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ARTICLE 1
SHORT TITLE

Sec. 1.1. TITLE; MAP ADOPTED.

This chapter shall be known as the “Zoning Ordinance for the City of Henderson, Texas.” The map herein referred to is identified by the title, “Zoning Map of the City of Henderson, Texas,” and all explanatory matter thereon is hereby adopted and made a part of this chapter.

ARTICLE 2
PURPOSE

Sec. 2.1. STATED.

1. Basic goal. It is the intent of this chapter to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity, and general welfare of the citizens of the City of Henderson, Texas.

2. Objectives. To achieve this end, these regulations are prepared in accordance with and for the promotion of the goals and objectives of the Comprehensive Development Plan, and are designed to (a) conserve the value of land, buildings, and resources; (b) protect the character and maintain the stability of residential, commercial, and industrial area; and (c) provide for the efficiency and economy in the process of development throughout the:
 - a. Preservation, protection, development, and conservation of the natural resources of land, water, and air;
 - b. Appropriate use of land;
 - c. Regulating of the use and occupancy of buildings, land, and water;
 - d. Healthful and convenient distribution of population;
 - e. Convenience of traffic and circulation of people and goods;
 - f. Adequacy of public utilities and facilities;
 - g. Promotion of the civic amenities of beauty and visual interest;
 - h. Protection, enhancement, and perpetuation of specific community areas with special character, interest, or value which represents and reflects elements of the City's cultural, social, economic, political, historical and architectural heritage;
 - i. Establishment of zoning districts which will regulate the location and use of buildings and other structures, water and land for trade, residence and other purposes by regulating and limiting or determining the height , bulk and access to light and air of buildings and structures, the area of yards and other spaces, and the density of use.

3. To accomplish these objectives, the regulations and districts and accompanying maps have been designed with reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses.

ARTICLE 3
DEFINITION OF WORDS

Sec. 3.1. RULES FOR CONSTRUCTION LANGUAGE

For the purpose of the administration and enforcement of this chapter, and unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter:

1. In case of any difference of meaning or implications between the text of this chapter and any caption, illustration, summary table or illustrative table, the text shall control.
2. The word “SHALL” is always mandatory and not discretionary. The word “MAY” is permissive.
3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
4. The phrase “USED FOR” includes “ARRANGED FOR,” “DESIGNED FOR,” “MAINTAINED FOR,” “PROVIDED FOR,” or “OCCUPIED FOR.”
5. The word “PERSON” includes an individual, a corporation, a partnership, an unincorporated association, or any other similar entity.
6. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction “AND,” “OR,” or “EITHER...OR,” the conjunction shall be interpreted as follows:
 - a. “AND” indicates that all the connected items, conditions items, conditions, provisions, or events shall apply;
 - b. “OR” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination;
 - c. “EITHER...OR” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
 - d. The word “INCLUDES” shall not limit a term to the specified examples, but is intended to extend its meaning to all instances or circumstances of like kind or character.

Sec. 3.2. GENERAL DEFINITIONS

For purposes of this chapter, the following terms or words shall be used in interpretation of the purpose and intent:

1. **ACCESS:** The primary means of ingress and egress to abutting property from a dedicated right-of-way or from property acquired by other legal means.
2. **AUCTION:** A public or private sale of personal or real property one by one or in group lots to the highest bidder, usually by a person licensed and authorized for such purposes and after obtaining a permit from the City of Henderson for such sales.
3. **BLOCK FACE:** The portion of a block with a continuous frontage between two intersecting streets.
4. **BUILDABLE AREA:** That portion of a lot remaining after the required yards and setbacks have been provided.
5. **BUILDING:** Any structure, either temporary or permanent, having a roof, and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, or vehicles serving in any way the function of a building as described herein.
 - a. **ACCESSORY BUILDING:** A subordinate building, the use of which is incidental to that of the principal building on the same lot.
 - b. **PRINCIPAL BUILDING:** A building in which is conducted the principal use of the lot in which it is situated. In a residence district any dwelling shall be deemed to be the principal building on the lot on which the same is situated. An attached carport shed, garage, or any other structure with one or more walls or a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent carport, garage, or other structure shall conform to the requirements of any accessory building.
 - c. **PERMANENT BUILDING:** A building which is not equipped with wheels, or provisions for attachment for wheels, or skids for easy movement but is on pier and beam or concrete foundations; provided, however, this does not include metal or similar type buildings used for storage even when attached to concrete.

- d. TEMPORARY BUILDING: A building which is equipped with wheels, or provisions for attachment for wheels, or skids for easy movement, but does not include mobile homes, travel trailers, or recreational vehicles. A temporary building shall be an accessory building as that is defined by this chapter.
- 6. BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building except that the distance shall be measured to the average height between the eaves and rise for gable, hop or gambrel roofs and to the deck line of a mansard roof.
- 7. BUILDING LINE: The line established by yard or setback requirements outside of which no principal building may be erected.
- 8. CENTERLINE: The line midway between the street right-of-way lines the surveyed and prescribed centerline established by the Texas Department of highways and Public Transportation or City Engineer which may not be the line midway between the existing or proposed street right-of-way lines.
- 9. COURT, GENERAL: An open space other than a yard, on the same lot with a building or structure, which is bounded on two (2) or more sides by the walls of such building or structure.
 - a. OUTER COURT: A court enclosed on three (3) sides by exterior walls of a building or structure, or by exterior walls and lot lines of which walls are allowable, with one (1) side or end open to a street, driveway, alley, or yard.
 - b. INNER COURT: A court which is completely surrounded by a building or buildings.
- 10. DENSITY: An existing or protected relationship between allowable lot area per dwelling unit for a district and the land area zoned in each zoning district.
 - a. GROSS DENSITY: The determination of the number of the dwelling units by dividing the total land zoned in each district by allowable lot area for that district.
 - b. NET DENSITY: The determination of the number of dwelling units by dividing that total land area zoned in each zoning district that is devoted only to residential uses by the allowable lot area for that district.
- 11. FAMILY: One (1) or more persons occupying a single dwelling unit provided that unless all members are related by law, blood or marriage, no such family shall contain over three (3) persons, but further provided that

domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families.

12. **FLEA MARKETS:** A business operation where a building or land is made available in total or sectioned off portions to independent operators for the purpose of selling or trading all types and kinds of legal merchandise to the general public including, but not limited to antiques, paintings, sculptures, clothing, craftwork, animals and other items of similar nature.
13. **FRONTAGE:** Distance measured along an abutting public street right-of-way.
14. **GARAGE SALES:** An activity conducted by an individual on their residential property. Such sales shall not be conducted longer than seventy-two (72) hours.
15. **GROSS LEASEABLE FLOOR AREA (G.L.A.):** The sum of the horizontal area of floors of a building or buildings, measured from the exterior faces of exterior walls. In particular, floor area includes: attic space providing structural headroom of seven (7) feet or more; floor space of interior balconies or mezzanines; any other usable floor space for any purpose, no matter where located within a building, including accessory structures.
16. **HOME OCCUPATION:** Any occupation or profession engaged in by the occupants of a dwelling not involving the conduct of a retail business and not including any occupation which is not clearly incidental and secondary to use of the premises for dwelling purposes and which is carried on wholly within the principal building or accessory building by a member of a family residing on the premises in connection with which there is no advertising other than an identification sign of not more than one (1) square foot in area and no other display or storage of materials or exterior identification of the home occupation or variation from the residential character of the principal building or accessory building; and in connection with which no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat or glare and no partnership or the employment of more than one assistant in the performance of such business. Home occupations shall include professional services such as furnished by an architect, lawyer, physician, dentist, accountant, real estate brokers, insurance agents, engineers, musician, artists, seamstress, and services of a similar nature. No other occupation or business shall be permitted as a home occupation and those permitted shall obtain a Home Occupation Permit from the City of Henderson which will be in compliance with the criteria stated in Section 24.8.
17. **LOT:** A piece, parcel, tract or plot of land.

- a. LOT AREA: The total horizontal area included within lot lines.
 - b. LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
 - c. LOT DEPTH: The mean horizontal distance between the front and rear lot lines.
 - d. LOT LINE: The boundary line of a lot.
 - (1) FRONT: That property line which abuts on a public street, or in the event the property abuts two (2) or more streets it shall mean that property line abutting on a street which has been so designated by the owner at the time of his application for a building permit.
 - (2) SIDE: Any property lines not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
 - (3) REAR: That boundary of a lot which is most distance from and is, or is most nearly, parallel to the front lot line.
 - e. LOT OF RECORD: A lot who's existence, location and dimensions have been legally recorded or registered in a deed or on a plat prior to the effective date of this chapter.
 - f. LOT, CORNER: Lot bounded by more than one (1) intersecting street.
 - g. LOT, WIDTH: The mean horizontal distance between the side lot lines measured from property lines.
18. **NONCONFORMING BUILDING OR STRUCTURE**: A building or structure existing at the time of passage of this chapter, or amendment, thereto, which does not conform to the property development regulations of area, height, lot coverage, yard setbacks, or other like requirements of the district in which it is located.
19. **NONCORFORMING LOT**: Any single lot, tract or parcel of land in existence at the time of passage or amendment of this chapter which does not meet the minimum dimensions, area or other regulations of the district in which it is located.

20. **NONCONFORMING USE:** Any land use existing at the time of passage or amendment of this chapter which does not conform to the provisions, requirements and regulations of the district in which it is located.
21. **PARKING SPACE:** An area of not less than one hundred sixty-two (162) square feet, exclusive of driveways and aisles, and adjacent to a driveway or aisle, with the minimum dimensions of nine (9) feet by eighteen (18) feet, designed so as to be used for the parking of a motor vehicle.
22. **PROPERTY LINE:** See LOT LINE.
23. **PUBLIC BODY:** Any government or governmental agency, board, commission, or authority of the City of Henderson, Rusk County, State of Texas, or the US Government or any legally constituted district.
24. **PUBLIC USE:** The use of any land, water, or buildings by a public body for a public service or purpose.
25. **RECREATION VEHICLES:** Any vehicle designed and intended for recreational purposes, and shall include trailers, travel trailers, camp-cars, pick-up campers, buses, tent trailers, or any other similar vehicles with or without motive power, designed and constructed to travel on public thoroughfares.
26. **RIGHT-OF-WAY:** A strip of land or water acquired, dedicated or deeded to the perpetual use of the public.
27. **SEMI_PUBLIC BODY:** Includes churches and organizations operating as a non-profit activity serving a public purpose or service and includes such organizations as noncommercial clubs and lodges, theater groups, recreational and neighborhood associations and cultural activities.
28. **SEMI-PUBLIC USE:** The use of any land, water or building by a semi-public body.
29. **SPECIAL EXCEPTION:** A use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location or relation to neighborhood, and approved through a public hearing of the Board of Adjustment would protect the public health safety, welfare, morals, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in such zoning districts as special exception as outlined in the applicable zoning districts.
30. **STORY:** That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it; or

if there be no floor above it, then the space between the floor and the ceiling next above it.

31. STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes, other than be a full story.
32. STREET: A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, place or however otherwise designated but does not include driveways to buildings.
 - a. ALLEY: A public or private right-of-way, not more than thirty (30) feet in width, which affords a secondary means of public or private access to property abutting thereon.
33. STREET RIGHT-OF-WAY: The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the exact location of the right-of-way is known, the side of the sidewalk farthest from the centerline of the traveled street shall be considered as the right-of-way.
34. STRUCTURAL ALTERATON: Any change except for repair or replacement in the supporting members of a structure such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls of a structure.
35. STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on ground, and having a height of four (4) inches or more except for patios, parking and loading facilities, walls, or fences.
36. TRADES DAY: See FLEA MARKETS.
37. TRAVEL TRAILER: See RECREATION VEHICLE.
38. USABLE OPEN SPACE: That part of the ground area (improved or unimproved), roof, balcony, or porch which is designed or intended for outdoor living, recreation or utility space and may include recreational buildings or structures, but shall not include streets, driveways, parking and loading areas or any other paved vehicular ways and facilities as well as all required minimum front yard areas.
39. USE: Any activity, functions, or purpose to which a parcel of land or building is put and shall include the words used, arranged, or occupied, for

any purpose, including all residential, commercial business, industrial, public or any other use.

- a. ACCESSORY USE: A use which is wholly incidental to and supportive of the principal use on the same lot.
 - b. PRINCIPAL USE: The primary purpose for which land or building is used as permitted by the applicable zoning district.
40. VARIANCE: A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owning the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship.
41. VEHICLE: Any self-propelled conveyance designed and used for the purpose of transporting or moving person, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, but shall not include tractors, construction equipment, or machinery, or any device used in performing a job as stated above.
42. YARD: The open space existing on the same lot with a principal building; unoccupied and unobstructed by buildings from the ground upward, between the lot line and the building line.
- a. FRONT YARD: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the front lot line and the principal building. (Also see SIDE YARD, STREET).
 - b. REAR YARD: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the principal building. On both corner and interior lots the rear yard shall in all cases be at the opposite end of the front yard. (Also see SIDE YARD, STREET).
 - c. SIDE YARD, INTERIOR: A yard extending from the front yard to the rear yard and being the minimum horizontal distance from the side lot line to the principal building.
 - d. SIDE YARD, STREET: A yard adjacent to a street between the front and the rear lot line and being the minimum horizontal distance from the side lot line to the principal building.
43. ZONING DISTRICT: A portion of the territory of the City of Henderson, Texas, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

44. ZONING MAP: The term zoning map shall mean the Official Zoning Ordinance of the City of Henderson, Texas (this chapter), including the zoning map and all amendments to such zoning ordinance and zoning map.

Sec. 3.3. USE DEFINITIONS

For purpose of this chapter, the following use terms or words shall be used in interpretation of the purpose and intent:

1. APARTMENT: See DWELLING, MULTIPLE FAMILY.
2. AUTOMOTIVE REPAIR FACILITY (MAJOR): An establishment used for mechanical engine overhaul which includes the removal of engine, chassis, or body components for repair or replacement; and wherein the dispensing of gasoline may be included but no gasoline service stations. Body and paint shops shall also be considered major automotive repair facilities.
3. AUTOMOTIVE REPAIR FACILITY (MINOR): An establishment used for servicing of automotive vehicles which includes activities such as oil changes, lubrication, dispensing of gasoline, tune-up, tire replacement and repair, and wheel alignment and balancing, but not overhaul, body or paint shops. Brake and transmission shops and gasoline service stations shall also be considered minor automotive repair facilities.
4. BOARDING HOUSE: An establishment with lodging for four (4) or more persons, where meals with or without compensatory are regularly prepared and served to such lodgers, without service or ordering of individual portions from a menu.
5. BUSINESS SERVICE ESTABLISHMENT: Shall mean establishments providing supplies and services to business and professions and shall include copy service, blue printing service, typing service, telephone answering service, office supply and stationary stores, delivery and messenger services, advertising agencies, direct mail service, detective agencies, employment agencies, collection agencies, and any other establishment offering goods or services of a similar nature, but not including establishments of research or light industrial nature.
6. CHILD DAY CARE CENTER: A place, home, building or other location where care is provided for four (4) or more children under the age of fourteen (14) years. Such term shall specifically include nursery schools, kindergartens, any home required to be registered with or licensed by the Texas Department of Human Services or any other facility caring for children during the day or night.

7. **CLINICS:** A medical office or group of offices, used for the care, diagnosis and treatment of sick, infirm and injured persons, and those in need of medical or surgical attention, but not involving overnight care on the premises. Clinics may include accessory facilities for retail sales of pharmaceuticals, and medical, optical, or dental supplies.
8. **COMPOUND USE:** The use of any lot or building for both residential and professional offices and studio uses with one (1) of which may be the principal use.
9. **CONTRACTOR SHOPS AND YARDS:** Shall mean stores, fabrication and repair shops and yards for cabinet makers and carpenters, electrical contractors, electric sign contractors, glaziers, heating and sheet metal contractors, linoleum and carpet contractors, painters, plumbers, roofers, tent and awning contractors, upholsters, oil field service contractor, heavy equipment operators, and any other concern of a similar nature, but not including concrete mixing or asphalt plants.
10. **DANCE HALL:** An establishment offering space to be used primarily for the purpose of dancing. Provided however, if alcoholic beverages are sold and/or consumed on the premises such establishment be classified as a Private Club – Dance Hall.
11. **DRY GOODS STORE:** Shall mean establishment selling clothing, linens, blankets, yardage and notions and shall include: shoe repair stores, gift stores, notions stores, luggage stores, tailor shops, yardage stores, shoe stores, clothing stores, and other stores of a similar nature, but excluding variety stores, and department stores.
12. **DWELLING UNIT:** A “dwelling unit” consists of one (1) or more rooms which are arranged, designed or used as living quarter, including permanently installed individual bathrooms and complete kitchen facilities.
 - a. **DWELLING, SINGLE FAMILY ATTACHED:** A structure designed as one (1) dwelling unit at ground space and intended to be occupied exclusively by one (1) family and structurally connected by common walls or with separation of not more than one (1) inch from at least one (1) or more other dwelling units.
 - b. **DWELLING, SINGLE FAMILY DETACHED:** A structure designed as one (1) dwelling unit and intended to be occupied exclusively by one (1) family and structurally connected to no other dwelling unit.
 - c. **DWELLING, MULTIPLE FAMILY:** A structure designed with more than one (1) dwelling unit with accommodations for each dwelling unit

independent of each other and intended to be occupied by more than one (1) family.

13. **EATING ESTABLISHMENTS:** Shall mean establishments where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises, and shall include: restaurants, cafes, coffee shops, donut shops, ice cream parlors, soda fountains, hamburger and hot dog stands, sandwich shops, delicatessens, cafeterias and other stores of similar nature. The term eating establishment shall not include a drive-in restaurant unless so stated.
 - a. **RESTAURANTS, CONVENTIONAL:** Counter stools, consisting of tables and/or booths, with the number of counter stools not exceeding the number of tables and/or booth seats; with all service indoors; and providing no service to person in vehicles, or at walk-up windows and shall include restaurants, cafeterias, and other stores of a similar nature.
 - b. **RESTAURANTS, IN AND OUT SERVICE:** Specializing in short-order foods and beverages including the preparation of food to be taken out and consumed off the premises; may be a total counter stool operation or with any combination of counter stools and/or tables or booths; and no service provided to person in vehicles. Establishments dispensing food from service windows for consumption either on the premises or off the premises are classified as “in and out service”. Such establishments shall include cafes, coffee shops, donut shops, ice cream parlors, soda fountains, delicatessens, and other establishments of a similar nature.
 - c. **RESTAURANTS, DRIVE-INS:** Any restaurant serving food and/or beverages to persons in their vehicle or consumption on the premises.
14. **FINANCIAL INSTITUTIONS:** Shall mean establishments and offices offering financial services or counsel and shall include full service banks, saving and loan institutions, stock broker’s offices, banking companies, finance company offices, credit union offices and any other institutions of a similar nature.
15. **FOOD STORES:** Shall mean establishments selling food and/or drink products for consumption off the premises and shall include; convenience grocery stores, fruit and vegetable stores, bakeries, retail (limited preparation of products for on premises sales), meat and fish stores, dairy product stores, butcher shops, candy stores, liquor and/or wine stores and other stores of a similar nature but excluding supermarkets unless so stated.

