

CITY OF HENDERSON

**ARTICLE 300A: PERMITTED USES**

**Section 301A: Interpreting the Table of Permitted Uses.**

Subject to any and all regulations as set out in this ordinance, the following uses shall be permitted in the districts as indicated in the Table of Permitted Uses (Section 310A). Except as provided herein, uses marked by an "X" in the Table of Permitted Uses are allowed with a Zoning Permit, whereas those marked by an "S" are allowed with a Special Use Permit.

However, if the Table of Permitted Uses would allow a use with a Zoning Permit (X), and the use is included under Table No. 2, 3, 7, 8, 9, 10, 11, or 14, then if the building floor area proposed to be constructed or subject to a change of use exceeds 10,000 square feet, the use shall be allowed only with a Special Use Permit (S).

If the Table of Permitted Uses would allow a use with a Zoning Permit (X), and the use is included under Table No. 5, 12, 15, 16, 17, 18, or 21, then if the building floor area proposed to be constructed or subject to a change of use exceeds 25, 000 square feet, the use shall be allowed only with a Special Use Permit (S).

**Section 302A: Similar But Not Included Uses.**

In the event that a use is not specifically provided for in this ordinance, but the Permit Issuing Authority determines that the use is similar to or included within another use which is provided for in the ordinance, then the Permit Issuing Authority may treat the use not specifically set out in the ordinance the same as the use set out herein.

**Section 303A: Combination of Uses.**

Where two or more principal uses occupy or propose to occupy the same lot, either in the same structure or in separate structures, said uses may be allowed as a Combination of Uses, subject to the standards set out in this zoning ordinance, provided that each of the uses is permitted in the district in which the lot is located and provided further that the use is not specifically prohibited from being in a Combination of Uses. The following principal uses cannot be in a Combination of Uses: any 1.00 or 2.00 use, and 14.15 and 14.16 (auto sales and truck sales), 16.20 (storage outside enclosed structures), 23.00 (difficult uses), 24.10 (off-premises advertising). A Combination of Uses is not a use in itself<sup>1</sup>. A caretaker or watchman dwelling unit may be permitted as an accessory use to a permitted Industrial Use in an I-1 or I-2 zoning district and is not considered a combination of uses (see Article 1000, Section 1001 for further definition). The type of permit(s) required for each use in a Combination of Uses shall be that required for the most restrictive use proposed: where two or more uses are proposed, if one or more of the proposed uses require a special use permit, then a special use permit shall be required for the proposed Combination of Uses. (Amended February 28, 2000)

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<sup>1</sup>*This distinguishes a Combination of Uses from a Unified Business Development: a Unified Business Development is itself a use. When the actual use of part of a structure in a Unified Business Development changes from office to retail, there is no legal change of use under the ordinance, provided the uses of office and retail were included within the permit for the Unified Business Development and provided that the mix of those uses as stated in*

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*the permit is not exceeded. On the other hand, where the property is developed pursuant to a Combination of Uses, each of the uses on the tract is individually permitted. When a use changes from office to retail then before the new use occupies the building, a zoning or special use permit (depending on the nature of the new use) will be needed.*

### **303A.1**

A day care or nursery may be allowed a combination of use with a Church provided that the day care or nursery is an accessory use to the Church and the site meets the requirements of Section 610B. (Amended 3/23/94)

### **Section 304A: Uses Not Specially Set Out.**

Except as provided above, any use not specifically set out in this ordinance or marked by an "X" or an "S" is not allowed.