

ARTICLE 300B: DISTRICT REGULATIONS

Section 301B: Purposes.

301B.1 Residential and Agricultural Use (RA) District

The purpose of the residential and agricultural use district is to recognize areas of land within the jurisdiction which are in agricultural, silvicultural or rural residential use and where significant urban services are not expected to be available during the planning period.

301B.2 Residential (R-40, R-20, R-15, R-11, R-8, R-6, R-15M, R-8M) Districts.

The purpose of the residential districts is to establish and preserve areas of land within the jurisdiction for residential and related uses at varying densities. Densities are graduated across the districts, with the R-40 being the lowest density district and the R-6 the highest density. Densities depend upon the nature of existing development nearby, the type of use (single family, multi-family) the capacity of water, sewer, roads and other facilities serving the area, the proximity to more intensive uses, and other land use constraints. R-15M and R-8M establishes residential districts in the extraterritorial jurisdiction area that allows Class A and Class B HUD Code homes subject to a special use permit.

301B.3 Office-Institutional, Multi-family (OI, OIA) Districts.

The purpose of the office-institutional districts is to establish and preserve areas of land within the jurisdiction for office, institutional multi-family residential use and other related uses. The office-institutional, multi-family districts are intended as transitional districts between residential and commercial uses. Because these districts may involve the infill and redevelopment of an established residential area for more intensive uses, these districts may have additional appearance related standards to insure harmony with residential uses.

301B.4 Retail Business (B-1, B-2, B2-A, B-3, B-4) Districts.

The purpose of the business district is to establish and preserve areas of land within the jurisdiction for various ranges of business uses. The B-1 District is designed to accommodate the needs of the Central Business District with a broad range of retail and office uses. The District recognizes the zero lot line nature of development and makes allowance for residential redevelopment of second, third, and fourth floors of existing commercial buildings. The B-2 Districts are designed to accommodate retail needs near the major interstate highways, I-85 and US 1, and to address areas that have developed in strip commercial uses. The B-3 District is intended to provide for regional and community retail shopping needs; it encourages unified development plans, shopping malls, and large lot retail development. The B-4 District is intended to provide for neighborhood, as opposed to community, business needs.

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301B. 5 Wholesale Storage, and Manufacturing (I-1, I-2, I-3) Districts.

The purpose of the wholesale, storage and manufacturing districts is to establish and preserve areas within the jurisdiction for several ranges of industrial, wholesale and storage uses and to also provide areas for quasi-nuisance and frequently unpopular uses that serve an urban or regional need and should be provided for within the jurisdiction. The I-1 District is intended as an industrial park district. The I-2 District is intended to accommodate industrial, wholesale and storage uses outside a park but which comply with industrial performance standards. The I-3 District is intended to accommodate those uses that do not comply with industrial performance standards or are difficult to site.

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Section 302B: Definition of Criteria.

302B.1 Minimum Lot Area (A)

The minimum lot area is the minimum size, in square feet, of a lot or tract.

302B.2 Maximum Density (D)

The maximum density is the maximum number of single family residential units per acre for Unified Residential Developments. Multi-family densities are set out in Article 600B.

302B.3 Minimum Lot Width (W)

The minimum lot width is the minimum width, in feet, of a lot as measured at the setback line, or in the event of development plans showing the location for structures, at the point where the structure is, or is proposed, to be located.

302B.4 Minimum Building Setback (SBb)

The minimum building setback is the minimum distance, in feet, that any portion of a building or structure must be set back from any portion of the street right-of-way. (Amended March 15, 2006)

302B.5 Minimum Sideyard Setin (SIs)

The minimum distance, in feet, that any portion of a building or structure must be set in from any portion of the side property line. (Amended March 15, 2006)

302B.6 Minimum Rearyard Setin (SIr)

The minimum distance, in feet, that any portion of a building or structure must be set in from any portion of the rear property line. (Amended March 15, 2006)

302B.7 Maximum Percentage of Cover (%C)

The maximum percentage of the total area of a lot or tract that can be in development uses. Development uses include the ground floor area of buildings and accessory structures, parking and vehicle accommodation areas and other developmental uses that result in the land being covered by impervious surfaces.

302B.8 Maximum Building Height (H)

The maximum building height, in feet, of that part of a building or structure which faces the street right-of-way and as measured from the finished grade elevation perpendicularly to the highest point of the building or structure. Height in the O-I, O-IA, B-4, B-2, B-2A, I-2, and I-3 may be increased to 70' provided one foot of setback (from r/o/w) for each additional foot of height is required.

302B.9 Minimum Building Separation (B-B)

The minimum distance, in feet, that any portion of principal, as opposed to accessory, building must be separated from a residential dwelling unit.

