

CITY OF HENDERSON

**ARTICLE 200: GENERAL REGULATIONS APPLIED TO ALL DISTRICTS**

**Section 201: Jurisdiction and Zoning Map.**

This ordinance shall apply within the corporate limits as now or hereafter fixed of the City of Henderson and its Extra- Territorial Jurisdiction Area, as established on the map entitled "Official Zoning Map of the City of Henderson, North Carolina." Said map and amendments thereto and all explanatory matter thereon is hereby made a part of this ordinance.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time, be made or published, the Official Zoning Map shall be located in the Office of the Zoning Administrator and shall bear his signature certifying that the map was prepared by him or under his supervision and is correct, together with the date when it was last amended.

**Section 202: Establishment of Zoning Districts.**

For purpose of this ordinance the City of Henderson's Zoning Jurisdiction as set out in Section 201 above is divided into the following districts:

**Residential and Agricultural Districts**

RA Non Urban Residential and Agricultural Use District

**Residential Districts**

R40 Very Low Density Residential District

R20 Low Density Residential District

R15 Moderate to Low Density Residential District

R11 Moderate Density Residential District

R8 Moderate to High Density Residential District

R6 High Density Residential District

R15M Moderate to Low Density Residential-HUD Code Home District

R8M Moderate to High Density Residential-HUD Code Home District

**Office-Institutional/ Multi-family Districts**

OI Office Institutional District

CITY OF HENDERSON

OIA Office Institutional District

**Retail Business Districts**

B1 Central Business District

B2 Highway Commercial District

B2A Highway Commercial District

B3 Shopping Center Commercial District

B4 Neighborhood Commercial District

**Wholesale, Storage, and Manufacturing Districts**

I1 Industrial Park District

I2 Industrial Non-Park District

I3 Difficult Use District

**Section 203: District Boundaries.**

**203.1 Construing Boundaries.**

The boundaries of each zoning district are hereby established as shown on the official zoning map. Whenever uncertainty exists as to the boundaries of districts shown on said map the following guidelines shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, utility easements, railroad lines, streams, property lines and the City limits shall be construed as following such lines.
- (2) Where any of the above features exist, it shall be presumed that the district line follows such a feature. Where two or more features exist, the boundary shall be construed to favor the interpretation that resolves any potential boundary questions that may arise in the broader area, or in the event that this does not resolve the issue, the boundaries shall be construed in the priority in which they are set out in paragraph (1) above.

CITY OF HENDERSON

**203.2 Boundaries Dividing Lots.**

Where a boundary line divides a lot or tract one-half acre or less in size, the lot shall be construed to lie entirely within the zoning district in which the majority of the lot resides. Where a boundary line divides any other lot, each part of the lot so divided shall be used in conformity with the regulations established by this ordinance for the district in which each part is located.

In determining the location of district lines, the Administrator shall be governed by dimensions, if any, appearing on the map. Where dimensions are not indicated, the location shall be determined by any zoning ordinance relating to the line and if there is no such ordinance, by scaling the map.

**Section 204: General Requirements and Applicability.**

Unless otherwise stated, the standards and requirements set out in this ordinance are minimum standards.

**204.1 Zoning Affects Every Building and Use.**

Except as hereafter provided, no structure shall be erected, reconstructed, or structurally altered, nor any site preparations commenced, nor shall any structure or land be used, except in compliance with all the regulations established by this ordinance for the district in which the structure or land is located.

**204.2 Open Space Not Be Encroached Upon.**

The minimum yard or other open space requirements, or off street parking, loading or vehicle accommodation area requirements, including those provisions regulating the intensity of use, for each and every structure hereafter erected or structurally altered shall not be encroached upon or considered as meeting the minimum yard or other open space, or parking, or other requirements for any other structure or use.

**204.3 Every Lot Must Abut a Street.**

No building, structure or use of land other than one for agricultural purposes shall be established on a lot within the City which does not either (1) abut a dedicated and accepted public street, or (2) abut a private street built to public road standards and approved as part of the Subdivision, Multi-family Development, Unified Residential Development, HUD Code Home Park, Unified Business Development, or Industrial Park, pursuant to this ordinance or Subdivision Regulations of the City of Henderson.

**204.4 One Principal Building Per Lot.**

Except as permitted in a Unified Residential Development, Multi-family Development, HUD Code Home Park, Unified Business Development, or Industrial Park or as otherwise allowed through a Combination of Uses as set out in subsections 204.5 and Section 303A of this

## CITY OF HENDERSON

ordinance, no more than one principal structure shall be constructed on any lot, and no more than one principal use shall be in any structure.

### **204.5 Combination of Uses.**

When two or more principal structures occupy or purpose to occupy the same lot in accord with Section 303A of this ordinance, each and every structure shall comply with the requirements of this ordinance. Furthermore, except as provided below, when two or more principal uses occupy the same structure on a lot in accord with Section 303A of this ordinance, the dimensional requirements of the most restrictive use, particularly any supplemental standards from Article 600B, shall apply to the entire structure. When the dimensional requirements of this ordinance are established in regard to the number of square feet of a particular use, such as the required number of parking spaces, then the space for each use shall be calculated separately and the separate totals aggregated to arrive at the requirement for the lot.

### **204.6 Applicability to Public Property.**

All provisions of this ordinance shall be applicable to property owned by governmental agencies and other public and semi-public bodies, as well as to privately owned property.

### **204.7 Fractional Requirements.**

When a requirement of this ordinance, other than that determining density, results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit and a fraction of one-half or less shall be disregarded. In determining density, any fraction shall be disregarded.

### **204.8 Exemptions.**

The following structures are exempted from the requirements of this ordinance: gates and fences not exceeding 15 feet in height above ground level, water and sewer pump stations, utility facilities other than major public facilities, curbing, unenclosed and uncovered patios and porches, steps, driveways, plat apparatus other than in a park or with a multi-family residential use. The following structures are exempted from the setback and set-in requirements: gate attendant sheds and industrial loading docks. The following uses are specifically not excluded from (but are included within) this ordinance: statues, sculptures or other artistic objects exceeding eight (8ø) feet in height (including pedestals) above ground level which are not set back at least 1 foot (1ø) per linear foot in height from any property line, together with swimming pools, storage sheds, garages, accessory workshops, satellite dishes. (Amended December 17, 2001)

## **Section 205: Unusual Situations.**

### **205.1 Corner Lots.**

Any structure on any corner lot shall comply with the minimum setback requirements of both streets. If compliance with this requirement would preclude a reasonably sized building from being reasonably placed on the lot, the Permit Issuing Authority shall reduce the setback on the accessible street designed to carry the least volume of traffic by up to fifty (50%) percent,

## CITY OF HENDERSON

provided that as a condition for said reduced setback, the property owner must bind itself and its successors in title that it will apply for access on the other cornered street within a period of 10 years. (Amended 9/24/07)

### **205.2 Visibility.**

Nothing shall be erected, planted, or situated on any corner lot adjacent to a non-signalized intersection where the object would impede the view of a motor vehicle driver from a point ninety feet from the intersection of the centerlines of the intersecting streets so that he could not see another motor vehicle within 90 feet of the intersection. Furthermore, any earthen slope that similar impedes the view shall be removed.