16. FURNITURE AND APPLIANCE STORES: Shall mean stores selling new or used furniture or appliance and providing incidental service and maintenance and shall include new and used furniture stores, appliance stores, antique dealers, carpet and linoleum dealers, and other establishments of a similar nature.
17. GARAGE SERVICE STATION: Establishments for servicing of automotive vehicles or the dead storage of motor vehicles and some or all of which parking spaces are non-accessory. A public parking garage may include accessory off-street parking spaces limited to such spaces which are accessory to other uses on the same lot.
18. GASOLINE SERVICE STATION: Establishments for servicing of automotive vehicles which includes activities such as oil changes, lubrication, dispensing of gasoline, tune-up, tire replacement and repair, and wheel alignment and balancing, but no overhaul, body or paint shop.
19. HOTEL: A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contrast to a boarding house, a lodging house, or a multiple family dwelling which are herein defined.
20. HOUSEHOLD AND FAMILY SERVICE ESTABLISHMENTS: Shall mean a store or shop providing for the selling, repairing and/or maintenance of articles of normal home or family use and shall include: cleaning and drying establishments, coin operated laundries, lawn mower and saw sharpening, fix-it shops, smaller home appliance stores and repair shops, sewing machine stores, hardware stores, camera and photo supply stores, pet stores excluding veterinarian services, art stores, music stores, pawn shops, florist and any other shops of a similar nature; provided, however, that establishments for the selling, repairing and/or maintenance of vehicles or tires shall not be deemed to be household and family service establishments.
21. JUNKYARD: An open area where wastes, used or second materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, cloths, paper, rags, plumbing fixtures, rubber tires, bottle and vehicles. Such use shall only be permitted in accordance with Section 23.11.
22. LIVING UNIT: Shall have the same meaning as "DWELLING UNIT".
23. LODGING HOUSE: A building or place where lodging is provided (or which is equipped to provide lodging regularly by prearrangement for

definite periods, for compensation, for three (3) or more person in contrast hotels open to transients.

24. **MOBILE HOME:** A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required facilities, and includes the plumbing, heating, air conditioning and electrical systems. Mobile homes shall not be allowed in a HUD-Code Manufactured Home Park.
25. **HUD-Code Manufactured Home:** Means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 feet in length, or when erected on site is 320 or more square feet, and which is built on a permanent foundation when connected to the required facilities, and includes the plumbing, heating, air conditioning and electrical systems. Anything less than the length and/or width specified in this paragraph shall not be allowed in a HUD-Code Manufactured Home Park.
- 25a. **HUD-Code Manufactured Home Park:** A parcel of land under single entity ownership, which has been placed and improved for the placement of HUD-Code Manufactured Homes, accessory uses and service facilities, meeting all requirements of the HUD-Code Manufactured Ordinance.
27. **MODULAR HOME:** A structure or building module that is manufactured at a location other than the location where it is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and it designed to be used as a permanent dwelling when installed and placed upon a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term does not include mobile home as defined in this ordinance, nor does it include building modules incorporating concrete or masonry as the primary structural component. For purposes in these regulations, the term includes only those structures manufactured after May 1, 1980, and bearing a mobile decal of the Manufactured Housing Division, Texas Department of Labor and Standards.
27. **PERSONAL SERVICE ESTABLISHMENTS:** Shall mean establishments and offices offering services for the health and welfare of the individual and shall include barber shops, beauty shops, reducing or slenderizing studios, steam or Turkish baths, and any other establishment of a similar nature, but not including any professional services.

28. A. Private Club – Restaurant: A restaurant which is licensed and/or permitted by the Texas Alcoholic Beverage Commission, or its successor, which sells or serves alcoholic beverages only for consumption during and along with a meal. If such restaurant has facilities for or allows dancing, it shall be deemed a Private Club – Dance Hall. A Private Club Restaurant shall be permitted only in districts zoned C-3, I-1, or I-2 and then only in accordance with Section 23.14.

B. Private Club – Bar: An establishment which licensed and/or permitted by the Texas Alcoholic Beverage Commission, or its successor, which sells or serves alcoholic beverages for consumption other than during or along with a meal. If such establishment has facilities for or allows dancing it shall be deemed a Private Club – Dance Hall. A Private Club – Bar shall be permitted only in districts zoned I-1 or I-2 and then only in accordance with Section 23.14.

“The term “meal” as used in paragraphs a. and b. immediately above shall mean meats, salads, and vegetables of the type normally ordered from a menu or buffet line and shall not mean snack foods, such as but not limited to nuts, crackers, potato or corn chips, bread sticks, or hors d’oeuvres.

C. Private Club – Dance Hall: An establishment which is licensed and/or permitted by the Texas Alcoholic Beverage Commission, or its successor, which sells or serves alcoholic beverages and has facilities for or allows dancing. A Private Club – Dance Hall shall be permitted only in districts zoned I-1 or I-2 and then only in accordance with Section 23.14.

29. PROFESSIONAL SERVICES: Shall mean services offered by doctors, lawyers, accountants, real estate brokers, insurance agents, land developers, engineers, architects, planners, computer systems analysts and any other individuals or groups offering professional services of a similar nature.

30. RECREATIONAL AND SPORT STORES: Shall mean establishments selling sporting goods, bicycles, and other sports and recreation equipment and shall include: sporting goods stores, ski sales stores, water diving equipment stores, gun shops, bicycle shops including bicycle repair, toy stores and any other stores selling goods of a similar nature, but excluding motorized recreation vehicle sales and services including cycle sales and service.

31. RESIDENCE: See DWELLING UNIT

32. SALVAGE YARD: See JUNK YARD
33. VIDEO ARCADE: See POOL ROOM

ARTICLE 4
ZONING DISTRICTS

Sec. 4.1. ESTABLISHMENT OF DISTRICTS.

In order to classify, regulate, and restrict the use of land, water, buildings and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; to regulate the intensity of land use, and to promote the orderly urban growth within the corporate area of the City of Henderson, Texas, the following zoning districts are established.

1. Residential Estate District (RE)
2. Single Family Detached, Low Density District (R-1)
3. Single Family Detached, Medium Density District (R-2)
4. Single Family Detached, High Density (R-3)
5. Single Family Modular Housing District (R-4)
6. Multiple Family, Low Density District (MF-1)
7. Multiple Family, Medium Density District (MF-2)
8. Multiple Family, High Density District (MF-3)
9. HUD-Code Manufactured Home Park District (MH-1)
10. Reserved
11. Local Retail Commercial District (C-2)
12. General Commercial District (C-3)
13. Central Business District (CBD)
14. Restricted Professional Office District (RPO)
15. Light Industrial District (I-1)
16. General Industrial District (I-2)
17. Planned Unit Development District (PUD)
18. Flood Plain District (FP)

Sec. 4.2. DESIGNATION OF DISTRICT BOUNDARIES.

The boundaries of each district are designed and established as shown on the zoning Map of the City of Henderson, Texas. The regulations of this chapter governing the use of land and water and buildings, the height of buildings, lot areas, setbacks, lot coverage, parking and loading requirements are hereby included within the boundaries of each and every district shown upon the Zoning Map.

Sec. 4.3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

When uncertainty exists as to the boundaries of the various districts on the Zoning Map, the following rules shall apply:

1. Location of district boundary lines.
 - a. Centerlines. Boundaries indicated as approximately following the centerlines of streets, highways, avenues, and alleys shall be construed to follow such lines.
 - b. Lot, section lines. Boundaries indicated as approximately following platted lot lines or section lines shall be construed as following such lot lines.
 - c. Corporate boundaries. Boundaries indicated as approximately following corporate boundaries shall be construed as following such corporate boundaries.
 - d. Railroad lines. Boundaries indicated as following railroad lines shall be construed to be the center line of the railroad right-of-way.
 - e. Water lines. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.
 - f. Parallel lines. Boundaries that are approximately parallel to the centerlines or street lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Maps. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Maps.
 - g. Bisecting lines. Boundaries that approximately bisect a block, lot or tract shall be construed to follow the median lines of such blocks, as indicated by rear property lines or as measured between

the centerlines of boundary streets in the absence of rear property lines or in the absence of both of the above by use of the scale appearing on the Zoning Maps.

- h. Uncertainties. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in case any other uncertainty exists, the Board of Adjustment shall interpret the intent of the Zoning Maps as to the location of district boundaries.
 - i. Street abandonment's. Where a public road, street, avenue, or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned road, street, avenue, or alley.
 - j. Annexed areas. Where parcels of land and water areas have been annexed by the City of Henderson, said parcels shall be classified the most closely corresponding or similar zoning classification contained within this chapter and on the Zoning Map until changed, if it all, by a public hearing.
2. Special provisions for lots divided by district boundaries. Where any lot, existing at the effective date of this chapter, is located in two (2) or more districts in which different uses are permitted, or in which different use, area, bulk, accessory off-street parking and loading, or other regulations apply, the provisions of this subsection shall apply.
- a. Use regulations.
 - 1) If more than fifty percent (50%) of the lot area of the lot is located in one of two (2) or more districts, the use regulations applicable to the district containing the majority lot area shall apply to the entire lot.
 - 2) If the lot is divided so that fifty percent (50%) of the lot area lies within each of two (2) or more districts, the applicable use regulations for the most restrictive district shall apply to the entire lot.
 - b. Dimensional requirement regulations.
 - 1) If more than fifty percent (50%) of the lot area of the lot is located in one of two (2) or more districts, the dimensional requirement regulations applicable to the district containing the majority lot area shall apply to the entire lot.

- 2) In cases where the lot is divided so that fifty percent (50%) of the lot area lies within two (2) or more districts the lot area, yard setback, height, lot coverage, and off-street parking and loading regulations and requirements for the district with the more restrictive regulations shall apply to the entire lot.

Sec. 4.4. APPLICATION OF DISTRICTS

1. Existing uses. In all districts after the effective date of this chapter and except as provided in Section 24.11, (Nonconformities).
 - a. The use of any existing building or other structure may be continued.
 - b. The use of any existing tract of land and water body may be continued.
 - c. The enlargement, alteration, conversion, reconstruction, rehabilitation, or relocation of any existing building or other structure shall be in accordance with the dimensional requirement regulations of the district within which the property is located and other applicable requirements of this chapter.
2. New uses. In all districts after the effective date of this chapter any new building or parcel of land or body of water shall be used, constructed or developed only in accordance with the use and dimensional requirement regulations of the district within which the property is located and other applicable requirements of this chapter.

ARTICLE 5
RESIDENTIAL ESTATE DISTRICT (RE)

Sec 5.1. PURPOSE.

The intent of this district is to provide for low-density, semi-rural, single family development together with such public and semi-public buildings and facilities and accessory structures as may be desirable and are compatible with such development as well as surrounding development. The provisions of this district are designed so that such developments would serve as a transition from a more intensely developed urban area and a rural or agriculture area; so that such developments would enhance and preserve areas of similar character; so that such development would occur where the natural physical characteristics of an area are such that a more intense development would do irreparable damage to a given site or the larger community; and so that the required community facilities, such as street design and construction, be of a character suitable to the semi-rural nature of the intended development. The permitted uses listed in the following section shall be in accordance with the intent and purpose of this district.

Sec. 5.2. PERMITTED USES.

1. Uses permitted by right:
 - a. Single family, detached dwellings;
 - b. Leasing and renting of rooms; however, the number of tenants in each dwelling shall not exceed two (2);
 - c. Public schools or private schools offering curricula comparable to that of the public schools (See Section 23.18);
 - d. Public recreational buildings and facilities;
 - e. Agricultural pursuits, and structures incidental thereto, excluding dairy products, livestock, poultry and poultry products but including field crops, truck crops, citrus groves, and horticultural specialties;
 - f. Retail roadside sales of agricultural products and commodities which are raised on the premises shall be permitted only from conforming or temporary structures on private property. Such temporary structures may be permitted within the required front yard.
2. Accessory structures:

Garages, carports, storage rooms, swimming pools, and other structures which are customarily incidental to the principal structure.

3. Uses permitted by special exception:
 - a. Governmental buildings and services;
 - b. Semi-public recreational facilities and buildings;
 - c. Golf courses;
 - d. Public and private utilities, excluding sanitary land fill, incinerator, refuse and trash dump (See Section 23.15);
 - e. Radio and television towers, but not including studios or stations (See Section 23.16);
 - f. Churches and other houses of worship (See Section 23.5);
 - g. Cemeteries, mausoleums, crematories (See Section 23.3).

Sec. 5.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 5.4 where it applies, as well as the following requirements:

1. Residential uses:
 - a. Minimum lot area 5 acres
 - b. Minimum lot width at property line 150 feet
 - c. Minimum yard setbacks:
 - 1) Front 50 feet
 - 2) Side, each 50 feet
 - 3) Rear 50 feet
 - d. Maximum building height for principal Structures except church spires & silos 35 feet
 - e. Maximum percent of lot coverage 20%
2. Accessory structures:

- a. No accessory structure, excluding fences or walls, shall be closer to any side or rear property line than three (3) feet as measured from the overhang of the accessory structure;
- b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

Sec. 5.4. SPECIAL REGULATIONS.

In addition to Section 5.3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 24.2);
2. Nonconformities (See Section 24.11);
3. Off-street parking and loading facilities (See Section 24.12);
4. Parking storing, keeping of commercial and recreational vehicles (See Section 24.15);
5. Home occupations (See Section 24.8);
6. Signs (See Article 26).

ARTICLE 6
SINGLE FAMILY DETACHED, LOW DENSITY DISTRICT (R-1)

Sec. 6.1. PURPOSE.

The intent of this district is to provide for low density, single family residential development of a relatively spacious character together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to encourage such development to occur on vacant land where natural characteristics of such land are suitable for this type of development; to provide polices which will encourage low density development where high density development without proper controls would be detrimental to the health, safety, and welfare of the community by reason of inadequate public facilities and services, open space or otherwise; and to discourage any activities not compatible with such residential development.

Sec. 6.2. PERMITTED USES.

1. Uses permitted by right:
 - a. Single family detached dwellings;
 - b. Leasing or renting of rooms; however, the number of boarders each dwelling shall not exceed two (2);
 - c. Public schools or private schools offering curricula comparable to that of the public schools (See Section 23.18);
 - d. Public recreational buildings and facilities.
2. Accessory structures permitted:

Garages, carports, storage rooms, swimming pools, and other structures which are customarily incidental to the principal structure.
3. Uses permitted by special exception:
 - a. Child day care centers (See Section 23.4);
 - b. Churches and other houses of worship (See Section 23.5);
 - c. Public and private utility services, excluding sanitary land fills, incinerators, refuse and trash dumps (See Section 23.15);
 - d. Governmental buildings and services;

- e. Semi-public recreational facilities and buildings;
- f. Golf courses;
- g. Cemeteries, mausoleums, crematories (See Section 23.3).

Sec. 6.3. DIMENSIONAL REQUIREMENTS.

All principal and accessory structures shall be located and constructed in accordance with section 6.4 where it applies, as well as the following requirements:

- 1. Residential uses:
 - a. Minimum lot area 10,000 square feet
 - b. Minimum lot width at building line 100 feet
 - c. Minimum lot depth 90 feet
 - d. Minimum yard setbacks:
 - 1) Front 35 feet
 - 2) Side, interior 10 feet
 - 3) Side, street 15 feet
 - 4) Rear 20 feet
 - e. Maximum building height of principal structures 35 feet
 - f. Maximum percent of lot coverage 30%
- 2. Accessory structures:
 - a. No accessory structure, excluding fences or walls shall be closer to any side or rear property than three (3) feet as measured from the overhang of the accessory structure;
 - b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

Sec. 6.4. SPECIAL REGULATIONS.

In addition to Section 6.3, Dimensional Requirements, the following regulations shall apply where required:

- 1. Access (See Section 24.2);

2. Nonconformities (See Section 24.11);
3. Off-street parking and loading facilities (See section 24.12);
4. Parking, storing, keeping of commercial and recreational vehicles (See Section 24.15);
5. Home occupations (See Section 24.8);
6. Signs (See Article 26).

ARTICLE 7
SINGLE FAMILY DETACHED, MEDIUM DENSITY DISTRICT (R-2)

Sec. 7.1. PURPOSE.

The intent of this district is to provide for medium density, single family, residential development of a moderately spacious character together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage medium density development to occur where public facilities and services, as well as other factors are available which are conducive to residential development of such densities; and to discourage any activities not compatible with such residential development.

Sec. 7.2. PERMITTED USES.

1. Uses permitted by right:
 - a. Single family detached dwelling;
 - b. Leasing or renting of rooms; however, the number of boarders in each dwelling shall not exceed two (2);
 - c. Public schools or private schools offering curricula comparable to that of the public schools (See Section 23.18);
 - d. Public recreational buildings and facilities.
2. Accessory structures permitted:

Garages, carports, storage rooms, swimming pools, and other structures which are customarily incidental to the principal structure.
3. Uses permitted by special exception:
 - a. Child day care centers (See Section 23.4);
 - b. Churches and other house of worship (See Section 23.5);
 - c. Public and private utility services, excluding sanitary land fills, incinerators, refuse and trash dumps (See Section 23.15);
 - d. Governmental buildings and services;

- e. Semi-public recreational facilities and buildings.

Sec. 7.3. DIMENSIONAL REQUIREMENTS.

All principal and accessory structures shall be located and constructed in accordance with Section 7.4 where it applies, as well as the following requirements.

- 1. Residential uses:
 - a. Minimum lot area 7,500 feet
 - b. Minimum lot width at building line 75 feet
 - c. Minimum lot depth 90 feet
 - d. Minimum yard setbacks:
 - 1) Front 30 feet
 - 2) Side, interior 7.5 feet
 - 3) Side, street 15 feet
 - 4) Rear 20 feet
 - e. Maximum building height of Principal structures 35 feet
 - f. Maximum percent of lot coverage 30%
- 2. Accessory structures:
 - a. No accessory structure, excluding fences or walls shall be closer to any side or rear property than three (3) feet as measured from the overhang of the accessory structure.
 - b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

Sec. 7.4. SPECIAL REGULATIONS.

In addition to Section 7.3, Dimensional Requirements, the following regulations shall apply where required:

- 1. Access (See Section 24.2);
- 2. Nonconformities (See Section 24.11);
- 3. Off-street parking and loading facilities (See Section 24.12);

4. Parking, storing, keeping of commercial and recreational vehicles (See Section 24.15);
5. Home occupations (See Section 24.8);
6. Signs (See Article 26).

ARTICLE 8
SINGLE FAMILY DETACHED, HIGH DENSITY DISTRICT (R-3)

Sec. 8.1. PURPOSE.