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Section 303B: Dimensional Criteria

Except as otherwise provided in this ordinance, the dimensional standards for uses within the districts shall be as set out below. In reconciling the cover standards under this section with those in Article 600B, the more restrictive provision shall govern except where the use is Multi-family, Unified Residential, Unified Commercial or Industrial Park in which cases the standards for cover set out in Article 600B shall govern.

District	A	D	W	SBb Front	SIs Sides	SIr Rear	%C	H	B-B
RA	40,000	1.09	150	40	20	40	40	35	NA
R40	40,000	1.09	150	40	20	40	20	35	NA
R20	20,000	2.18	105	35	15	30	27	35	NA
R15	15,000	2.90	90	30	15	30	33	35	NA
R11	11,250	3.87	80	30	10	20	38	35	NA
R8	8,000	5.45	65	30	10	20	45	35	NA
R6	6,000	7.26	60	25	8	15	50	35	NA
R-15M	15,000	2.90	90	30	15	30	33	35	NA
R-8M	8,000	5.45	65	30	10	20	45	35	NA
OI	6,000	7.26	60	25	8	15	50	35	25
OIA	6,000	7.26	60	25	8	15	50	35	25
B1	0	0	NA	0	0	0	85	70	0
B2	25,000	0	150	50	10	20	70	50	50
B2A	15,000	0	150	50	10	20	70	50	50
B3	150,000	0	250	50	25	50	70	70	50
B4	10,000	0	80	30	10	20	85	35	50
I1	200,000	0	500	50	25	50	50	70	50
I2	40,000	0	250	50	15	30	70	50	50
I3	40,000	0	250	50	25	50	50	50	75

- A Minimum Lot Area
- D Maximum Density
- W Minimum Lot Width
- SBb Minimum Building Setback
- SIs Minimum Sideyard Setin
- SIr Minimum Rearyard Setin
- %C Maximum Percentage of Cover
- H Maximum Building Height
- B-B Minimum Building Separation

Section 303B.1: Dimensional Criteria for B-A (Adult Establishment Overlay Districts)

The dimensional standards for “B-A” (Adult Establishment Overlay Districts) shall be the same as those set forth for the underlying district (the respective underlying district covered by the Adult Establishment Overlay District), except that where the underlying district is an Industrial district (I-1, I-2, or I-3), the dimensional criteria and standards set forth in B-2 Zoning Districts shall apply.

Section 304B: Special Standards for Some Districts and Situations.

Section 304B.1 Facades (New Construction) in Office Districts and some Business Districts

Relative to new construction, façade improvements or modifications, the facade of any exterior wall of the principal (excluding the foundation or sign) located in the O-I, O-IA, B-2, B-2A, B-4 and those located within a Unified Business Development shall meet the following requirements (as evidenced by elevation drawings and a site plan drawn to scale and a list of all applicable materials to be used):
(Amended October 28, 2013)

1. Facades:

The front exterior building façade shall consist of high quality materials as listed below:

- a. Brick
- b. Wood
- c. Sandstone
- d. Other stone
- e. Stucco
- f. Split face architectural masonry blocks
- g. Other materials (excluding metal) to be approved upon evaluation plan submittal.

Side exterior buildings facades shall consist of at least 50% of the above mentioned materials and can be no more than 50% metal.

Rear exterior building facades materials shall not be regulated.

The following materials may be used in the construction of the front building façade but they must be concealed by the material listed above:

- a. Smooth faced concrete block
- b. Tilt up concrete panels
- c. Steel panels
- d. Metal panels

2. Customer Entrances:

Each principal building on site shall have at least one clearly defined, highly visible customer entrance featuring no less than 2 of the following than extend no less than 35% of the horizontal length of the building:

- a. Canopies or porticos
- b. Over hangs
- c. Recesses/projections
- d. Arcades
- e. Raised corniced parapets over the door
- f. Peaked roof forms
- g. Arches
- h. Outdoor patios
- i. Display windows

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- j. Architectural details such as tile work and moldings, which are integrated into the building structure and design
- k. Integral planters or wing walls that incorporate landscaped areas and places for sitting.

3. Loading Docks and Garbage Collection

- a. Loading docks (where practical), truck parking, HVAC equipment, garbage collection or compaction, and other service functions shall be screened from abutting streets and properties per Section 603A of the Zoning Ordinance.
- b. Garbage collection containers shall not be located within the six (6') feet of any property line and shall be further located (in the absence of extenuating circumstances) further than the mid-depth of said building from the primary street (on which the primary building fronts). A dumpster enclosure is required to be installed to completely screen the dumpster from public view and the dumpster pad shall meet the requirements of Section 609A of the Zoning Ordinance.

