districts	91-92
Section 17.05 Area, height, bulk and placement regulations	92
Article XVIII- NB, NEIGHBORHOOD BUSINESS DISTRICT	93
Section 18.01 Statement of purpose.....	93
Section 18.02 Permitted uses	93
Section 18.03 Conditional uses (updated 08-07-2018).....	93-94
Section 18.04 General regulations.....	94
Section 18.05 Area, height, bulk and placement requirements.....	94

Article XIX- GB, GENERAL BUSINESS DISTRICT	95
Section 19.01 Statement of purpose.....	95
Section 19.02 Permitted uses	95-97
Section 19.03 Conditional uses (updated 08-25-2020).....	97
Section 19.04 General regulations.....	97
Section 19.05 Area, height, bulk and placement regulations	97
Article XX- CBD, CENTRAL BUSINESS DISTRICT	98
Section 20.01 Statement of purpose.....	98
Section 20.02 Permitted uses	98
Section 20.03 Conditional Uses (updated 08-25-2020)	98
Section 20.04 General Regulations	98
Section 20.05 Area, height, bulk and placement requirements.....	98
Article XXI- H-C, HIGHWAY COMMERCIAL DISTRICT	99
Section 21.01 Statement of purpose.....	99
Section 21.02 Permitted uses	99
Section 21.03 Conditional uses (updated 08-25-2020).....	100
Section 21.04 General requirements	100-101
Section 21.05 Area, height, bulk and placement requirements.....	101
Article XXII- R-5, URBAN SINGLE FAMILY RESIDENTIAL DISTRICT.....	102
Section 22.01 Statement of Purpose (updated 12-10-2014).....	102
Section 22.02 Permitted Uses	102
Section 22.03 Conditional Uses.....	102
Section 22.04 Area, height, bulk and placement regulations	102
Article XXIII- M-1, LIGHT INDUSTRIAL DISTRICT.....	103
Section 23.01 Statement of purpose.....	103
Section 23.02 Permitted uses	103-104
Section 23.03 Conditional uses	104
Section 23.04 Area, height, bulk and placement regulations	104
Article XXIV- M-2, HEAVY INDUSTRIAL DISTRICT.....	105
Section 24.01 Purpose and findings	105-106
Section 24.02 Permitted uses	106
Section 24.03 Conditional uses	106-107
Section 24.04 Area, height, bulk and placement regulations	107
Section 24.05 General requirements for sexually oriented businesses	107-108

Article XXV- AG, AGRICULTURE DISTRICT	109
Section 25.01 Statement of purpose.....	109
Section 25.02 Permitted uses	109-110
Section 25.03 Conditional uses	110
Section 25.04 Exceptions	110
Section 25.05 Area, height, bulk and placement regulations	110
Article XXVI- FLOOD-PRONE AREAS* (*Cross references: Flood Damage Prevention, Chapter 13).....	111
Section 26.01 Statement of purpose.....	111
Section 26.02 Boundaries (updated 05-07-2019)	111
Section 26.03 Definitions	111-112
Section 26.04 Warning	112
Section 26.05 Notification	112
Section 26.06 Disclaimer of Liability	112
Article XXVII- SCHEDULE OF REGULATIONS.....	113
Schedule "A"(updated 05-03-2022)	113
Schedule "B"	114
Article XXVIII- HENDERSON CITY-COUNTY AIRPORT HEIGHT REGULATIONS*	115
Section 28.01 Statement of purpose (updated 9-02-2014)	115
Section 28.02 Definitions (updated 9-02-2014).....	115-117
Section 28.03 Airport zones (updated 9-02-2014)	117-119
Section 28.04 Airport zones height limitations	119-120
Section 28.05 Use Restrictions	120
Section 28.06 Nonconforming Uses (updated 9-02-2014).....	120-121
Section 28.07 Permits (updated 9-02-2014)	121-122
Article XXIX- REGULATION OF CELLULAR ANTENNA TOWERS.....	123
Section 29.01 Purpose	123
Section 29.02 Definitions	123-124
Section 29.03 Where Permitted	124-125
Section 29.04 Uniform Application Requirements.....	125-128
Section 29.05 Design Standards	129-131
Section 29.06 Planning Commission Action	131
Section 29.07 Amendments	131
Article XXX- RIVERFRONT ZONES RF-1, RF-2, RF-3, AND RF-4.....	132
Section 30.01 Statement of purpose.....	132
Section 30.02 RF-1 Recreation, active and passive	132-133

Section 30.03 RF-2 Light Commercial (updated 08-25-2020).....	134-140
Section 30.04 RF-3 Green Space.....	140
Section 30.05. RF-4 Residential District (updated 03-01-2022).....	141-146
Article XXXI- AUDUBON RESIDENTIAL DISTRICT.....	147
Section 31.01 Statement of purpose.....	147
Section 31.02 Applicability.....	147
Section 31.03 Permitted Uses (updated 10-27-2020).....	147-179
Section 31.04 Lot and Building Standards.....	150-151
Section 31.05 Parking.....	151-152
Section 31.06 Utility Services.....	152
Section 31.07 Signage (updated 2-14-2017).....	152-153
Article XXXII- AUDUBON COMMERCIAL DISTRICT.....	154
Section 32.01 Statement of purpose.....	154
Section 32.02 Applicability.....	154
Section 32.03 Permitted Uses (updated 08-25-2020).....	154-156
Section 32.04 Lot and Building Standards.....	157-158
Section 32.05 Parking.....	158-159
Section 32.06 Utility Services.....	159
Section 32.07 Signage (updated 2-14-2017).....	159-160
Article XXXIII- GATEWAY ZONE DISTRICT #1.....	161
Section 33.01 Statement of purpose.....	161
Section 33.02 Applicability.....	161-163
Section 33.03 Non-Conformities.....	163
Section 33.04 Review and Approval Procedures.....	163-164
Section 33.05 Lot and Building Standards.....	164-165
Section 33.06 Permitted Uses (updated 08-25-2020).....	165-169
Section 33.07 Design and Building Exterior Requirements.....	169-170
Section 33.08 Access Management.....	171-172
Section 33.09 Parking.....	172-174
Section 33.10 Drive-Thru Facilities.....	174
Section 33.11 Outdoor Storage and Sales and Shipping Locations.....	174-175
Section 33.12 Dumpsters.....	175
Section 33.13 Utility Services.....	176
Section 33.14 Signage (updated 01-27-2021).....	176-178

Article XXXIV- Henderson Innovative Planning District (HIP) 179

Section 34.01 Statement of purpose..... 179

Section 34.02 Permitted Uses (**updated 08-25-2020**)179-181

Section 34.03 Lot and Building Standards182-185

Section 34.04 Building Material Standards.....186

Section 34.05 Parking.....186-187

Section 34.06 Signage (**updated 12-05-2017**)188-189