The intent of this district is to provide for high density, single family, residential development on smaller lots together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to permit population densities which are low enough to be compatible with neighboring single family development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage such high density residential development to occur where public facilities and services, as well as other factors are available which are conducive to development of such densities; and to discourage any activities not compatible with such residential development.

Sec. 8.2. PERMITTED USES.

1. Uses permitted by right:
 - a. Single family, detached dwellings;
 - b. Leasing or renting of rooms; however, the number of boarders in each dwelling shall not exceed two (2);
 - c. Public schools or private schools offering curricula comparable to that of the public schools (See Section 23.18);
 - d. Public recreational facilities and buildings.
2. Accessory structures permitted:

Garages, carports, storage rooms, swimming pools, and other structures which are customarily incidental to the principal structure.
3. Uses permitted by special exception:
 - a. Child day care centers (See Section 23.4);
 - b. Churches and other houses of worship (See Section 23.5);
 - c. Public and private utility services, excluding sanitary land fills, incinerators, refuse and trash dumps (See Section 23.15);
 - d. Governmental buildings and services;

- e. Semi-public recreational facilities and buildings.

Sec. 8.3. DIMENSIONAL REQUIREMENTS.

All principal and accessory structures shall be located and constructed in accordance with Section 8.4 where it applies, as well as the following requirements:

- 1. Residential uses:
 - a. Minimum lot area 6,000 square feet
 - b. Minimum lot width at building line 60 feet
 - c. Minimum lot depth 90 feet
 - d. Minimum yard setbacks:
 - 1) Front 25 feet
 - 2) Side, interior 7.5 feet
 - 3) Side, street 15 feet
 - 4) Rear 20 feet
 - e. Maximum building height of Principal structure 35 feet
 - f. Maximum percent of lot coverage 30%
- 2. Accessory structures:
 - a. No accessory structure, excluding fences or walls shall be closer to any side or rear property than three (3) feet as measured from the overhang of the accessory structure;
 - b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

Sec. 8.4. SPECIAL REGULATIONS.

In addition to Section 8.3; Dimensional Requirements, the following regulations shall apply where required:

- 1. Access (See Section 24.2);
- 2. Nonconformities (See Section 24.11);
- 3. Off-street parking and loading facilities (See Section 24.12);

4. Parking, storing, keeping of commercial and recreational vehicles (See Section 24.15);
5. Home occupations (See Section 24.8);
6. Signs (See Article 26).

ARTICLE 9
SINGLE FAMILY HUD-CODE MANUFACTURING AND MODULAR HOUSING
DISTRICT (R-4)

Sec. 9.1. PURPOSE.

The intent of this district is to provide for an efficient and economic use of land together with such public and semi-public buildings and facilities and accessory structures may be necessary and are compatible with such residential development. The provisions of this district are intended to protect and stabilize the essential characteristics of the single-family development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage development to occur where public facilities and services and other factors are available which are conducive to such residential development; and to discourage any activities not compatible with such residential development.

Sec. 9.2. PERMITTED USES.

1. Uses permitted by right.
 - a. Single family detached dwelling;
 - b. HUD-Code Manufactured Home;
 - c. Modular home;
 - d. Leasing or renting of rooms, however, the number of tenants in each dwelling shall not exceed two (2);
 - e. Public schools or private schools offering curricular comparable to that of public schools (See Section 23.18);
 - f. Churches and other houses of worship (See Section 23.5);

2. Accessory structures permitted.

Garages, carports, storage rooms, swimming pools, and other structures which are customarily incidental to the principal structures.

3. Uses permitted by special exception.
 - a. Child day care centers (See Section 23.4);

- b. Public and private utility services, excluding sanitary land fills, incinerators, refuse and trash dumps (See Section 23.15);
- c. Governmental buildings and services;
- d. Semi-public recreational facilities and buildings.

Sec. 9.3. DIENSIONAL REQUIREMENTS.

All principal and accessory structures shall be located and constructed in accordance with Section 9.4 where it applies, as well as the following requirements:

- 1. Residential uses:
 - a. Minimum lot area 5,000 square feet
 - b. Minimum lot width at building line 50 feet
 - c. Minimum lot depth 90 feet
 - d. Minimum yard setbacks:
 - 1) Front 25 feet
 - 2) Side, interior 7.5 feet
 - 3) Side, street 25 feet
 - 4) Rear 20 feet
 - e. Maximum building height of Principal structures 35 feet
 - f. Maximum percent of lot coverage 30%
- 2. Accessory structures:
 - a. No accessory structure, excluding fences or walls shall be closer to any side or rear property than three (3) feet as measured from the overhang of the accessory structure;
 - b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.
- 3. Additional Requirements:
 - a. Definitions. All manufactured housing permitted by this Article shall be identified according to Section 3.3, Use Definitions.

- b. Underpinned/Skirted. All single and multi-section mobile homes shall comply with the following requirements:
- 1) Be completely around the structure from the base of the mobile home to the ground level beneath;
 - 2) Be of material with similar appearance to the mobile home or masonry material;
 - 3) Be weather-resistant material and material specifically designed by the mobile home manufacturers for skirting (not to be construed to mean sheet metal or scrap metal or polyurethane scrap material);
 - 4) Be skirted in such a way as not to allow access to the underside of the mobile home for storage and/or trash accumulation, but access only for repair purposes to the mobile home;
 - 5) Be approved at the time building permit is issued.
- c. Permanent Foundation. All single and multi-section mobile homes shall be placed on a permanent foundation as defined in The southern Building Code, Section 1302-Footings and Foundations.
- d. Construction Standards. The following requirements relate to modular housing not bearing a modular decal of the Manufactured Housing Division, Texas Department of Labor and Standards:
- 1) Any home built outside the City of Henderson to be moved into the City shall be built according to the following building codes:
 - a) Building Code
 - b) Electrical Code
 - c) Plumbing Code
 - d) Heating and Air Conditioning Code
 - 2) Must have a Certificate of Compliance by a registered architect or engineer, or be inspected by the City of Henderson Inspection Department.

- e. Building Permit. All manufactured housing permitted by this Article must be issued a building permit before such is brought to a site, the same as for a site-built home.

Sec. 9.4. SPECIAL REGULATIONS.

In addition to Section 9.3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 24.2);
2. Nonconforming Uses (See Section 24.11);
3. Off-street parking and loading facilities (See Section 24.12);
4. Home occupation (See Section 24.8);
5. Signs (See Article 26).

ARTICLE 10
MULTIPLE FAMILY RESIDENTIAL, LOW
DENSITY DISTRICT (MF-1)

Sec. 10.1. PURPOSE

The intent of this district is to provide for an efficient and economic use of land at a relatively low density of multiple family housing types together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential development. The provisions of this district are intended to encourage such development projects to locate within close proximity to activity centers; to serve as a buffer between low intensity land uses and other more intense land uses; to avoid undue traffic congestion on minor streets by directing such new development to abut upon or have relatively close access to major transportation arteries; to provide for the development of projects in areas where such projects could be logically integrated with or located near high density, single family areas or in transitional areas on land where the clustering of units would permit the most effective utilization of such land, while preserving open space and other natural features; to encourage privacy, internal stability, attractiveness, order and efficiency in these areas by providing for adequate light, air, and usable open space for dwellings and related facilities through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement.

Sec. 10.2. PERMITTED USES

1. Uses permitted by right:
 - a. Multiple family dwelling, including townhouses, row houses, duplexes, patio houses, atrium houses, as well as other single family attached dwellings, but excluding dormitories, fraternities and sororities;
 - b. Single family, detached dwelling, including the leasing and renting of rooms in such dwellings; however, the number of boarders in each dwelling shall not exceed two (2);
 - c. Public schools or private schools offering curricula comparable to that of the public schools (See Section 23.18);
 - d. Churches and other house of worship (See Section 23.5);
 - e. Public recreational facilities and buildings.
2. Accessory structures permitted

- a. Garages, carports, storage rooms, swimming pools, and other structures which are customarily incidental to the principal structure;
 - b. Administrative/management offices, club or game rooms, recreational facilities and uses and laundry facilities intended for use solely by the residents of a development and their guests; however, leasing or renting of same on a commercial basis is strictly prohibited.
3. Uses permitted by special exception:
- a. Child day care centers (See Section 23.4);
 - b. Governmental buildings and services;
 - c. Public and private utility services, excluding sanitary land fills, incinerators, refuse and trash dumps (See Section 23.15);
 - d. Nursing and convalescent homes (See Section 23.13);
 - e. Grocery outlet including meat and fish markets; fruit and vegetable market, bakery and dairy products therewith;
 - f. Personal service establishments;
 - g. Dry-cleaning and laundry pickup sub-stations;
 - h. Professional business establishments.

Sec. 10.3. DIMENSIONAL REQUIREMENT

All principal and accessory structures shall be located and constructed in accordance with Section 10.4 where it applies, as well as the following requirements:

- 1. Multiple family and single family attached dwellings:
 - a. Unit per acre 6 to 9 units
 - b. Minimum lot area 10,000 square feet
 - 1) Per one bedroom unit 4,800 square feet
 - 2) Per two or more bedroom unit 7,000 square feet
 - c. Minimum lot width at building line 100 feet
 - d. Minimum yard setbacks for one building per lot

- 1) Front 25 feet
- 2) Side, street 25 feet
- 3) Side, interior:
 - 4 or less living units: 10 feet

5 or more living units: no wall of any building with windows facing a side yard (except bathroom windows) shall be closer than twenty (20) feet from any side property line; otherwise not closer than ten (10) feet; provided, that whenever the length of the building or structure adjacent to an interior side lot line (where such lot line forms a boundary to a single family residential district) exceeds forty (40) feet, the minimum side interior yard shall in no case be less than fifteen (15) feet.

- 4) Rear:
 - 4 or less living units 20 feet
 - 5 or more living units 35 feet

Provided, that where the plane of the rear wall of the building intersects the rear lot line at an angle of not less than thirty-five (35) degrees, the rear yard may be reduced to a minimum of twenty (20) feet if the central point of the rear façade is a perpendicular distance of thirty-five (35) feet from the rear lot line.

- e. Maximum percent of lot coverage 30%

2. Commercial establishments:

- a. Maximum lot size 1 acre
- b. Minimum lot width at building line 100 feet
- c. Minimum lot depth at building line 250 feet
- d. Minimum yard setbacks:
 - 1) Front 25 feet
 - 2) Side, street 25 feet
 - 3) Side, interior 10 feet

- 4) Rear 20 feet
 - e. Maximum building height or Principal structures 35 feet
 - f. Minimum yard setbacks for as Principal structure from any residential District boundary 35 feet
 - g. No one (1) single use shall be permitted to occupy more than five thousand (5,000) square feet of gross leasable floor area (G.L.A.)
 - h. An accessory structure, excluding fences or walls shall be closer to any residential district boundary than fifty (50) feet.
3. Single family detached dwellings:
- a. Minimum lot area 5,000 square feet
 - b. Minimum lot width at building line 50 feet
 - c. Minimum lot depth 90 feet
 - d. Minimum yard setbacks:
 - 1) Front 25 feet
 - 2) Side, street 25 feet
 - 3) Side, interior 7.5 feet
 - 4) Rear 20 feet
 - e. Maximum building height of principal Structures 35 feet
 - f. Maximum percent of lot coverage 30%
4. Accessory structures:
- a. No accessory structure, excluding fences or walls, shall be closer to any property line than the required yard setbacks, however, an accessory structure to a single family detached dwelling may be as close as three (3) feet to any side or rear property line as measured from the overhang of the accessory structure;

- b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.
5. Additional dimensional requirements:
- a. The minimum horizontal distance between buildings (that is front to front, rear to rear, front to rear, as the case may be) of two (2) stories in height shall be fifty (50) feet between faces, and this shall be increased by not less than five (5) feet for each additional story; however, where the differences in elevation of a site between buildings is equal to the height of one or more stories, such increases of five (5) feet may be reduced by the Planning and Zoning Commission when reviewing the site plans. The minimum distance between buildings may be decreased by as much as ten (10) feet toward one end if it is increased by a similar distance at the Planning and Zoning Commission to accommodate plans which are not conventional in their outline of their relations to other buildings.
 - b. The minimum horizontal distance between the ends of buildings in which the end wall of either building contains windows, except bathroom windows, shall be thirty (30) feet for buildings two (2) stories in height, and this shall be increased by not less than five (5) feet for every story added. The minimum horizontal distance between the ends of buildings which contain no windows or only bathroom windows shall be twenty (20) feet or more. The minimum horizontal distance between the end of one building, in which the end, front, or rear or either building contains windows, except bathroom windows, shall be thirty (30) feet for buildings two (2) stories in height, and this shall be increased by not less than five (5) feet for every story added;
 - c. The minimum horizontal distance between the corners of adjacent buildings that do not face each other or overlap shall be twenty (20) feet;
 - d. When two adjacent buildings differ in the number of stories, the spacing between such buildings shall not be less than the required distance between two buildings having the same height as the highest building;
 - e. Townhouses and row houses. The maximum number of dwelling units permitted in a townhouse or row house grouping shall be six (6);
 - f. Closed courts. Where a building is designed with a closed court, the minimum access to such court shall be twelve (12) feet in width with a height clearance of at least twelve (12) feet. The minimum dimension for a closed court shall be fifty (50) feet;

- g. Outer courts. The minimum width of any outer court shall be determined by the length of the principal structure with windows from a living room, bedroom, or dining room which face such court;
 - h. Entrance distance to access road or driveway. No entrance to a dwelling unit in a multiple housing development shall be closer to any access road or driveway than fifteen (15) feet.
6. Usable open space:
- a. The minimum percentage of the lot area required for usable open space within a multiple family development shall be twenty (20) percent;
 - b. Such usable open space shall be provided for in a common area or areas having no dimensions less than twenty (20) feet or as required by the Planning and Zoning Commission;
 - c. In calculating the usable open space for a multiple family development, a minimum of seventy-five (75) percent shall be provided at ground level, the remaining required open space may be areas devoted to balconies with minimum dimensions of five (5) feet in width and at least seven (7) feet in length.

7. Angle of light obstruction:

The angle of light obstruction (sometimes called “the light angle”) shall be enforced to place a limitation on the vertical angle within which buildings may obstruct light, thereby controlling the amount of sunlight and daylight at ground levels, assuring better air circulation and improving light on the exterior of buildings. In the MF-1 district, no building, except as provided for above, hereafter erected or altered shall extend above an inclined plane established by an angle of light obstruction of forty-five (45) degrees along any lot line. Such a plane shall be interpreted for the street side as intersecting a horizontal plane at the center line of any abutting street at the level of the curb nearest any point on a wall of the building facing on each street; for other boundaries it shall be interpreted as intersecting a horizontal plane at the natural ground level along the required rear yard line of the adjacent lot to the side at the nearest point on the rear or side wall of the building. The required width of a side yard according to the angle of the light obstruction may be reduced by one-fourth ($1/4^{\text{th}}$) if the planes of all walls facing the side lot line intersect such lot line at an angle of not less than thirty-five (35) degrees.

Sec. 10.4. SPECIAL REGULATIONS

In addition to Section 10.3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 24.2);
2. Nonconformities (See Section 24.11);
3. Off-street parking and loading facilities (See Section 24.12);
4. Parking, storing, keeping of commercial and recreational vehicles (See Section 24.15);
5. Home occupations (See Section 24.8);
6. Site plan approval process (See Article 25);
7. Signs (See Article 26).

ARTICLE 11
MULITIPLE FAMILY RESIDENTIAL, MEDIUM DENSITY DISTRICT (MF-2)

Sec. 11.1. PURPOSE

The intent of this district is to provide for an efficient and economic use of land through a mixture of medium density, multiple family housing types together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential development. The provisions of this district are intended to provide for the development of such projects with population densities and building heights that are low enough to be generally compatible with high intensity, single family areas or in transitional areas on land where the clustering of units would permit the most effective utilization of such land while preserving open space and other natural features; to encourage such development projects to locate within close proximity to activity centers; to avoid undue traffic congestion on minor streets by directing such new development to abut or have relatively close access to major transportation arteries; to locate in those areas of the community where such existing development is of a compatible density; to encourage privacy, internal stability, attractiveness, order and efficiency in these areas by providing for adequate light, air, and usable open space for dwellings and related facilities through the careful design ad consideration of the proper functional relationship among uses permitted; and to provide policies which will encourage such residential development to occur where public facilities and service are existing or within plans for improvement.

Sec. 11.2. PERMITTED USES

1. Uses permitted by right:
 - a. Multiple family dwellings, including townhouses, row houses, duplexes, patio houses, atrium houses, fraternities, sororities, as well as other single family attached dwellings, but excluding dormitories;
 - b. Single family, detached dwellings, including the leasing or renting of rooms in such dwellings, however, the number of boarders in each dwelling shall not exceed two (2);
 - c. Public schools or private schools offering curricula comparable to that of public schools (See Section 23.18);
 - d. Churches and other houses of worship (See Section 23.5);
 - e. Public recreational facilities and buildings.
2. Accessory structures permitted.

- a. Garages, carports, storage rooms, swimming pools, and other structures which are customarily incidental to the principal structure;
 - b. Administrative/management offices, club or game rooms, recreational facilities and uses, and laundry facilities intended for use solely by the residents of the development and their guests; however, leasing or renting of same on a commercial basis is strictly prohibited.
3. Uses permitted by special exception:
- a. Child day care centers (See Section 23.4);
 - b. Governmental buildings and services;
 - c. Public and private utility services, excluding sanitary land fills, incinerators, refuse and trash dumps (See Section 23.15);
 - d. Nursing and convalescent homes (See Section 23.13);
 - e. Semi-public recreational facilities and buildings;
 - f. Grocery outlet including meat and fish markets, fruit and vegetable market, bakery and dairy products therewith;
 - g. Personal service establishment;
 - h. Dry-cleaning and laundry pickup sub-stations;
 - i. Professional business establishments.

Sec. 11.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 11.4 where it applies, as well as the following requirements:

- 1. Multiple family and single family attached dwellings:
 - a. Units per acre 10 to 15 units
 - b. Minimum lot area 15,000 square feet
 - 1) Per one bedroom unit 2,900 square feet
 - 2) Per two or more bedroom unit 4,300 square feet
 - c. Minimum lot width at building unit 100 feet

d. Minimum yard setbacks for one building

Per lot:

- 1) Front 35 feet
- 2) Side, street 35 feet
- 3) Side, interior

4 or less living units 10 feet

5 or more living units: no wall of any building with windows facing a side yard (except bathroom windows) shall be closer than twenty (20) feet from any side property line; otherwise, not closer than ten (10) feet; provided that whenever the length of the building or structure adjacent to an interior side lot line (where such lot line forms a boundary to a single family, residential district) exceeds forty (40) feet, the minimum side interior yard shall in no case be less than fifteen (15) feet.