**Section 304B.1 does not apply to structures erected or approved prior to the effective date of 304B.1 as amended on December 18, 2000. Residential structures are exempted from this provision.*

Section 304B.1.1 Facades and New Construction in the B-1 District

In order to maintain the historical and aesthetic architectural appearance in the National Register Historic District and the Central Business (B-1) District, any façade improvements in the B-1 district shall be submitted for review by the Downtown Development Commission, Inc. or an assigned Committee of the Downtown Development Commission, Inc. prior to the improvements being made and said Commission or Committee shall make any suggestions or recommendations relative to the same to the applicant and the Zoning Administrator within 15 days of said submission. When making façade improvements recommendations of the Secretary of the Interior's Standards for Rehabilitation shall be considered.

Any façade improvement that is funded by a façade grant by the Downtown Development Commission, Inc. shall meet the Secretary of the Interior's Standards for Rehabilitation and other stipulated guidelines as set forth in the façade grant application and to be approved by the Downtown Development Commission, Inc.

New Construction to be located in the B-1 District shall not be composed of metal (excluding roofing materials and signage). This provision does not apply to repair of existing metal facades. If the metal building façade is damaged in excess of 70% or removed voluntarily in excess of 70% (based on square footage of the façade), the new façade shall meet the requirements as stated above. (Amended December 18, 2000)

304B.2 Storage in the Retail Business (B-1) District.

Notwithstanding any provision in this ordinance to the contrary, storage, other than as an accessory use to retail sales or offices, is not allowed on the ground floor of any building in the

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B-1 District. This does not include mini-storage buildings; however mini-storage shall be limited to only tracts that do not adjoin Garnett Street and Chestnut Street. (Amended October 23, 2000), (See Section 624B for more details).

304B.3 Residential Use and Density in Retail Business (B1) District.

Notwithstanding any provision in this ordinance to the contrary, residential uses shall be allowed on any floor above the ground floor of an existing building in the B1 District without regard to density.

Moreover, notwithstanding any provision in this Ordinance to the contrary, a dwelling shall be allowed on the ground floor of an existing building used for business in the B1 district without regard to density upon obtaining a special use permit which complies with the provisions of Section 668B of this Code. (Amended October 23, 2006)

304B.4 (Reserved)

304B.5 Auto Sales in the Office-Institutional, Multi-family (OI, OIA) District

Auto sales in the OI and OIA Districts shall be limited to only tracts which adjoin Garnett Street or Raleigh Road.

304B.6 Additional Requirements and Exemptions for Buildings Whose Height Exceeds Thirty-five Feet.

In the event that building or structure is allowed to exceed thirty-five (35) feet in height, said building or structure shall be setback and setin an additional one foot for every one foot in height that the building exceeds thirty-five (35) feet. Any building built after August 1, 1988 and which exceeds 35 feet in height is required to be equipped with a sprinkler system for fire protection. Furthermore, any such building shall be required to have water service via connection to a water main or provide documentation that the existing water supply main (if less than 10" but no less than 8") is sufficient to deliver the amount of water in accordance with ISO Standards and approval with the local Fire Marshall. In determining the maximum height of a building, the following structures shall be excluded: parapet walls, unoccupied/nonfunctional decorative or architectural embellishments (such as steeples and cupolas), chimneys, antennas (when an accessory use), elevators, air conditioning and heating units. (Amended October 23, 2000)

304B.7 Reductions in Setins for Accessory Structures.

The minimum setin is reduced by 50% for accessory structure where the principal structure is in residential use. (See Section 624B for more details).

304B.8 Parking Area Setbacks.

Any parking stall or vehicle accommodation area other than that part necessary to enter or exit the lot shall be setback from the street right-of-way, street pavement, or sidewalk, if one exists, whichever is more restrictive, at least six(6) feet.

304B.9 Reduced Dimensional Standards for RA Districts.

In the event that a lot in or proposed for, single family residential use in the RA District is served by public or community water and sewer, the dimensional criteria shall be the same as in the R20 District.

304B.10 Duplexes

Duplexes require twice the minimum lot size as do single family residences.

304B.11 Outside Displays

Adequate screening shall be provided for any and all outside displays which adjoin a residential district or which adjoin any lot on which a residential structure is located.

304B.12 Handicapped Ramps

Temporary handicapped ramps can be allowed to encroach within the setback areas in all residential zones when necessary to accommodate a person with a disability under the “Americans with Disabilities Act” where the same cannot be reasonably constructed in a manner to avoid such encroachment within the setback areas (considering the location of the structure on the premises, its entrance doors and porches, the configuration of the lot, the aesthetics, and the accommodations needed for the person with the disability).