4) Rear:

4 or less living units 20 feet
5 or more living units 35 feet

Provided that where the plane of the rear wall of the building intersects the rear lot line at an angle of not less than thirty-five (35) degrees, the rear yard may be reduced to a minimum of twenty (20) feet if the central point of the rear façade is a perpendicular distance of thirty-five (35) feet from the rear lot line.

e. Maximum percent of lot coverage 30%

2. Commercial establishments:

- a. Maximum lot area 1 acre
- b. Minimum lot width at building line 100 feet
- c. Minimum lot depth at building line 250 feet
- d. Minimum yard setbacks
 - 1) Front 25 feet
 - 2) Side, street 15 feet

- | | |
|---|---------|
| 3) Side, interior | 10 feet |
| 4) Rear | 20 feet |
| e. Maximum building height of principal Structures | 35 feet |
| f. Maximum yard setbacks for principal structure from any residential district boundary | 35 feet |
| g. No one (1) single use shall be permitted to occupy more than five thousand (5,000) square feet of gross leasable floor area (G.L.A.) | |
| h. An accessory structure, excluding fences or walls shall be closer to any residential district boundary then fifty (50) feet. | |
3. Single family, detached dwellings:
- | | |
|--|-------------------|
| a. Minimum lot area | 5,000 square feet |
| b. Minimum lot width at building line | 50 feet |
| c. Minimum lot depth | 90 feet |
| d. Minimum yard setbacks: | |
| 1) Front | 25 feet |
| 2) Side, street | 15 feet |
| 3) Side, interior | 7.5 feet |
| 4) Rear | 20 feet |
| e. Minimum building height of principal Structures | 35 feet |
| f. Maximum percent of lot coverage | 30% |
4. Accessory structures:
- | | |
|---|--|
| a. No accessory structure, excluding fences or walls, shall be closer to any property line than the required yard setbacks, however, an accessory structure to a single family, detached dwelling may be as | |
|---|--|

close as three (3) feet to any side or rear property line as measured from the overhang of the accessory structure;

- b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

5. Additional dimensional requirements:

- a. The minimum horizontal between buildings (that is front to front, rear to rear, front to rear, as the case may be) of two (2) stories in height shall be fifty (50) feet between faces and then shall be increased by not less than five (5) feet for each additional story; however, where the difference in elevation of a site between buildings is equal to the height of one or more stories, such increases of five (5) feet maybe reduced by the Planning and Zoning Commission when reviewing the site plans. The minimum distance between buildings maybe decreased by as much as ten (10) feet toward one end if it is increased by a similar distance at the other, and consistent modifications are permitted by the Planning and Zoning Commission to accommodate plans which are not conventional in their outline or relations to other buildings.
- b. The minimum horizontal distance between the ends of buildings in which the end wall of either building contains windows, except bathroom windows shall be thirty (30) feet for buildings two (2) stories in height, and this shall be increased by not less than five (5) for every story added. The minimum horizontal distance between the ends of buildings which contain no windows or only bathroom windows shall be twenty (20) feet or more. The minimum horizontal distance between the end of one building which is opposite the front or rear of another building, in which the end, front, or rear of either contains windows, except bathroom windows, shall be thirty (30) feet for buildings two (2) stories in height and this shall be increased by not less than five (5) feet for every story added;
- c. The minimum horizontal distance between the corners of adjacent buildings that do not face each other or overlap shall be twenty (20) feet;
- d. When two (2) adjacent buildings differ in the number of stories, the spacing between such buildings shall be less than the required distance between two (2) buildings having the same height as the highest building;
- e. Townhouses and row houses. The maximum number of dwelling units permitted in a townhouse or row house grouping shall be eight (8);

- f. Closed courts. Where a building is designed with a closed court, the minimum access to such court shall be twelve (12) feet in width with a height of clearance of at least twelve (12) feet. The minimum dimension of a closed court shall be fifty (50) feet;
 - g. Outer courts. The minimum width for any outer court shall be determined by the length of the principal structure with windows from a living room, bedroom, or dining room which face such court;
 - h. Entrance distance to access road or driveway. No entrance to a dwelling unit in a multiple housing development shall be closer to any access road or driveway than fifteen (15) feet.
6. Usable open space:
- a. The minimum percentage of the lot area required for usable open space within a multiple family development shall be twenty (20) percent;
 - b. Such usable open space shall be provided for in a common area or areas having no dimension less than twenty (20) feet or as required by the Planning and Zoning Commission;
 - c. In calculating the usable open space for a multiple family development, a minimum of seventy-five (75) percent shall be provided at ground level, the remaining required open space may be areas devoted to balconies with minimum dimensions of five (5) feet in width and at least seven (7) feet in length.
7. Angle of light obstruction.

The angle of light obstruction (sometimes called “the light angle”) shall be enforced to place a limitation on the vertical angle within which buildings may obstruct light, thereby controlling the amount of sunlight and daylight at ground levels, assuring better air circulation and improving light on the exterior of buildings. In the MF-2 district, no building, except as provided for above, hereafter erected or altered shall extend above an inclined plane established by an angle of light obstruction of forty-five (45) degrees along any lot line. Such a plane shall be interpreted for the street side as intersecting a horizontal plane at the center line of any abutting street at the level of the curb nearest any point on a wall of the building facing on each such street; for other boundaries it shall be interpreted as intersecting a horizontal plane at the natural ground level along the required rear yard line of the adjacent lot, the rear and required side yard line of the adjacent lot to the side at the nearest point on the rear or side wall of the building.

The required width of a side yard according to the angle of light obstruction may be reduced by one-fourth (1/4th) if the planes of all walls facing the side lot line intersect such lot lines at an angle of not less than thirty-five (35) degrees.

Sec. 11.4. SPECIAL REGULATIONS

In addition to Sec. 11.3., dimensional requirements, the following regulations shall apply where required:

1. Access (See Section 24.2);
2. Nonconformities (See Section 24.11);
3. Off-street parking at loading facilities (See Section 24.12);
4. Parking, storing, keeping of commercial and recreational vehicles (See Section 24.15);
5. Home occupations (See Section 24.8);
6. Sight plan approval process (See Article 25);
7. Signs (See Article 26).

ARTICLE 12
MULTIPLE FAMILY RESIDENTIAL, HIGH DENSITY DISTRICT (MF-3)

Sec. 12.1. PURPOSE

The intent of this district is to provide for an efficient and economic use of land through a mixture of high density, multiple family housing types together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential developments. The provisions of this district are intended to provide for the development of such projects with high population densities and building heights that are compatible with developments in areas of similar intensity or in transitional areas on land where the clustering of units would permit the most effective utilization of such land while preserving open space and other natural features; to encourage such high density residential developments to locate near concentrations of non-residential activities and facilities such as employment centers; to avoid undue traffic congestion on minor streets by directing such development to abut upon or have relatively close access to major transportation arteries; to encourage privacy, internal stability, attractiveness, order and efficiency in these areas by providing for adequate light, air and usable open space for dwellings and related facilities through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement.

Sec. 12.2. PERMITTED USES

1. Uses permitted by right:
 - a. Multiple family dwellings, including townhouses, row houses, duplexes, patio houses, atrium houses, fraternities, sororities, as well as other single family attached dwellings, but excluding dormitories;
 - b. Single family detached dwellings, including the leasing or renting of rooms in such dwellings, however, the number of boarders in each dwelling shall not exceed two (2);
 - c. Public schools or private schools offering curricula comparable to that of the public schools (See Section 23.18);
 - d. Churches and other houses of worship (See Section 23.5);
 - e. Public recreational facilities and buildings.
2. Accessory structures permitted:
 - a. Garages, carports, storage rooms, swimming pools, and other structures which are customarily incidental to the principal structure;

- b. Administrative/management offices, club, or game rooms, recreational facilities and uses, and laundry facilities intended for use solely by the residents of the development and their guests, however, leasing or renting of same on a commercial basis is strictly prohibited;
3. Uses permitted by special exception:
- a. Child day care centers (See Section 23.4);
 - b. Governmental buildings and services;
 - c. Public and private utility services, excluding sanitary land fills, incinerators, refuse and trash dumps (See Section 23.15);
 - d. Nursing and convalescent homes (See Section 12.13);
 - e. Semi-public recreational facilities and buildings;
 - f. Hospital and full service medical facilities;
 - g. Compound uses (See Section 23.6);
 - h. Grocery outlet, including meat and fish markets, fruit and vegetable market, bakery and dairy products therewith;
 - i. Personal service establishments;
 - j. Dry-cleaning and laundry pickup sub-stations;
 - k. Professional business establishments.

Sec. 12.3. DIMENSIONAL REQUIRMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 12.4 where it applies, as well as the following requirements:

- 1. Multiple family and single attached dwellings:
 - a. Units per acre 16 to 21 units
 - b. Minimum lot area 15,000 square feet
 - 1) Per one bedroom unit 2,100 square feet
 - 2) Per two or more bedroom units 2,700 square feet

c. Minimum lot width at building line 100 feet

d. Minimum yard setbacks for one Building per lot:

1) Front 35 feet

2) Side, street 35 feet

3) Side, interior
4 or less living units 10 feet

5 or more living units: no wall of any building with windows facing a side yard (except bathroom windows) shall be closer than twenty (20) feet from any side property line; otherwise, not closer than ten (10) feet; provided, that whenever the length of the building or structure adjacent to an interior side lot line (where such lot line forms a boundary to a single family, residential district) exceeds forty (40) feet, the minimum side interior yard shall in no case be less than fifteen (15) feet.

4) Rear:

4 or less living units 20 feet

5 or more living units 35 feet

e. Maximum percent of lot coverage 30%

2. Commercial establishments:

a. Maximum lot area 1 acre

b. Minimum lot width at building line 100 feet

c. Minimum lot depth at building line 250 feet

d. Minimum yard setbacks:

1) Front 25 feet

2) Side, interior 10 feet

3) Side, street 15 feet

4) Rear 20 feet

- e. Maximum building height of principal Structures 35 feet
 - f. Minimum yard setbacks for as principal structure from any residential district boundary
 - g. No one (1) single use shall be permitted to occupy more than five thousand (5,000) square feet of gross leasable floor area (G.L.A.)
 - h. No accessory structure, excluding fences or walls shall be closer to any residential district boundary than fifty (50) feet
3. Single family detached dwellings;
- a. Minimum lot area 5,000 square feet
 - b. Minimum lot width at building line 50 feet
 - c. Minimum lot depth 90 feet
 - d. Minimum yard setbacks:
 - 1) Front 25 feet
 - 2) Side, interior 7.5 feet
 - 3) Side, street 25 feet
 - 4) Rear 20 feet
 - e. Maximum building height of principal Structures 35 feet
 - f. Maximum percent of lot coverage 30%
4. Accessory structures:
- a. No accessory structure, excluding fences or walls shall be closer to any property line than the required yard setbacks, however, an accessory structure to a single family, detached dwelling may be as close as three (3) feet to any side or rear property line as measured from the overhang of the accessory structure;
 - b. An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

5. Additional dimensional requirements:
- a. The minimum horizontal distance between buildings (that is front to front, rear to rear, front to rear, as the case may be) of two (2) stories in height shall be fifty (50) feet between faces, and this shall be increased by not less than five (5) feet for each additional story, however, where the differences in elevation of a site between buildings is equal to the height of one or more stories, such increases of five (5) feet may be reduced by the Planning and Zoning Commission when reviewing the site plans. The minimum distance between buildings may be decreased by as much as ten (10) feet toward one end if it is increased by a similar distance at the other, and consistent modifications are permitted by the Planning and Zoning Commission to accommodate plans which are not conventional in their outline or their relations to other buildings;
 - b. The minimum horizontal distance between the ends of buildings in which the end wall of either building contains windows, except bathroom windows, shall be thirty (30) feet for buildings two (2) stories in height, and this shall be increased by not less than five (5) feet for every story added. The minimum horizontal distance between the ends of buildings which contain no windows or only bathroom windows shall be twenty (20) feet or more. The minimum horizontal distance between the end of one building which is opposite the front or rear of another building, in which the end, front, or rear of another building contains windows, except bathroom windows, shall be thirty (30) feet for buildings two (2) stories in height and this shall be increased by not less than five (5) feet for every story added;
 - c. The minimum horizontal distance between the corners of adjacent buildings that do not face each other or overlap shall be twenty (20) feet;
 - d. When two (2) adjacent buildings differ in the number of stories, the spacing between such buildings shall not be less than the required distance between two (2) buildings having the same height as the highest building;
 - e. Townhouses and row houses. The maximum number of dwellings units permitted in a townhouse or row house grouping shall be ten (10);
 - f. Closed courts. Where a building is designed with a closed court, the minimum access to such court shall be twelve (12) feet in width with a

height clearance of at least twelve (12) feet. The minimum dimension for a closed court shall be fifty (50) feet;

- g. Outer courts. The minimum width of any outer court shall be determined by the length of the principal structure with windows from a living room, bedroom, or dining room which face such court;
- h. Entrance distance to access road or driveway. No entrance to a dwelling unit in a multiple housing development shall be closer to any access road or driveway than fifteen (15) feet.

6. Usable open space:

- a. The minimum percentage of the lot area required for usable open space within a multiple family development shall be twenty (20) percent;
- b. Such usable open space shall be provided for in a common area or areas having no dimensions less than twenty (20) feet or as required by the Planning and Zoning Commission;
- c. In calculating the usable open space for a multiple family development, a minimum of seventy-five (75) percent shall be provided at ground level, the remaining required open space may be areas devoted to balconies with minimum dimensions of five (5) feet in width and at least (7) feet in length.

7. Angle of light obstruction.

The angle of light obstruction (sometimes called “the light angle” shall be enforced to place a limitation on the vertical angle within which buildings may obstruct light, thereby controlling the amount of sunlight and daylight at ground levels, assuring better air circulation and improving light on the exterior of buildings. In the R-2 district, no building, except as provided for above, hereafter erected or altered shall extend above an inclined plan established by an angle of light obstruction of forty-five (45) degrees along any lot line. Such a plane shall be interpreted for the street side as intersecting a horizontal plan at the center line of any abutting street at the level of the curb nearest any point on a wall of the building facing on each such street; for other boundaries it shall be interpreted as intersecting a horizontal plane at the natural ground level along the required rear yard line of the adjacent lot to the side at the nearest point on the rear or side wall of the building. The required width of a side yard according to the angle of light obstruction may be reduced by one-fourth (1/4th) if the planes of all walls facing the side lot line intersect such lot line at an angle of not less than thirty-five (35) degrees.

Sec. 12.4. SPECIAL REGULATIONS

In addition to Section 12.3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 24.2);
2. Nonconformities (See Section 24.11);
3. Off-street parking and loading facilities (See Section 24.12);
4. Parking, storing, keeping of commercial and recreational vehicles (See Section 24.15);
5. Site plan approval process (See Article 25);
6. Signs (See Article 26).

ARTICLE 13
HUD-CODE MANUFACTURED HOME PARK DISTRICT (MH-1)

Section 13.1. PURPOSE

The intent of this district is to provide for HUD-Code Manufactured home park developments together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential surroundings of this nature. The district is specifically designed to accommodate in such developments, HUD-Code Manufactured homes on rented parcels at acceptable densities; to accommodate housing needs of those residents who prefer HUD-Code Manufactured home living and of those who desire an economic alternative to conventional dwellings; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for those type of developments to abut or have relative close access to major transportation arteries; to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement; and to protect HUD-Code Manufactured home parks from encroachment by incompatible uses.

Section 13.2. PERMITTED USES

1. Uses permitted by right.
 - a. Single and Multi-sectional HUD-Code homes;
 - b. Public schools or private schools offering curriculum comparable to that of the public schools (see Section 25.18);
 - c. Public recreational facilities and buildings;
 - d. Churches and other houses of worship (See Section 23.5).

2. Accessory structures permitted.
 - a. Garages, carports, storage rooms, and other structure which are customarily incidental to the principal structure;
 - b. Administrative and management office, club or game rooms, recreational facilities and uses and laundry facilities intended for use solely by the residents of the development and their guests, however, leasing or renting of same on a commercial basis is strictly prohibited.

3. Uses permitted by special exceptions:
 - a. Child day care centers (See Section 23.4);
 - b. Public and private utility services, excluding sanitary landfills, incinerators, refuse and trash dumps (See Section 23.15);
 - c. Governmental buildings and services;
 - d. Golf courses;
 - e. Semi-public recreational facilities and buildings;
 - f. The sale of new and used HUD-Code Manufactured homes shall be permitted within the boundaries of an approved HUD-Code Manufactured home park when clearly incidental to the operation of said park, subject to the following conditions which are intended to protect the residential characteristics of the park:

- 1.) Allowable number. The number of HUD-Code Manufactured homes for sale shall not exceed ten (10) percent of the total number of approved HUD-Code Manufactured spaces in the HUD-Code Manufactured home park;
- 2.) Location. HUD-Code Manufactured homes for sale shall be located only on approved HUD-Code Manufactured home spaces in the HUD-Code Manufactured home park, and subject to the same setbacks and yard requirements as occupied by HUD-Code Manufactured homes;
- 3.) Maintenance. There shall be no renovating, overhaul, or repair to HUD-Code Manufactured homes offered for sale within the HUD-Code Manufactured home park. However, customary maintenance shall be permitted such as would be allowed for an occupant while living in a HUD-Code Manufactured home.

Section 13.3. MOBILE HOMES PROHIBITED IN THE CITY OF HENDERSON

The installation of mobile homes for use or occupancy as a residential dwelling in the City of Henderson, Texas, is prohibited. This provision is prospective and shall not apply to any mobile home used and occupied as a residential dwelling in the City on the effective date of this Ordinance.

Section 13.4. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 13.4 where it applies, as well as to the following requirements:

1. Residential uses:
 - a. Minimum park size 10 acres
 - 1.) Maximum density 8 units/gross acre
 - b. Minimum setback from park boundaries 35 feet
 - c. Minimum lot area 3,500 square feet
 - d. Minimum horizontal distance between HUD-Code Manufactured homes:
 - 1.) Side to side 25 feet
 - 2.) End to end 15 feet
 - 3.) Side to end 15 feet
 - e. Minimum horizontal distance between the corner of adjacent HUD-Code manufactured homes that do not face each other or overlap. 15 feet
 - f. Minimum horizontal distance between a HUD-Code Manufactured home and a HUD-Code Manufactured home park Access or circulation drive 25 feet
2. Accessory structures.

An accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.

3. Additional requirements.

a. HUD-Code Manufactured Home space.

- 1.) Each HUD-Code Manufactured home shall be located on a space that will permit each unit to be sufficiently supported and anchored as in compliance with the State Standards for Anchoring HUD-Code Manufactured Homes.
- 2.) Each approved HUD-Code Manufactured home shall be clearly defined by stakes such other type markers that physically delineate as to the location of each said space within a park development.

b. Street or driveway improvements. All streets or driveways shall be paved in accordance with the standards and specifications on file in the Office of the Building Official.

c. Street lighting. All streets or driveways within the park shall be lighted at night with electric lights providing a minimum illumination of 0.2 foot candles.

d. Recreational areas.

- 1.) In all parks accommodating or designed to accommodate twenty-five (25) or more HUD-Code Manufactured homes, there shall be one or more recreation areas which shall be easily accessible to all park residents;
- 2.) The size of such recreation areas shall be based upon a minimum of one hundred (100) square feet for each lot. No outdoor recreation area shall contain less than twenty-five hundred (2,500) square feet;
- 3.) Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

e. Internal streets. Roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following requirements:

- 1.) All streets, except minor streets, from back of curb if provided, twenty-five (25) feet;
- 2.) Minor streets, acceptable only if less than five hundred (500) feet long and serving less than twenty-five (25) HUD-Code Manufactured homes or any length if HUD-Code Manufactured home lots abut on one side, eighteen (18) feet;

f. Parking. No parking shall be allowed on any HUD-Code Manufactured home park paved access or circulation drives.

g. Refuse disposal. All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be located not more than one hundred fifty (150) feet from any HUD-Code Manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse and shall be enclosed by adequate fence or shrubbery.

Section 13.5 SPECIAL REGULATIONS

In addition to Section 13.4, Dimensional Requirements, the following regulations shall apply where required:

- 1.) Access (See Section 24.2);
- 2.) Nonconformities (See Section 24.11);
- 3.) Off-street parking and loading facilities (See Section 24.12);
- 4.) Home occupations (See Section 24.8);
- 5.) Signs (See Article 26).

ARTICLE 14
SPECIAL USE PERMIT PROCEDURE AND REGULATIONS

Section 14.1 SPECIAL USES:

1. The City Council by an affirmative 4/5 vote may, after public hearing and proper notice to all parties affected, and after recommendations from the City Planning and Zoning Commission that the use is general conformance with the Master Plan of the City and containing and requirements and safe guards as are necessary to protect adjoining property, authorize the location of certain uses in a special district, provided the application shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off street parking facilities; size, height, construction material, and locations of buildings and the uses to be permitted; location and egress to public streets; the type of visual screening such as walls, paintings, and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet.

Section 14.2 SPECIAL USE PERMIT REGULATIONS:

1. In recommending that a Special Use Permit for the premises under consideration be granted, the City Planning and Zoning Commission shall determine that such uses are harmonious with and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provision for drainage, adequate off-street parking, protective screening and open spaces, heights of structures, and compatibility of building construction.
2. Every Special Use Permit granted under these provisions shall be considered as an amendment to the zoning ordinance as applicable to such property under consideration, but shall not be considered as a permanent change in zoning. In the event the building, premises, or land used under the Special Use Permit is voluntarily vacated or if the ownership is voluntarily transferred, or if such building or premises is more than fifty (50) percent destroyed by fire or other cause, the uses allowed under the original zoning district of such property shall take effect until a new and separate Special Use Permit is granted for reestablishment or continuation of the use.
3. In granting a Special Use Permit, the City Council may impose conditions which shall be complied with the owner or grantee before a certificate of occupancy may be issued by the Building Inspector for use of the building on such property pursuant to such Special Use Permit; and such conditions shall not be construed as conditions precedent to the granting of a Special Use Permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.
4. Issuance of Special Use Permit
 - A. The building Official of the City shall promulgate a form to be used for the issuance of a Special Use Permit. Such form shall provide the following:
 - (1) A description of the property for which the permit is issued, which may be the street address;
 - (2) The specific use allowed by such permit;
 - (3) The signature of the building official;

- (4) The signature of the grantee of such permit; and
 - (5) Any conditions for issuance of such permit that are imposed upon the owner of grantee of such permit by the City Council.
- B. Such permit shall require the signature of the Building official at the time of issuance as a condition of its issuance.
- C. No Special Use Permit shall be granted unless and until the applicant, owner or grantee of the Special Use Permit shall sign the permit indicating their agreement to accept, be bound by and comply with the written requirements of such Special Use Permit. The site plan drawing (or drawings) approved by the Planning and Zoning Commission and the City Council for the property affected shall be referenced in the Special Use Permit and shall become a part of the Special Use Permit by incorporation.
5. The grantee of a Special Use Permit shall apply for and obtain within six (6) months from the time of granting the Special Use Permit, a building permit for any new construction or alteration of existing structures, provided, however, that the City Council, upon recommendation by the City Planning and Zoning Commission, may authorize a reasonable extension of this time limit.
6. No building, premise, or land used under a Special Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Special Use Permit is granted for such enlargement, modifications, structural alteration, or change.
7. The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify and decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such Special Use Permit.
8. When the City Council authorize granting of a Special Use Permit, the zoning Map shall be amended according to its legend to indicate that he affected area has conditional and limited uses, said amendment to indicate the appropriate zoning district for approved use and suffixed by a "S" designation.

SECTION 14.3 SPECIAL USES AUTHORIZED BY SEPARATE PERMIT:

3.1 Bed and Breakfast

For purposes of this zoning ordinance, a bed and breakfast facility shall be defined as a private home in which lodging for one or more nights and breakfast are provided by the resident of the home for compensation.

3.1.1 Development Regulations:

- a. Parking Regulations. Each bed and breakfast shall have at least two (2) parking spaces per dwelling unit plus one (1) additional parking space for each bedroom available for rent in such bed and breakfast facility.

- 1. Each parking space shall be paved with an all weather surface

2. Additional parking spaces, if required, shall be located to the rear or side of the structure and not located in front yard area.
 3. If additional parking is required, then said parking shall be screened from view of adjoining residential property.
- b. Signs. Bed and breakfast signs shall be allowed as follows:
1. Residential Zones-Ground Sign Only
 - a. Scaled drawing submitted showing size, shape, graphics, and color scheme.
Maximum area– 12 sq. ft.
 - c. Maximum height– 4 ft.
 - d. Location– minimum 15 ft. front and side yard setback
Construction type – All
 - g. Lightning- overhead with minimal glare not to reach beyond sign.
 - h. Community development direction determines whether sign is substandard.
 - c. Length of Stay. The length of stay for guests of a bed and breakfast shall be limited to fourteen (14) consecutive days in any thirty (30) day period.
 - d. Age of Structure. Any bed and breakfast shall be located only in a structure ten (10) years of age or older.
 - e. Exterior Building Alterations. No exterior alterations shall be allowed to bed and breakfast structures located within any district zoned for residential uses only.
 - f. Compliance with codes and ordinances. All structures used for bed and breakfast accommodations shall comply with this zoning ordinance and all building, fire and health codes and other ordinances of the City.
 - g. Locations in Zoning Districts. A bed and breakfast may be located in any zoning district except for Light Industrial (I-1) and General Industrial (I-2).
 - i. Resident Owner. The primary structure where a bed and breakfast facility is located shall be the full time place of residence of the owner and operator of the bed and breakfast facility.
 - i Accessory Buildings. Accessory buildings shall not to be used for bed & breakfast accommodations.
 - j. Guests Houses. A guesthouse built before the adoption of the Zoning Ordinance on August 1, 1984, may be used for bed & breakfast accommodations if the house complies with this zoning ordinance.

14.3.2 ADULT FOSTER CARE HOME:

Development Regulations

a. Parking Regulations

1. One (1) parking space plus one (1) space for each bedroom requested for such facility use:
 - a. Paved with all weather surface
 - b. Not located in front yard area
 - c. Screening of parking area

b. Signs

1. Multi Family Residential Zones – maximum of 2 square foot wall sign
2. Commercial zones – as per sign ordinance.

c. Exterior Building Alterations

1. All alterations must have prior approval of the Planning and Zoning Commission.

d. All structures must meet all applicable Building and Fire Codes and Health Codes.

e. Location

1. Allowed in all Multi-Family Districts and in General Districts only.

f. Resident Owner

1. Establishment owner or operator shall provide adequate supervision at all times.

g. State Guidelines

1. Establishment owner or operator shall be approved by the Texas Department of Human Services and shall comply with the minimum standards for operation as promulgated and amended by the Texas Department of Human Services.

14.3.3 TOWERS AND ANTENNAS TO READ AS FOLLOWS:

- (a) Information Required in Application – Before a tower or antenna can be erected anywhere in the City of Henderson where such tower or antenna will violate the Zoning Ordinance of the City of Henderson, an application must be submitted on a form provided by the City of Henderson to the City Planning and Zoning Commission as further provided for in this Article 14. Such application must contain all the following information before it can be considered by the City Planning and Zoning Commission:

- (1) name, address, and telephone number of the person or entity requesting the special use;
- (2) exact location of the proposed including the zoning and land use of all adjacent property;

- (3) a site plan to include a photo(s) of the proposed tower/antenna development site as viewed from adjacent properties and right-of-way;
- (4) a detailed landscape/screening plan which shall include the complete plan site for the tower/antenna;
- (5) copies of the United States Federal Aviation Administration application and approval;
- (6) a written explanation justifying the requested height of the tower/antenna; and
- (7) a written explanation of the reason why the proposed tower/antenna cannot be located on a building or other significant structure.

This application must be signed by an owner or authorized agent of the owner of the proposed tower/antenna.

(b) Tower/Antenna Height – The height of all towers and antennas within the City of Henderson shall be as follows:

- (1) no commercial radio, television, cellular, or microwave reflector tower/antenna, including support structure shall exceed 150 feet in height from ground level. Such tower/antenna height must be approved as a part of the special use permit process under this section and article.
- (2) Publicly owned towers/antennas shall not be subject to maximum height restrictions.

(c) Antenna Support Structure – The tower/antenna support structure shall be restricted as follows

- (1) all towers/antennas and required accessory buildings shall comply with the principal building setbacks for the specific zoning district in which they are located, subject to the following provision.
- (2) there shall be a required minimum setback for towers/antennas and required accessory buildings from any office, educational, or residential building of a distance equal to the height of the tower/antenna.

(d) Grandfathered Towers/Antennas – Any tower or antenna lawfully existing, or approved, on the effective date of this ordinance may continue to exist, or be built, under the standards for which the original tower/antenna was originally permitted; however, any changes or alterations to such previously permitted towers/antennas shall be subject to the permitting requirements of this section.

(e) Federal Requirements – All towers/antennas must meet the then current standards and regulations of the United States Federal Aviation Administration, United States Federal Communication Commission, and any other federal agency having authority to govern towers/antennas.

(f) Abandoned Tower/Antennas – Any tower/antenna that has not been in operation for continuous period of twelve (12) months shall be considered abandoned, and the owner, or person in control of such tower, shall remove the tower within ninety (90) days after receipt of written notice from the City. If the mailing address of the owner, or person in control, of such tower changes after submission of the above referenced application, such owner or person in control shall notify the City in writing of such change of address within ten (10) days after such change of mailing address. If such tower/antenna is not removed within said ninety (90) days, the City may remove

such tower/antenna, then this subsection shall not apply until all users of such towers/antenna cease using such tower/antenna.

- (g) Public Towers/Antenna – All publicly owned antennas or communication structures shall be permitted in any district provided that a license, lease, or form of approval has been obtained from the City.
- (h) Building Permit Required – After a special use permit has been approved by the City Council as provided in this article, a building permit must be obtained in order that an inspection may be conducted by the City to determine if the regulations set forth in the special use permit have been complied with.

ARTICLE 15
LOCAL RETAIL COMMERCIAL DISTRICT (C-2)

Sec. 15.1. PURPOSE

The provisions of this district are intended to provide for local retail that serve a specific geographic area of the community defined as a neighborhood service area; to regulate each location size in terms of both zoned space and floor area; to encourage such development to be located on land that is physically capable of supporting this type of development; to require such sites to abut public streets functionally classified as arterial where intra-neighborhood and not inter-neighborhood circulation can be achieved and where public facilities and services are existing or within plans for improvements; to encourage such sites to occur in planned unit developments or other re-planned developments which are large enough to economically support such development; and to require appropriate buffering and/or screening around such sites either through natural features or landscaping in an attempt to maintain its compatibility with surrounding land uses.

Sec. 15.2. PERMITTED USES

1. Required permitted by right:
 - a. Child Day Care Centers (See Section 23.4);
 - b. Clinics;
 - c. Drugstores, pharmacies, and/or apothecaries;
 - d. Dry Good Stores;
 - e. Financial institutions;
 - f. Food stores;
 - g. Household and family service establishments;
 - h. Personal service establishments;
 - i. Professional services;
 - j. Restaurants, in and out service;
 - k. Adult Day Care Center.

Sec. 15.3. PROHIBITED USES

All other uses are prohibited within this district because they are either unsuited for such site development or because they do not normally serve the purposes as herein attributed to the local retail merchant.

Sec. 15.4. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 15.5 where it applies, as well as the following requirements:

- 1. Local retail:
 - a. Maximum lot size 5 acres
 - b. Minimum lot width at building line 100 feet
 - c. Maximum lot depth at building line 250 feet
 - d. Minimum yard setbacks:
 - 1) Front 25 feet
 - 2) Side, interior 10 feet
 - 3) Side, street 15 feet
 - 4) Rear 20 feet
 - e. Maximum building height of principal Structure 35 feet
 - f. Minimum yard setbacks for a principal structure from and residential district boundary 50 feet

2. Permitted uses:

No one (1) single use shall be permitted to occupy more than forty thousand (40,000) square feet of gross leasable floor area (G.L.A.).

3. Accessory structures:

No accessory structure, excluding fences or walls shall be closer to any residential district boundary than one hundred (100) feet.

Sec. 15.5. SPECIAL REGULATIONS

In addition to Section 15.4, Dimensional Requirements, the following regulations shall apply where required:

- 1. Access (See Section 24.2);
- 2. Nonconformities (See Section 24.11);
- 3. Off-street parking and loading facilities (See Section 24.12);

4. Site plan approval process (see Article 25);
5. Signs (See Article 26);
6. Each adult day care facility prior to receiving city approval must have met all State of Texas regulations and present a copy of the State license or permit to operate such a facility to the Building Inspector.

ARTICLE 16
GENERAL COMMERCIAL DISTRICT (C-3)

Sec. 16.1. PURPOSE

The intent of this district is to provide for shopping development containing a wide range of commercial goods and services of full depth and variety to accommodate comparative shopping opportunities for a large population. The provisions of this district are intended to provide for shopping facilities that draw patronage from throughout the community or area; to encourage such facilities to locate on land that is physically capable of supporting this type of development; to minimize traffic congestion on public streets by requiring such developments to abut upon streets functionally classified as arterial where public facilities and services are existing or within plans for improvement; to promote the separation of pedestrian traffic from vehicular traffic; to encourage proper design criteria for such development through the utilization of the site plan approval process; to minimize any adverse effects of such developments either through natural features or landscaping; and to discourage, as understood to be capable of adversely affecting the basic commercial characteristics of the district.

Sec. 16.2. PERMITTED USES

1. Uses permitted by right;
 - a. Professional services;
 - b. Business and personal service establishments;
 - c. Financial institutions;
 - d. Restaurants, cafeterias and lounges, including drive-in restaurants;
 - e. Commercial, recreational facilities:
 - 1) Bowling alleys;
 - 2) Skating Rink;
 - 3) Theatre;
 - f. Vehicular and equipment sales and services;
 - 1) Motor vehicle dealer, new or used, opened or enclosed;
 - 2) Vehicular accessories and parts, retail and wholesale;
 - 3) Vehicular glass or mirror shops, vehicular seat covering and convertible top establishments, sales or installations, but not manufacturer of materials;
 - 4) Vehicular repair facilities, including paint shops, bump shops as well as other major repair shops;

- 5) Recreational vehicle and equipment sales and services, new or used;
 - 6) Heavy equipment sales and services, new or used;
 - 7) Machinery equipment sales and services, new or used;
 - 8) Farm Equipment sales and services, new or used;
 - 9) Household equipment sales and services, new or used;
 - 10) Mobile home dealers, new or used;
 - 11) Vehicular driving schools;
 - 12) Other similar vehicular and equipment sales and services;
- g. Vehicular and equipment rentals and/or storage services;
- h. Retail-commercial sales and services, including but not limited to the following:
- 1) Food stores;
 - 2) Dry good stores;
 - 3) Furniture and appliance stores;
 - 4) Household and family service establishments;
 - 5) Recreation and sports stores;
 - 6) Commercial indoor recreational facilities;
 - 7) Miscellaneous retail stores;
 - 8) Drugstores, pharmacies or apothecaries;
 - 9) Gasoline service stations and car washes (See Section 23.9);
 - 10) Automobile, truck and equipment rentals.
- i. Churches and other houses of worship (See Section 23.5);
- j. Governmental buildings and services;
- k. Commercial parking lots;
- l. Veterinary hospitals or clinics (See Section 23.17);
- m. Public and private utility services, excluding sanitary landfills, incinerators. Refuse and trash dumps;
- n. Hotels, motels, or motor lodges;
- o. Funeral homes and mortuaries (See Section 23.8);
- p. Warehousing operations, but only in conjunction with a full-time department store;
- q. Video arcades (see section 23.19);

- r. Adult day Care Facilities
- r. ~~Private club restaurant, but in accordance with Section 23.14,~~ amendment done in January 1987 with amendment done in July 1996.

Sec. 16.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 16.4 where it applies, as well as the following requirements:

- 1. General commercial:
 - a. Maximum lot size 25 acres
 - b. Minimum lot width 100 feet
 - c. Maximum lot depth at building line 250 feet
 - d. Minimum yard setbacks:
 - 1) Front 25 feet
 - 2) Side, interior 10 feet
 - 3) Side, street 15 feet
 - 4) Rear 20 feet
 - e. Maximum building height of principal Structure 35 feet
 - f. Minimum yard setbacks for a principal Structure from any residential district Boundary 75 feet

2. Accessory structures:

No accessory structure, excluding fences or walls shall be closer to any residential district boundary than seventy-five (75) feet.

3. Additional requirements:

- a. Angle of light obstruction. The angle of light obstruction (sometimes called the “light angle”) places limitations on the vertical angle within which buildings may obstruct light, thereby controlling the amount of sunlight and daylight at ground levels, assuring better air circulation and improving light on the exterior

of buildings. In the C-3 district, no building except churches hereafter erected or altered which abuts a residential district shall extend above an inclined plane established by an angle of light obstruction of forty-five (45) degrees along any lot line. Such a plane shall be interpreted for the street side as intersecting a horizontal plane at the curb centerline of any abutting street at the level of the curb nearest any point on a wall of the building facing on each side nearest any point on a wall of the building facing on each side street; for other boundaries it shall be interpreted as intersecting a horizontal plane at the natural ground level along the required rear yard line of the adjacent lot, the rear and the required side yard of the adjacent lot to the side at the nearest point on the rear or side wall of the building. The required width of a side yard according to the angle of light obstruction may be reduced by one-fourth (1/4) if the planes of all walls facing the side lot line intersect such lot line at an angle of not less than thirty-five (35) degrees.