Before the ramp is actually constructed, an application should be made to the Zoning Administrator (accompanied by the applicable application fee) and said Zoning Administrator is authorized to issue a permit for the handicapped ramp provided it meets the criteria set forth above.

The handicapped ramp is not to be a permanent fixture and the ramp shall only be allowed to remain as long as it is necessary to accommodate the person with the disability. Once the ramp is no longer necessary as an accommodation, the ramp must be removed within 30 days by the property owner. (New Section added 12/10/2012)

Section 305B: Lots in Extra-Territorial Jurisdiction Area Not Served City Water/Sewer

The Vance County Health Departments may require more than the minimum square footage in lot size when public water/sewer is not available. When public water and sewer are not both available and connected to all plumbing on the premises, the Vance County Health Department must approve a site for well and/or septic tank, respectively, prior to the insurance of a zoning permit. Such approval must be presented to Zoning Office with the application for a zoning permit.

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Section 306B: New Wells Prohibited Near Old Landfill

No new wells providing water for human consumption shall be located within a buffer zone (shown on the overlay district plat entitled "Former Landfill Buffer Zone" incorporated herein by reference) which extends at least 500 feet from the property lines of the former landfill of the City of Henderson, which former landfill property is described as follows:

Begin at the intersection of the centerline of NC Highway 39 (Townsville Road) with State Road 1309; run thence along the centerline of NC Highway 39 N. 11 degrees 17' 11" E. 102.30 feet, N. 11 degrees 2' 49" E. 100.71 feet, N. 10 degrees 58' 37" E. 100.72 feet, N. 10 degrees 59' 46" E. 103.59 feet, N. 11 degrees 10' 29" E. 103.32 feet, N. 11 degrees 11' 47" E. 102.91 feet and N. 11 degrees 7' 17" E. 68.89 feet to the northwest corner of property of the City of Henderson; run thence along the line of Lots 1 and 2 as shown on plat of John Foster Homes, Inc. recorded in Plat Book "V" at Page 656 S. 74 degrees 13' 59" E. 304.38 feet to an existing iron pin; continue thence along the lines of Lots 2 and 3 of said subdivision of John Foster Homes, Inc. N. 49 degrees 43' 59" E. 383.82 feet to an existing iron pin in the line of O.T. Robinson (see deed recorded in Book 760 at Page 6); run thence along the lines of O.T. Robinson S. 42 degrees 31' 3" E. 800.22 feet, S. 40 degrees 47' 23" E. 668.41 feet and S. 67 degrees 12' 27" E. 112.20 feet to an existing iron pin, corner of George E. Wortham; run thence along the lines of George E. Wortham S. 33 degrees 32' 33" W. 161.99 feet and S. 2 degrees 52' 6" W. 381.27 feet to an existing iron pin, corner for R.A. Reavis Estate; run thence along the line of R. A. Reavis Estate (see deed recorded in Book 44 at Page 138) N. 82 degrees 24' 24" W. 307.56 feet to a new iron pin in the centerline of the old Oxford Road; continue thence along the lines of R.A. Reavis Estate (and the centerline of the old Oxford Road) N. 86 degrees 53' 42" W. 331.55 feet, N. 59 degrees 5' 46" W. 119.61 feet, N. 62 degrees 44' 22" W. 157.15 feet, N. 60 degrees 46' 44" W. 197.41 feet, N. 46 degrees 46' 0" W. 65.01 feet, N. 64 degrees 2' 6" W. 109.72 feet, N. 67 degrees 53' 22" W. 366.61 feet, N. 35 degrees 58' 4" W. 153.94 feet and N. 43 degrees 41' 44" W. 117.70 feet to the intersection of the centerline of old Oxford Road with the centerline of NC Highway 39; run thence along the centerline of NC Highway 39 N. 11 degrees 16' 46" E. 93.32 feet to the place of beginning. The same containing 39.83 total acres according to survey of Bobbitt Surveying, P.A. entitled "City of Henderson, Old Landfill" prepared January 30, 2001. The above property is subject to right-of-way NC Highway 39, a 70 foot right-of-way to Carolina Power & Light Company as shown on an unrecorded plat by Moore, Gardner & Associates dated March 1966, and other rights-of-way as may be shown on the January 30, 2001 plat.

Each tract of land within said buffer zone fronts on a public road as of the date of the passage of this Ordinance and City water will be available on each of said public roads on or before December 31, 2002. Residents located within said buffer zone are to be encouraged to tap onto said City water. Property owners, hereafter subdividing properties in said buffer zone, are responsible for furnishing City water to any lots hereafter subdivided from the existing tracts of land. (Amended September 24, 2001)

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