- b. Truck trailer and equipment rentals:
 - 1) All automobile rentals shall be visually screened from view along its rear and side interior property lines from outside the property by a six (6) foot high fence or masonry wall of at least fifty (50) percent opaque over the entire horizontal façade. Such similar screening device shall also be used along the front and side, street property, but with a maximum screening device height of only two (2) foot high fence or masonry wall is utilized an evergreen hedge or other suitable screening device of the same height may be permitted.
 - 2) Where such rentals are accessory to gasoline service stations, the area devoted to such rentals shall not exceed thirty-five (35) percent of the total developed area. Screening shall be required as in accordance with the paragraph above. (Also See Section 23.9)

Sec. 16.4. SPECIAL REGULATIONS

In addition to Section 16.3, Dimensional Requirements, the following regulations shall apply where required:

- 1. Access (See Section 24.2);
- 2. Nonconformities (See Section 24.11);

3. Off-street parking and loading facilities (See Section 24.12);
4. Site plan approval process (See Article 25);
5. Signs (See Article 26);
6. Each adult day care facility prior to receiving city approval must have met all State of Texas regulations and present a copy of the State license or permit to operate such a facility to the Building Inspector.

ARTICLE 17
CENTRAL BUSINESS DISTRICT (CBD) / HISTORICAL DISTRICT (H)

Sec. 17.1 PURPOSE

The intent of this district is to improve and promote the commercial, office, and cultural characteristics of the central city area, as well as promoting and encouraging the development of various housing types peculiar to the needs of people who desire to live within walking distance to such businesses and services. The provisions of this district are intended to promote the central variety of office, business, public and cultural activities; to provide for the development of housing that is compatible with developments in areas of similar intensity; to promote the separation of pedestrian traffic from vehicular traffic; and to encourage privacy, internal stability, attractiveness, order, and efficiency within this district by providing for adequate light, air, and open space through the careful design and consideration of the proper functional relationship among uses.

Sec. 17.2 PERMITTED USES

1. Uses permitted by right:
 - a. Multiple family dwellings;
 - b. Eating establishments, excluding drive-in restaurants;
 - c. Full-line department stores;
 - d. Hotels, motels, or motor lodges;
 - e. Offices and studios;
 - f. Business and personal services establishments;
 - g. Financial institutions, including full-service banks, savings and loan institutions;
 - h. Commercial parking lots or garages;
 - i. Commercial bus and taxi terminals;
 - j. Governmental buildings and services;
 - k. Commercial indoor recreational facilities:
 - 1) Theatres;
 - 2) Video Arcades (See Section 23.19);

- 3) Other similar indoor recreational facilities.
 - l. Public recreational facilities and buildings;
 - m. Public and private utility services, excluding sanitary land fills, incinerators, refuse and trash dumps (See Section 23.15);
 - n. Arenas, auditoriums, stadium, and trade expositions;
 - o. Compound uses (See Section 23.6);
 - p. Churches and other houses of worship (See Section 23.5);
 - q. Retail-commercial sales and services, except as prohibited in Section 17.3;
2. Uses permitted by special exception:
 - a. Child day care centers (See Section 23.4);
 - b. Educational and scientific research offices, excluding laboratory work;
 - c. Funeral homes and mortuaries (See Section 23.8);
 - d. Automobile rentals;
 - e. Tracts of land not located within the Historic District as previously designated or as so designated in the future, may be used as single-family dwellings as a compound use in conjunction with business and personal service establishments.
 - f. Tracts of land that are at least five (5) acres or more in surface area that are not located within the Historic District as previously designated or as so designated in the future, may be used for self service gasoline service stations.
 - g. Construction of communications towers in the Central Business District (CBD) Zone by special exception, provided that they shall comply with Section 23.16 of the Zoning Ordinance.

Sec. 17.3. PROHIBITED USES

1. Light and general industrial uses;
2. Exterminating services;

- 1) Vehicular parking shall not be permitted with the first ten (10) feet of any yard setback area measured from the property line.
- 2) Modification of yard setbacks:

Yard requirements for projects containing more than four (4) units may be reduced as much as five (5) feet provided the opposite yard is increased equally and provided further that the Planning and Zoning Commission, as a part of site plan approval process, finds such modifications necessary in order to accomplish or improve one or more of the following:

- a) Access to the rear of the property for service vehicles;
- b) Safe and efficient traffic circulation;
- c) Adequate off-street parking;
- d) Usable open space.

f. Minimum required usable open space:

Usable open space shall be provided in a common area or areas having no dimension less than twenty (20) feet, except areas devoted to balconies which may be counted if no dimensions is less than five (5) feet in width and at least seven (7) feet in length. Roof space may also be counted provided it is designed for the safe and convenient use of occupants in the project. A minimum of seventy-five (75) percent of the required open space must be provided at ground level:

Less than four (4) units	None
More than four (4) units	50 square feet per unit

2. All permitted uses, except as provided for, shall be required to have the following minimum setbacks:

1.	Front-	25 feet
2.	Side interior-	10 feet
3.	Side street-	15 feet
4.	Rear-	10 feet

3. Additional requirements:

- a. Angle of light obstruction. The angle of light obstruction (sometimes called “the light angle”) places limitations on the vertical angle within which buildings may obstruct light, thereby controlling the amount of sunlight and daylight at ground levels, assuring better air circulation and improving light on the exterior of buildings. In the CBD district, no building, except churches, hereafter erected or altered which abuts a residential district shall extend above an inclined plane established by an angle of light obstruction of sixty (60) degrees along any lot line. Such a plane shall be interpreted for the street side as intersecting a horizontal plane at the centerline of any abutting street at the level of the curb nearest any point on a wall of the building facing on each side street; for other boundaries, it shall be interpreted as intersecting a horizontal plane at the natural ground level along the required rear yard line of the adjacent lot, the rear and the required side yard line of the adjacent lot to the side at the nearest point on the rear or side wall of the building.

- b. Automobile rentals. All automobile rentals shall be visually screened from view along its rear and side interior property lines from outside the property by a six (6) foot high fence or masonry wall of at least fifty (50) percent opaque over the entire horizontal façade. Such similar screening device shall also be used along the front and side, street property, but with a maximum screening device height of only two (2) feet. Whenever in this section a six (6) foot or two (2) foot high fence or masonry wall is utilized an evergreen hedge or other suitable screening device of the same height may be permitted.

Sec. 17.5. SPECIAL REGULATIONS

In addition to Section 17.4, Dimensional Requirements the following regulations shall apply where required:

1. Access (See Section 24.2);
2. Home occupations (See Section 24.11);
3. Nonconformities (See Section 24.11);
4. Off-street parking and loading facilities (See Section 24.12);
5. Site plan approval process (See Article 25);
6. Signs (See Article 26).

Sec. 17.6. HISTORICAL DISTRICT (H)

The following tract(s) of land are to be zoned Historic (H) in addition to their current zoning of Central Business District (CBD), said tract(s) of land being described as follows, to-wit;

Lots 1-4, Block 1; Lots 1-4, Block 2;

Lots 1-9, Block 9; Lots 1-5, block 10;

Lots 1-5, Block 11; Lots 1-6, Block 14;

Lots 1-11, Block 15; Lots 1-9 Block 17;

Lots 1-3, Block 27; Lots 1-11, Block 28;

Lots 1-11, Block 107; All Lots 1-2, Block

119; Lot 3, Block 119; N 30' Lot 4, Block

119, S 25' Lot 4, Block 119; Lot 5 & Pt.

Lot 6 in Block 119.

Same being all tracts of land enclosed by the following road boundaries; Beginning at North Van Buren and Fordall; thence east along Fordall through North Main continuing east through North Marshall to an alley way located behind the Odell Poovey property (Fordall-North Marshall); thence south along said alley way to East Main; thence east along East Main to South High, thence south along South High to East Minden; thence west along East Minden to South Marshall; thence south along South Marshall to Elk Street; thence west along Elk Street through South Main and continuing along Elk Street to Jackson Street; thence north along Jackson Street to West Main; thence west along West Main to North Van Buren; thence north along North Van Buren to the place of beginning.

HISTORIC LANDMARK PRESERVATION

Section 1: Definitions.

- (A) Historic landmark – As used in this chapter, the term “historic landmark” shall mean any buildings, land, areas of historical, architectural archaeological or cultural importance value, which the City Council determines shall be protected, enhanced and preserved in the Interest of the culture, prosperity, education and welfare of the people.
- (B) Historic Landmark Preservation Committee – A committee of seven

(7) Members appointed by the City Council with sixty (60) days from the effective date of this chapter. All members shall have knowledge and experience in the field of history, art, architecture or real estate planning and development, and shall be appointed from a list of nominees.

- (C) Certificate of Appropriateness – A certificate from the Historic Landmark Preservation Committee authorizing plans for “alteration”, “reconstruction”, “removal”, or “demolition” of a “landmark” or an “improvement” on a “historic site”.
- (D) Alteration – Any act or process, which changes one (1) or more of the “exterior” architectural features of a structure, designated for preservation or any structure in a district designated for preservation.
- (E) Exterior architectural feature – The architectural style, design, general arrangement, and components of all the out surfaces or an “improvement” as distinguished from the interior surfaces enclosed by said exterior surfaces, including but not limited to the texture of the building material and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such “improvement.”
- (F) Historic Site – A parcel or part thereof on which is situated a “landmark” and any abutting parcel or part thereof used and constituting part of the premises on which the “landmark” is situated, and which has been designated as a “historic site” pursuant to the provision of this article and which may or may not be located within a Historic Preservation District.
- (G) Improvement – Any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of rear property, or any part of such betterment.
- (H) Landmark – Any “improvement” which has a special character and/or special historical interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation, and which has been designated as a “landmark” pursuant to the provisions of this article.

Section 2: Declaration of policy.

The City Council hereby finds and declares as a matter of public policy that the protection, enhancement, preservation and use of historic landmarks is a public necessity and is required in the interest of the culture, prosperity, education, and welfare of the people. The purposes of this section are:

- (A) To protect, enhance and perpetuate historic landmarks, which represent or reflect distinctive and important elements of the city’s cultural, social, economic, political, archaeological and architectural history.

- (B) To safeguard the city’s historic and cultural heritage, as embodied and reflected in such historical landmarks.
- (C) To stabilize and improve property values in such locations.
- (D) To foster civic pride in the beauty of noble accomplishments of the past.
- (E) To protect and enhance the city’s attractions to tourists and visitors and provide incidental support and stimulus to business and industry.
- (F) To strengthen the economy of the city.
- (G) To promote the use of historic landmarks for the culture, prosperity, education and welfare of the people of the city and visitors to the city.

Section 3: Historic Landmark – designation.

The city council may designate certain buildings, land, areas and districts in the city as historic landmarks and define, amend and delineate the boundaries thereof. The suffix “H” shall indicate the zoning, subdistrict designation of those buildings, land, areas and districts which the City Council has other zoning district designation established in the zoning ordinance. All zoning district maps shall reflect the designation of a historic landmark subdistrict by the letter “H” as suffix.

Section 4: Criteria to be used in determination.

In making such designation as set forth in this section, the City Council shall consider one (1) or more of the following criteria;

- (A) Character, interest or value as part of the development, heritage or cultural characteristics of the City of Henderson, State of Texas, or the United States.
- (B) Location as the site of a significant historic event;
- (C) Identification with a person or persons who significantly contributed to the culture and development of the city;
- (D) Exemplifications of the cultural, economic, social or historical heritage of the city;
- (E) Portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
- (F) Embodiment of distinguishing characteristics of an architectural type or specimen;

- (G) Identification as the work of an architect or master builder whose individual work has influenced the development of the city;
- (H) Embodiment of elements of architectural or master builder whose individual work has influenced the development of the city;
- (I) Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on historic, cultural or architectural motif;
- (J) Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city;
- (K) Archaeological value in that it has produced or can be expected to produce into affecting theories of historic or prehistoric interest;
- (L) Value as an aspect of community sentiment or public pride.

Section 5: Historic Landmark Preservation Committee – created.

- (A) There is hereby created a committee to be known as the historic landmark preservation committee of the city, hereto after called the “committee” composed of seven (7) members appointed by the City Council within sixty (60) days from the effective date of this chapter. All members shall have knowledge and experience in the field of history, art, architecture or real estate planning and development, and shall be appointed from a list of nominees solicited from;
 - (1) Rusk County Historical Commission
 - (2) Rusk County Heritage Association
 - (3) Henderson Downtown Association
 - (4) Rusk County Board of Realtors
 - (5) Rusk County Chamber of Commerce
 - (6) Henderson Downtown Property Owners
 - (7) Such other Individuals and organizations as the City Council may in its discretion wish to consult or consider.
- (B) Appointments to the committee shall be for a term of two (2) years ending on February first of each even numbered year, and the members shall

- serve without compensation. The committee shall designate a chairman and a vice chairman from its members.
- (C) The committee shall meet at least quarterly, with additional meetings upon call by the committee chairman or upon petition of a simple majority of committee members. Four (4) members present shall constitute a quorum, and issues shall be decided by a simple majority vote of the members present. The minutes of each meeting shall be filled in the office of the City Secretary.
 - (D) In addition to the seven (7) members appointed by the City Council, the City Manager or his representative, the Building Official, the Main Street Manager and a representative from the Rusk County Tourism Department shall sit on the committee as ex-office members. They shall not have voting powers but shall assist the committee in its varied functions.

Section 6: Function.

- (A) The committee shall thoroughly familiarize itself with the buildings, land, areas, and districts within the city, which may be eligible for designation as historic landmarks and shall prepare a historic landmark preservation plan, hereinafter referred to as the “preservation plan”, which shall:
 - (1) Identify and catalog buildings, land, areas and districts of historical, architectural, archaeological or cultural value along with statements of fact which verify their significance;
 - (2) Identify criteria to be used in determining whether certain buildings, land, areas and districts should be designated as historic landmarks;
 - (3) Identify guidelines to be used in determination of whether to grant or deny certificates of appropriateness for proposed alterations to the exterior of a designated historic landmark;
 - (4) Formulate a program for private and public action which will state the role of various city agencies in the preservation of historic landmarks;
 - (5) Suggest sources of funds for preservation and restoration activities for all acquisitions, to include federal, state, municipal, private and foundation sources; and
 - (6) Recommend incentives for preservation.
- (B) The preservation plan shall be presented to the Planning and Zoning Commission for inclusion in the comprehensive plan of the city.

- (C) The committee shall recommend to the Planning and Zoning Commission that certain buildings, land, areas and district in the city be designated as historic landmarks. Each recommendation shall include:
 - (1) Those premises, lots or tracts to be designated,
 - (2) Any additional uses to be permitted in specific “H” subdistricts,
 - (3) Specific criteria for the required preservation of the exteriors of the premises within the designated subdistrict.
- (D) If the committee finds that certain buildings, land, areas or districts cannot be preserved without acquisition, the committee shall recommend to the Planning and Zoning Commission that the fee or a lesser Interest in the property be acquired by gift to purchase, using funds available for preservation or restoration.
- (E) Where there are conditions under which the required preservation of a historic landmark would cause undue hardship to the owner or owners, use changes may be recommended by the committee. Such changes shall be in keeping with the spirit and intent of this chapter.
- (F) Periodically the committee shall review the status of designated historic landmark subdistricts and include in the committee minutes a report of such review.
- (G) The designation of a historic landmark subdistrict may be amended or removed using the same procedure as provided in this chapter for the original designation.

Section 7: Action by Planning and Zoning Commission.

- (A) The Planning and Zoning Commission shall hold public hearings as provided in the zoning ordinance of the city to consider any historic landmark subdistrict designation recommended by the committee.
- (B) At the conclusion of a hearing the Planning and Zoning Commission shall set forth in writing its recommendation, including the findings of fact that constitute the basis for its decision and shall transmit such recommendation to the City Council.

Section 8: Action by City Council and recording designation.

Reserved for future use.

Section 9: Certificate of appropriateness review.

- (A) No permit for proposed work for the exterior of a designated historic landmark shall be issued to any applicant by the Building Official of the City unless the application has first been reviewed by the Landmark Committee.
- (B) When applying for a building permit for the exterior of a designated historic landmark, use applicant shall forward two copies of all detailed plans, elevations, perspectives, specifications and other documents pertaining to the work to the Building Official, who shall forward such application to the Landmark Committee Chairman within five (5) days of receipt thereof. Any applicant may request a meeting with the Landmark Committee before submitting an application and may consult with the Committee during the review of the permit application.
- (C) Upon review of the application, if the Landmark Committee finds the proposed work of a nature which will not adversely affect any significant historical or architectural feature of the historic landmark, and which is appropriate and consistent with the spirit and purposes of this chapter, it shall forward a "Certificate of Appropriateness" to the Building Official of the City within ten (10) days, and the Building Official shall advise the applicant is disapproved.
- (D) If the Landmark Committee finds that the proposed work will adversely affect or destroy any significant architectural, archaeological, or cultural ventures of the landmark, or is inappropriate or inconsistent with the spirit and purpose of this chapter, it shall inform the building official the application is disapproved.
- (E) If no action has been taken by the Landmark Committee within forty-five (45) days of the original receipt by the Building Official, a "Certificate of Appropriateness" shall be deemed issued by the Landmark Committee and the Building Official shall advise the applicant.
- (F) No change shall be made in the application for any building permit after Issuance of a "Certificate of Appropriateness" without re-submittal to the Landmark Committee and approval there in the same manner as provided above.
- (G) After a decision is reached by the Landmark Committee denying an application for "Certificate of Appropriateness," a re-submittal of application will not be accepted for additional hearing within a twelve (12) month period from the date of final decision except upon written request by the applicant, indicating the Incorporation of changed in plans and specifications to the original application as recommended by the

Committee which would protect the distinctive character of the historic landmark.

- (H) Proposed exterior changes and alterations to a designated historic landmark not requiring a building permit shall be submitted in writing directly to the Landmark Committee for a “Certificate of Appropriateness” which must be granted before such work can be undertaken. The application must specifically describe the alteration or change proposed. If the Landmark Committee finds the proposed work of a nature which will adversely affect any significant architectural or historical feature of a designated historic landmark, and which is inappropriate or inconsistent with the spirit and purposes of this chapter, the Landmark Committee must notify the applicant within thirty (30) days that said application has been disapproved; otherwise, the application shall be deemed approved and the Certificate of Appropriateness issued. Provisions (F) and (G) above apply here also.
- (I) Ordinary repair and maintenance which does not involve changes in architectural or historical value, style, general design, arrangement, texture, material, or color are exempt from the provisions of this ordinance. The foregoing prohibitions shall not apply to color of paint on wooden structures.
- (J) Appeal. Any applicant aggrieved by a ruling of the Landmark Committee under the provisions of this section may, within thirty (30) days after the filing appeal to the City Council of Henderson.

Section 10: Historic landmark demolition or removal.

If application is received by the Building Official for demolition or removal of any designated historic landmark, or designated building within a “H” subdistrict as provided for in sections six (6), seven (7) and eight (8) of this chapter, the committee shall hold a hearing within thirty (30) days after the application is initially filed and forwarded to the committee. The committee shall hear all other interested parties. The committee shall consider the state of repair of the building, the reasonableness of the cost of restoration of repairs, taking into account the purpose of preserving the designated historic landmark, the character of the neighborhood, and all other factors, which it finds appropriate. The committee may recommend the disapproval of the application by determining that in the interest of preserving historical values, the structure should not be demolished; and in that event, the application shall be suspended for a period not exceeding ninety (90) days from the date of application. Within the suspension period. The committee may request an extension of the suspension period by the City Council. If the City Council, after notice to the applicant and public hearing, determines that there is reasonable ground for preservation, the Council may extend the suspension period for an additional period not exceeding one hundred twenty (120) days, to a total of not more than two hundred forty (240) days from the date of application for demolition. During the period of suspension

of the application, no permit shall be issued for such demolition or removal nor shall any person demolish or remove the building or structure. If no action is taken by the City Council within two hundred forty (240) days from the date of application, the demolition permit shall be issued and the Building Official shall so advise the application.

Section 11: Provisions herein not to affect the present uses.

Use classification as to all property which may be included in a historic landmark subdistrict shall continue to be governed by the zoning ordinance of the city and shall continue upon establishing the “H” subdistrict.

Section 12: Penalty.

- (A) It shall be unlawful to construct, reconstruct, structurally alter, remodel, renovate, restore, demolish, raze or maintain any historic landmark in violation of the provisions of this chapter. In addition to other remedies, the city may institute any appropriate action or proceedings to prevent such unlawful construction, restoration, demolition, razing, or maintenance, to restrain, correct or abate such violation.
- (B) Any person who violates any provision of this chapter shall be guilty of a separate offense for each day or portion thereof during which any such violation is committed, continued or permitted; and each offense shall be punished by a fine o not more than two hundred dollars (\$200.00).

Section 13:

The zoning ordinance of the City of Henderson is hereby amended to add this ordinance as a new article to the zoning ordinance.

ARTICLE 18
RESTRICTED PROFESSIONAL AND OFFICE DISTRICT (RPO)

Sec. 18.1. PURPOSE

The intent of this district is to accommodate various types of professional and financial offices and studio uses together with such retail business establishments that are compatible with such office and studio uses. The provisions of this district are intended to encourage such development to locate along the community's major transportation arteries which will provide adequate access to such developments; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to promote through site plan approval the most efficient and economic use of the land used for such development; to serve as a buffer or transitional area between low intensity land uses and other more intense land uses; and to discourage, as much as possible, any encroachment by unrestricted retail and/or wholesale business establishments, industrial concerns, and other uses capable of adversely affecting the administration and professional characteristics of the district.

Sec. 18.2. PERMITTED USES

1. Uses permitted by right:
 - a. Professional services;
 - b. Financial institutions, excluding full service banks and saving and loan institutions;
 - c. Business service establishments;
 - d. Professional studios:
 - 1) Artist galleries and studios;
 - 2) Photographic studios, including the taking of photographs or portrait settings, and development of film, but no photographic processing labs;
 - 3) Music studios, when made fully soundproof, but not including dancehalls;
 - 4) Dance studios, but not including dance halls;
 - 5) Interior design studios;
 - 6) Radio and television studios, but not including transmitting towers;

- 7) Educational specialty studios;
 - 8) Other similar professional studio uses.
- e. Churches and other houses of worship, including convents and rectories;
 - f. Hospitals and full service medical facilities;
 - g. Governmental buildings and services;
 - h. Public recreational buildings and facilities;
 - i. Public and private utility services, excluding sanitary land fills, incinerators, refuse and trash dumps;
 - j. Barber shops and beauty shops.
- 2. Uses permitted by special exception:
 - a. Child day care centers;
 - b. Drugstores, pharmacies and/or apothecaries, but only in conjunction with medical facilities;
 - c. Florist shops;
 - d. Veterinary hospitals or clinics (See Section 23.17);
 - e. Funeral homes or mortuaries (See Section 23.8);
 - f. Nursing and convalescent homes (See Section 23.13).

3. Accessory structures permitted:

All accessory structures customarily located and constructed with any one (1) of the permitted principal structures.

Sec. 18.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 18.4 where it applies, as well as the following requirements:

- 1. All permitted uses in Section 18.2 shall comply with the following dimensional requirements:

- a. Minimum lot area 6,000 square feet
 - b. Minimum lot width at building line 60 feet
 - c. Minimum lot depth 90 feet
 - d. Minimum yard setbacks
 - 1) Front 25 feet
 - 2) Side, (both interior and street)
Except where the side yard abuts a
Residential district boundary 15 feet
 - 3) Rear
Where the rear yard abuts a residential
District boundary 25 feet
2. Accessory structures:
- a. No accessory structure, excluding fence and walls shall be closer to any property line than the required yard setbacks;
 - b. No accessory structure shall not exceed two (2) stories or twenty-five (25) feet in height.
3. Additional requirements:
- a. Angle of light obstruction. The angle of light obstruction (sometimes called the “light angle”) places limitations on the vertical angle within which buildings may obstruct light, thereby controlling the amount of sunlight and daylight at ground levels, assuring better air circulation and improving light on the exterior of buildings. In the RPO district, no building, except churches, hereafter erected or altered which abuts a residential district shall extend above an inclined plane established by an angle of light obstruction of forty-five (45) degrees along any lot lien. Such a plane shall be interpreted for the street side as intersecting a horizontal plane at the centerline of any abutting street at the level of the curb nearest any point on a wall of the building facing on each side street; for other boundaries it shall be interpreted as intersecting a horizontal plane at the natural ground level along the required rear yard line of the adjacent lot, the rear and the required side yard line of the adjacent lot to the side at the nearest point on the rear or side wall of the building. The required width of a side

yard according to the angle of light obstruction may be reduced by one-fourth (1/4) if the planes of all walls facing the side lot intersect such lot line at an angle of not less than thirty-five (35) degrees.

Sec. 18.4. SPECIAL REGULATIONS

In addition to Section 18.3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 24.2);
2. Nonconformities (See Section 24.11);
3. Off-street parking and loading facilities (See Section 24.12);
4. Site plan approval process (See Article 25);
5. Signs (See Article 26).

ARTICLE 19
LIGHT INDUSTRIAL DISTRICT (I-1)

Sec. 19.1. PURPOSE

The intent of this district is to provide sufficient space in appropriate locations physically suitable for the development of certain types of retail commercial sales and services, as well as research operations, wholesale and/or storage distribution concerns and enterprises engaged in light manufacturing, processing, and/or fabrication of products and machinery not likely to cause undesirable effects upon nearby or adjacent residential or commercial property. The provisions of this district are intended to accommodate enterprises with functions requiring access to transportation services providing them with locations that are in close proximity to necessary transportation facilities such as major thoroughfares, railroads and/or air terminals for the reception and eventual distribution of their goods and/or services; to require appropriate buffering around such development either through natural features or landscaping in an attempt to maintain its compatibility with surrounding land uses; to provide for the most efficient and economic use of land through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will require such development to occur where public facilities and services are existing or within plans for improvement.

Sec. 19.2. PERMITTED USES

1. Uses permitted by right:
 - a. Research activities:
 - 1) Industrial research laboratories;
 - 2) General scientific research laboratories.
 - b. Retail-commercial sales and services;
 - 1) Lumber and building materials;
 - 2) Contractor shops and yards;
 - 3) Vehicular and equipment sales and services;
 - 4) Vehicular and equipment rentals and/or storage services.
 - c. Primary light industrial activities:
 - 1) Bus, cab, truck, and railroad terminals, including the storage and maintenance of such vehicles;
 - 2) Pipeline transportation;
 - 3) Warehousing and wholesaling concerns;
 - 4) Manufacturing and repairing of electronic or neon signs. Light sheet metal products, including heating, ventilating,

and air conditioning equipment, cornices, eaves, and the like;

- 5) Light manufacturing, assembling, processing and packaging plants.

d. Secondary industrial service activities:

- 1) Photographic processing and blueprinting;
- 2) Dry cleaning, dyeing, and laundry plants;
- 3) Printing, book binding, lithograph, and publishing plants;
- 4) Moving and storage, enclosed;
- 5) Business offices, accessory to the primary industrial activity;
- 6) Food storage lockers, including cold storage.

e. Governmental buildings and services;

f. Private Club – Restaurant, Private Club – Bar, or Private Club – Dance Hall, but only on accordance with Section 23.14.

2. Accessory structures permitted:

- a. Storage of goods used in or produced by permitted retail commercial and industrial uses or related activities, subject to applicable district regulations;
- b. Caretaker's residence, accessory to a primary industrial activity.

3. Uses permitted by special exception:

- a. Radio and television transmitting towers (See Section 23.16);
- b. Public and private utility services (See Section 25.15);
- c. Junkyards and salvage yards (See Section 23.11);
- d. Gasoline service station, including car washers, but only on conjunction with stations (See Section 23.9)
- e. Churches

Sec 19.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 19.4 where it applies, as well as the following requirements:

1. Research activities: retail-commercial sales and services; primary light industrial activities; secondary industrial activities;

- a. Minimum yard setbacks:

1)	Front	25 feet
2)	Side, interior:	20 feet
	Except where the side yard abuts and Is used for access to a railroad siding	0 feet
	Except where the side yard abuts a Residential district boundary	50 feet
3)	Side, street	25 feet
4)	Rear:	
	Except where the rear yard abuts and Is used for access to a railroad siding	30 feet
	Except where the rear yard abuts a Residential district boundary	50 feet

2. Accessory structure:

No accessory structure, excluding fences or walls shall be closer to any property line than the required setbacks.

3. Additional requirements:

- a. Enclosed operations. All manufacturing, assembling or processing located within one hundred (100) feet of a residential district boundary of any kind (except storage and off-street parking and loading) shall be conducted within completely enclosed structures.
- b. Outdoor storage. No outdoor storage of materials or products shall be permitted on any of the required yard setback areas.

Sec. 19.4. SPECIAL REGULATIONS

1. Access (See Section 24.2);
2. Nonconformities (See Section 24.11);
3. Off-street parking and loading facilities (See Section 24.12);

4. Site plan approval process (See Article 25);
5. Signs (See Article 26).

ARTICLE 20
GENERAL INDUSTRIAL DISTRICT (I-2)

Sec. 20.1. PURPOSE

The intent of this district is to provide areas in appropriate locations where various heavy and extensive industrial operations can be conducted without creating hazards or property devaluation to surrounding land uses. The provisions of this district are intended to accommodate enterprises with functions requiring access to transportation services by providing them with locations that are in close proximity to necessary transportation facilities such as major thoroughfares, railroad and/or air terminals for the reception and eventual distribution of their goods and/or services; to require appropriate buffering around such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide for the most efficient and economic use of land through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will require such development to occur where public facilities and services are existing or within plans for improvement.

Sec. 20.2. PERMITTED USES

1. Uses permitted by right:
 - a. Research activities:
 - 1) Industrial research laboratories;
 - 2) General science research laboratories;
 - b. Retail-commercial sales and services:
 - 1) Lumber and building materials;
 - 2) Contractor shops and yards;
 - 3) Vehicular and equipment sales and services;
 - 4) Vehicular and equipment rentals and/or storage services.
 - c. Primary industrial activities:
 - 1) Bus, cab, truck, and railroad terminals, including the storage and maintenance of such vehicles;
 - 2) Pipeline transportation;
 - 3) Warehousing and wholesaling concerns;
 - 4) Manufacturing and repairing of electronic or neon signs, light sheet metal products, including heating, ventilating, and air conditioning equipment, cornices, eaves, and the like;

- 5) Light manufacturing, assembling, processing, and packaging plants;
 - 6) Asphalt and concrete products or central mixing and proportioning plants;
 - 7) Chemical industries;
 - 8) Flour, feed and grain packaging, blending and storage;
 - 9) Fertilizer, organic or non-organic;
 - 10) Petroleum storage, combined total capacity of all tanks not exceeding 150,000 gallons;
 - 11) Glass manufacturing and products.
- d. Secondary industrial service activities:
- 1) Photographic processing or blueprinting;
 - 2) Dry cleaning, dyeing, and laundry plants;
 - 3) Printing, book binding, lithograph, and publishing plants;
 - 4) Moving and storage, enclosed;
 - 5) Business offices, accessory to the primary industrial activity;
 - 6) Food storage lockers, including cold storage;
 - 7) Well drilling agencies, soil survey agencies;
 - 8) Construction operations and storage yard;
 - 9) Brick, firebrick, and clay products;
 - 10) Wallboard and plaster, building, insulation, and composition flooring operations.
- e. Agricultural and forestry activities;
- f. Governmental buildings and services;
- g. Private Club-Restaurant, Private Club-Bar, or Private Club-Dance Hall, but only in accordance with Section 23.14.
2. Accessory structures permitted:
- a. Storage of goods used in or produced by permitted retail-commercial and industrial uses or related activities, subject to applicable district regulations;
 - b. Caretakers residence, accessory to a primary industrial activity.
3. Uses permitted by special exception:
- a. Radio and television transmitting towers (See Section 23.16);
 - b. Public and private utility services (See Section 25.15);

- c. Junkyards and salvage yards (See Section 23.11);
- d. Gasoline service stations, including car washes, but only in conjunction with stations (See Section 23.9).

Sec. 20.3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 20.4 where it applies, as well as the following requirements:

- 1. Research activities: retail-commercial sales and services; primary industrial activities; secondary industrial activities:

- a. Minimum yard setbacks:

1)	Front	25 feet
2)	Side, interior: except where the side yard abuts and is used for access to a railroad siding	20 feet 0 feet
	except where the side yard abuts a residential district boundary	75 feet
3)	Side, street	25 feet
4)	Rear: Except where the rear yard abuts and Is used for access to a railroad siding	30 feet 0 feet
	Except where the rear yard abuts a Residential district boundary	75 feet

- 2. Accessory structures:

No accessory structures, excluding fences or walls shall be closer to any property line than the required setbacks.

- 3. Additional requirements:

- a. Enclosed operations. All manufacturing, assembling or processing located within one hundred (100) feet of a residential district boundary of any kind (except storage and off-street parking and loading) shall be conducted within completely enclosed structures.

- b. Outdoor storage. No outdoor storage of materials or products shall be permitted in any of the required yard setback areas.

Sec. 20.4. SPECIAL REGULATIONS

In addition to Section 20.3, Dimensional Requirements, the following regulations shall apply where required:

1. Access (See Section 24.2);
2. Nonconformities (See Section 24.11);
3. Off-street parking and loading facilities (See Section 24.12);
4. Site plan approval process (See Article 25);
5. Signs (See Article 26).

ARTICLE 21

SECTION ONE: “PUD” Planned Unit Development Districts

21.1 USE REGULATIONS: The purpose of this district is to accommodate planned associations or uses developed as in integral land use units such as industrial parks or industrial districts, office, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, or any appropriate combination of uses which may be planned, developed and operated as integral land use units either by a single owner or a combination of owners.

21.2 HEIGHT AND AREA REGULATIONS: In said Planned Unit Development District the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family on any lot shall generally be in conformity to the height and area regulations as may be applicable to implement and adjust the planned unit development.

Around the perimeter of any Planned Unit Development the setbacks of the various structures shall correspond to the setbacks on current use in properties immediately adjoining the Development. In deciding setback requirements, the property closest to the Development property in question shall be determinative.

21.3 PARKING REGULATIONS: In said Planned Unit Development District the minimum off-street parking and unloading regulations shall be an all-weather paved surface and shall generally be in conformity to parking regulations specified in the various district regulations stated in section 24.12 of the Zoning Ordinance of the City of Henderson; however, the Planning and Zoning Commission shall establish parking regulations as may be applicable to implement and adjust the planned unit development.

21.4 APPLICATION: An application for a Planned Unit Development District may be made to the Planning and Zoning Commission in same manner that an application for zone change is made. Applications for approval of a Planned Unit Development District shall be processed according to the procedure specified herein and a site plan and related data shall be submitted for approval in accordance with the requirements set out in the Development Schedule below.

21.5 PROCEDRUE FOR ESTABLISHING STANDARDS: In approving the development plan and the ordinance established the Planned Unit Development District, the City Council after recommendation by the Planning and Zoning Commission, specify much maximum height, floor-area ratio, density and minimum off-street parking and loading standards within the limits of those specified in the districts listed for the specific uses involved as is appropriate for the development. The City Council shall, after receiving the recommendations of the Planning and Zoning Commission, establish the standards for yards, signs, building spacing, site coverage, access screening walls or landscaping, building area, open space, pedestrian ways, public or private streets, and alleys to be observed in a Planned Unit Development District and such standards shall be specified in the ordinance establishing the district.

21.6 DEVELOPMENT SCHEDULE: An application for a Planned Unit Development District shall, if the applicant desires or the Planning and Zoning Commission or City Council requires, be accompanied by a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council, shall become part of the development plan and shall be adhered to by the owner, developer, and his successors in interest.

Annually, where a development schedule has been required, the Building Inspector shall report to the Planning and Zoning Commission the actual development accomplished in the various Planned Unit Development Districts as compared with the development schedule.

The Planning and Zoning commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings to amend the Zoning District Map or the Planned Unit Development District by removing all or part of the Planned Unit Development District from the Zoning District Map and placing the area involved in another appropriate zoning district. Upon the recommendation of the Planning and Zoning Commission and for good cause shown by the owner and developer, the City Council may also extend the development schedule or adopt such new development schedule as ay be indicated b the facts and conditions of the case.

21.7 DEVELOPMENT PLAN REQUIRED: An application for a Planned Unit Development District shall include and be accompanied by a development plan which shall become a part of the amending ordinance and shall be referenced on the Zoning District Map. Changes in the development plan shall be considered the same as changes in the Zoning District Map and shall be processed as required except that changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor-area ratio, height ratio, or reduce the yards provided at the boundary of the site as indicated on the approved development plan may be authorized by the City Manager. Any applicant may appeal the decision of the City Manager or the Planning and Zoning Commission for review and decisions as to whether an amendment to the Planed Unit Development District ordinance shall be required.

The Development Plan shall include:

- a. A scale drawing showing any proposed public or private streets and alleys; building sites or building lots; any areas proposed for dedication or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of tract and topography with a contour interval of not less than two (2) feet for new undeveloped locations or spot grades as required for existing developed areas.
- b. Where multiple types of land use are proposed, a land use plan delineating the specific areas to be devoted to various uses shall e required.
- c. Where building complexes are proposed, a site plan showing the location of each building and the minimum distance between buildings, and between buildings and the property line, street line and/or alley line shall be submitted. For buildings mote than one (1) story in height, except single-family and two-family residences, elevations and/or perspective drawings may be required in order that the relationship of the buildings to adjacent order that the relationship of the buildings to adjacent property, open spaces and to other features of the development plan may be determined. Such drawings need only indicate the height, number of floors and exposures for access, light and air.
- d. A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the ~~as~~ ^{areas} where e the example would be applied are

dimensioned on the drawing of the entire site. Any special traffic regulation facilities proposed or required to assure the safe function of the circulation plan shall also be shown.

- e. A designation of the maximum building coverage of the site shall be indicated upon the site plan.
- f. Screening and landscaping plan shall be required where such treatment is essential to the property arrangement. Such plan shall, when required, include screening walls, ornamental planting, playgrounds, wooded areas to be retained, lawns and gardens if such are determined to be necessary by the City Council.
- g. Any or all of the required features may be incorporated on a single drawing if such drawing is clean and capable of evaluation by the City Manager and interpretation by the Building Inspector.

Every Planned Unit Development District approved under the provisions of this ordinance shall be considered as an amendment to the zoning ordinance as applicable to the property involved. In carrying out the development of a Planned Unit development District, the development conditions and the development schedule, if required, shall be complied with and such conditions as are specified for the development of a Planned Unit Development District shall not be construed as conditions, precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy and compliance.

ARTICLE 22
FLOOD PLAIN DISTRICT (FP)

Sec. 22.1. PURPOSE

The intent of this district is designed to protect the land owner, the land user and the general public against the hazards incurred in the occupancy of land which is subjected to flooding conditions commonly experienced by the community. The regulations permit non-dwelling uses as well as structures which do not seriously impede the flow of water. Land in this district may be used to open space corridors in conjunction with all other uses or separately for public purposes.

Sec. 22.2. PERMITTED USES

1. Uses permitted by right. In this district, no building or land shall be used and no building shall be hereafter erected, reconstructed, or structurally altered or enlarged except for one or more of the following principal uses.
 - a. Agricultural uses: livestock ranges, animal husbandry, field crops, plant nurseries;
 - b. Public-owned utility structures;
 - c. Public parks and recreation areas;
 - d. Non-commercial water oriented recreation structures and facilities.

2. Accessory structures permitted. Any use may be established as an accessory use to any permitted principal use provided that such accessory use:
 - a. Is customarily incident to and is maintained and operated as a part of the principal use; and
 - b. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated; and
 - c. Does not create levels of noise, odors, vibration and lightning, or degrees of traffic congestion, dust or other pollutants, in a greater amount than that customarily created by the principal use; and
 - d. Is located behind the minimum front and side street building setback lines.

3. Uses permitted by special exception. The following use may be established only when the provisions of Section 27.12(3) are complied with. Any accessory use may be permitted provided it complies with the provisions of Section 22.2(2) above.
 - a. Private utility buildings required to service the district;
 - b. Riding stables, riding halls and horse tracks;
 - c. Outdoor recreational facilities.

Sec. 22.3. DIMENSIONAL REQUIREMENTS

The following height and area regulations shall apply to all buildings, structures, walls and fences erected on property within the district.

1. Regulations and Adjoining District. A lot or tract of land in this district shall be subject, for the extent of such common boundary, to the height and area regulations of the adjoining district located on the same side of a stream or waterways as the lot or tract in the Flood Plain District.
2. Building Bulk – Water Flow Obstructions.
 - a. A solid fence or wall shall be permitted when located within five (5) degrees parallel to the centerline of the stream or waterway; all other fences shall be at least ninety (90) percent open and shall have a maximum height of four (4) feet.
 - b. The overall cross-section of a building measured perpendicular to the centerline of a stream or waterway shall not exceed twenty (20) percent of the distance of the furthest wall of that building from the centerline of the stream or waterway; the cumulative cross-section of two or more buildings shall not exceed ten (10) percent of the length of stream or waterway centerline through or adjacent to the building site.

Sec. 22.4. SPECIAL REGULATIONS

In addition to Section 22.3, Dimensional Requirements, the following regulations shall apply where required:

1. Nonconformities (See Section 24.11);
2. Site Plan Approval Process (See Article 25);
3. Signs (See Article 26).

ARTICLE 23
SPECIAL PROVISIONS

Sec. 23.1. PURPOSE

The purpose of this article is to establish standards and considerations in order to achieve the maximum compatibility of the following listed uses with their immediate and general settings.

Sec. 23.2. ACCESSORY STRUCTURES

Detached accessory structures shall be at least five (5) feet from any principal structure on the same lot within residential zoning districts, and shall be considered in the calculating of the total coverage.

Sec. 23.3. CEMETERIES AND MAUSOLEUMS

In addition to the requirements applicable to cemeteries and other such similar uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements:
 - a. Minimum parcel size. The minimum parcel size for cemeteries and/or mausoleums shall not be less than ten (10) acres, and crematories (building only) shall not be less than two (2) acres unless such uses are extensions of one (1) that exists at the time of adoption of this section.
 - b. Minimum yard setbacks. No part of any crypt, mausoleum, or other building, other than subterranean grave, shall be less than fifty (50) feet from the nearest lot line.
 - c. Parcel coverage. Crypts, mausoleums or other structures, other than monuments, shall together not occupy more than ten (10) percent of the total area.
2. Buffering and screening. A continuous screening device shall be provided and maintained along with all boundary lines separating said cemetery or crematories from any contiguous land.

Sec. 23.4. CHILD DAY CARE CENTERS

In addition to the requirements applicable to day care centers within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.
 - a. Minimum lot area. The minimum lot area shall not be less than six thousand (6,000) square feet or not less than thirty (30) square feet per child, whichever is greater.
 - b. Minimum lot width, depth and yard setbacks. Each day care center shall comply with such minimum requirements within the district such use is permitted.
 - c. Minimum outdoor play area. There shall be provided a minimum of not less than eighty (80) square feet of outdoor play area per child. Said play area shall be provided on the same lot as the principal use, and shall not be located in the required front yard.

2. Buffering and screening.
 - a. There shall be a fence six (6) feet in height surrounding all play areas. Such fencing shall be continuous with latching gates at exit and entrance points. The fencing may be of masonry construction, chain link or wood.
 - b. In the case of special exceptions, the Board of Adjustment may require that plantings be placed on the outside of the above required fencing may also require that such fenced area be setbacks from any property line.

3. Additional requirements. Each day care center prior to receiving city approval must have met all State of Texas regulations and present a copy of the State license or permit to operate such a facility to the Building Inspector.

Sec. 23.5. CHURCHES AND OTHER HOUSES OF WORSHIP

In addition to the requirements applicable to churches and other houses of worship within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional Requirements
 - a. Minimum lot area 1 acre
 - b. Minimum lot width at building line 100 feet
 - c. Minimum yard setbacks from any property line 35 feet

- d. Maximum building height of principal structure, excluding church spire 35 feet
- e. Maximum percent of lot coverage 25%
- f. All access ingress and egress points shall be to or from arterials.

Sec. 23.6. COMPOUND USES

In addition to the requirements applicable to compound uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Ownership. That the entire area on which more than one (1) use is to be established is under the same ownership.
2. Permitted uses. In all districts where compound uses are permitted, such uses shall only be permitted to include retail offices, or professional services establishments and residential uses in conjunction with one another; provided, however, that a building or structure to house compound uses which were not initially designed and constructed for such purposes shall conform to the following dimensional requirements.
3. Dimensional requirements.
 - a. Minimum lot area. The minimum lot area which a compound use may be established shall not be less than three thousand (3,000) square feet. The above minimum lot areas for compound uses are the first use established. Each additional office or professional service establishment carries no minimum lot area requirement except that area necessary to meet the off-street parking and loading requirements. Each additional living unit requires the minimum lot areas as specified in Section 24.12 for living units plus that necessary to meet the minimum off-street parking requirements.
 - b. Additional requirements. Each use shall meet the minimum building requirements and special regulations for the district in which the property is located.

Sec. 23.7. EDUCATIONAL AND SCIENTIFIC RESEARCH OFFICES EXCLUDING LABORATORY FACILITIES.

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. All activities shall be conducted within a completely enclosed building or buildings.
2. There shall be no outdoor storage of dismantled parts or supplies visible beyond the premises, and all storage shall be in accordance with Section 24.17.
3. Buffering and screening of such uses shall be screened from abutting properties by a solid fence, masonry wall or evergreen hedge.

Sec. 23.8. FUNERAL HOMES AND MORTUARIES

In addition to the requirements applicable to funeral homes and mortuaries within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.
 - a. Minimum lot area. The minimum lot area shall not be less than one (1) acre.
2. Access. All ingress and egress points be to or from primary arterials.
3. Buffering and screening. All such operations including the loading and unloading facilities shall be screened from abutting properties by a solid fence, masonry wall or evergreen hedge.

Sec. 23.9. GASOLINE SERVICE STATIONS AND CAR WASHES

In addition to the requirements applicable to gasoline service stations and car washes within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Gasoline service stations.
 - a. Minimum lot area. The minimum lot area to be occupied by a gasoline service station shall not be less than twelve thousand (12,000) square feet with a lot frontage of not less than one hundred (100) feet.
 - b. Minimum pump setback. All fuel pumps and pump islands shall be set-back a minimum distance of at least fifteen (15) feet from any street right-of-way line, property line or buffer strip.
 - c. Permitted uses.

- (1) Automobiles, trucks, luggage carriers, boats, trailers, but not including wrecks thereof may be parked on the premises, only within a totally enclosed building. Where rental of such vehicles are permitted in the zoning district in which the service station is located, such vehicles are screened from abutting properties by solid fences or masonry wall.
 - (2) Minor adjustments or repairs to automobiles, trucks, trailers, or other vehicles which do not require body work, painting, or removal of engines from frames or dismantling of differentials shall be permitted. Major adjustments or repairs at service stations shall only be permitted within zoning districts where such is so specified.
 - (3) Retail sale of:
 - (a) Minor automobile parts and accessories, gasoline, diesel fuel, kerosene, lubricating oils and greases;
 - (b) Article dispensed by vending machines providing such vending machines are located under the roof of the principal structure and screened on not less than three (3) sides.
- d. Outdoor storage. No permanent outdoor storage of materials or products shall be permitted.
 - e. Repair facilities. No lift or repair facilities shall be located outside of the principal structure.
 - f. Buffering and screening. All buffering and screening except as provided for herein shall be screened from abutting properties by a solid fence or masonry wall.
2. Car washes.
- a. Minimum lot area. The minimum lot area to be occupied by a car wash containing either one (1) conveyor belt washing stall or four (4) or less self-service and/or automatic washing stall shall not be less than fifteen thousand (15,000) square feet with a lot frontage of not less than one hundred (100) feet. For each additional washing stall over one (1) or four (4), as the case may be, an additional two thousand (2,000) square feet shall be added to the minimum lot requirement.

- b. Compliance with other regulations. Except as provided for in the above paragraph, all car washes shall comply with the regulations of Subsection 1 above.

Sec. 23.10. HOUSING FOR ELDERLY PERSONS

1. Purpose. The provisions of this section are designed to permit the development of housing projects catering to the particular needs of elderly citizens. It is recognized that there are specific traits of this age and income group which relate directly to certain characteristics of the housing facilities which they occupy. Such traits are: a reduction in physical agility, decreased mobility, smaller family sizes and lower incomes. These result in a need for a location closer to such facilities as convenience shopping, public transportation, health facilities, and churches; a need for smaller units with less upkeep, and a desire by many elderly for living in multi-family dwelling units so as to achieve the companionship and sense of security generated by close contact with other tenants. Because fewer low-income elderly drive automobiles, fewer parking spaces are required. In addition, the family size in elderly housing projects are smaller, predominantly single persons, and consequently a higher number of dwelling units may be permitted on a site without actually increasing the total number of people per acre. It is, therefore, the purpose of this section to encourage development of low-rent elderly projects by permitting a slightly higher density and lesser parking requirements for such units.
2. Definitions. For the purpose of this section, a “housing for the elderly project” shall be a housing project sponsored by a private nonprofit corporation or a public agency with occupancy limited to low and moderate income persons defined as elderly by the U.S. Department of Housing and Urban Development (HUD) or Farmers Home Administration (FmHA). Occupancy criteria of a nonprofit sponsored project must meet those established by HUD or FmHA. These projects shall be for those elderly persons whose incomes are comparable to the levels set for admission to public housing projects. Because the family size and more particularly the ownership of automobiles increase with income, the medium and high income nonprofit housing shall not qualify under the provisions of this section.
3. Permitted uses. Housing for the elderly projects may take different forms: separate living units, either in apartment buildings or in free standing houses; or several kinds of group living arrangements. Such projects shall be permitted in an MF-2, MF-3, or CBD district.
4. Dimensional requirements. The following dimensional requirements shall be met by every structure and use permitted in this section:

- a. Minimum lot area:

(1)	one (1) unit	6,000 square feet
(2)	two (2) units	7,500 square feet
(3)	three (3) or more units	10,000 square feet

- b. Minimum lot width at property line:

(1)	one (1) unit	60 feet
(2)	two (2) units	75 feet
(3)	three (3) or more units	100 feet

- c. Minimum lot depth 90 feet

- d. Minimum yard setbacks:

(1)	Front	25 feet
(2)	Side, interior	
	(a) one (1) unit	7.5 feet
	(b) two (2) units	10 feet
	(c) three (3) or more units	10 feet
(3)	Side, street	15 feet
(4)	Rear	20 feet

- e. Angle of light obstruction (See appropriate district)

- f. Maximum percent of lot coverage 30%

- g. Minimum setback from property line for accessory structures:

(1)	Rear	
(2)	Side, same as principal structure	7.5 feet

- h. Minimum required usable open space. On any building site on which there are located five (5) or more living units, there shall be provided two hundred (200) square feet of usable open space for each bedroom living units and two hundred fifty (250) square feet of usable open space for each living unit with two (2) or more bedrooms, Such usable open space shall be provided for in a common area or areas having no dimension less than twenty (20) feet, and shall be conveniently located and readily accessible from all living units located on the building site. In calculating the usable open space for an apartment project, a minimum of seventy-five (75) percent must be provided at ground level, the remaining open space may be areas devoted to balconies with minimum dimensions of not less than five (5) feet in width and at least seven

(7) feet in length. Roof space may also be counted provided it is designed for the safe and convenient use of occupants of the project.

5. Special regulations. In addition to subsection 4, Dimensional requirements, the following regulations shall apply where required:
 - a. Access (See Section 24.2);
 - b. Off-street parking and loading facilities (See Section 24.12);
 - c. Site plan approval process (See Article 25).

Sec. 23.11. JUNKYARDS AND SALVAGE YARDS

In addition to the requirements within the GI districts where such uses re permitted, the following requirements and regulations shall be complied with:

1. Dimension requirements.
 - a. Minimum lot area 2 acres
 - b. Minimum lot location
 - (1) Distance from any residentially zoned District; or Federal or State Highway Within the City Of Henderson 300 feet
 - (2) Distance from any street right-of-way line 25 feet
 - (3) Distance from any other property line 20 feet
2. Buffering and screening. The entire area occupied by a junkyard or salvage yard shall be surrounded by a continuous solid fence a height as determined by the Board Adjustment without openings except for entrance and exits, which shall be equipped with unpierced gates.
3. Site plan approval. All such uses shall be required to have site plan approval in accordance with Article 25.

Sec.23.12 MOBILE HOMES AND HUD-CODE MANUFACTURED HOMES

No person shall park, store or use a mobile home or HUD-Code Manufactured home on any lot other than in the Single Family HUD-Code Manufactured and Modular District (R-4) or in a HUD-Code Manufactured Home District Park (MH-1) within the corporate limits of the City of Henderson, except that a mobile home or a HUD-Code

Manufactured home may be used as a temporary office or shelter incidental; to construction on development is actively permit for one (1) mobile home or HUD-Code Manufactured home in I-1 or I-2 Districts for security reason; provided that the following requirements are compiled with and the following information is provided to the Building Official at the time of permit request:

- a. The name of the employee and family members, if any, proposed to live in the mobile home or HUD-Code Manufactured home;
- b. A copy of the employee's W-4 form;
- c. A copy of the job responsibility for the employee;
- d. A written explanation of why an employee needs an on premises security employee;
- e. Documentation showing employer ownership of the mobile home/HUD-Code Manufactured home;
- f. Documentation showing that there is a minimum of an extra lot area of five thousand (5000) square feet for the mobile home/HUD-Code Manufactured home.

Such temporary permits shall not exceed three (3) years in duration. HUD-Code Manufactured home sales establishments, excluding the use of HUD-Code Manufactured homes as living units, shall be permitted in the C-3, I-1, or I-2 districts only.

Sec.23.13. NURSING AND CONVALESCENT HOMES.

In addition to the requirements within the districts where such uses are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.
 - a. Minimum lot area. The minimum lot area shall not be less than ten thousand (10,000) square feet.
 - b. Minimum lot width. The minimum lot width at the building line shall be one hundred (100) feet.
 - c. Minimum yard setbacks. All buildings and structures excluding fences or walls shall be setback a minimum distance of twenty-five (25) feet from any property line or as required in the district where permitted whichever is more restrictive.

- d. Additional requirements. All nursing and convalescent homes shall not be required to meet any minimum lot coverage or building height except for the angle of light obstruction regulations of the district such facilities are to be located.
2. State and Federal regulations. Such uses shall meet the minimum requirements as set forth by the state and federal agencies regulating such activities, and shall upon application, for either building permit or occupancy certificate submit certificates indicating approval by such state or federal agencies.

Sec. 23.14. PRIVATE CLUB – RESTAURANT, PRIVATE CLUB – BAR, AND PRIVATE CLUB- DANCE HALL.

In addition to the requirements within the district where such uses are permitted, the following requirements and regulations shall be complied with:

1. A structure housing a Private Club – Restaurant must be located within a district zoned C-3, I-1, or I-2. Such structure must be located at least three hundred (3000 feet from any district which is zoned other than C-3, I-1, or I-2. In addition, such structure must be at least three hundred (300) feet from any lot or parcel used for residential, church, school, hospital, park, nursing/convalescent home, or child care purposes.
2. A structure housing a Private Club – Bar or a Private Club – Dance Hall must be located within a district zoned I-1 or I-2. Such structure must be located at least three hundred (300) feet from any district zoned other than I-1 or I-2. In addition, such structure must be at least three hundred (300) feet from any lot or parcel used for residential, church, school. Hospital, park, nursing/convalescent home, or childcare purposes.
3. The three hundred (300) foot measurement in paragraph above shall be in a straight line in all directions from the structure housing the Private – Club – Restaurant to the nearest point in any district zoned other than C-3, I-1, or I-2. The three hundred (300) foot measurement in paragraph 2 above shall be in a straight line in all directions from the structure housing the Private – Club – Bar or Private Club – Dance Hall to the nearest point in any district zoned other than I-1 or I-2.

The three hundred (300) foot measurement in both paragraph 1 and 2 above shall be in a straight line in all directions from the structure housing the Private Club – Restaurant, Private Club – Bar, or Private Club – Dance Hall to the nearest point on any lot or parcel used for residential, church, school, hospital, park, nursing/convalescent home, or child care purposes.

The measurements from a structure shall be taken from the furthest point that a structure extends in any direction, including overhanging roofs and all other projections or portions of said structure.

4. Should said Private Club – Restaurant, Private Club – Bar, or Private Club – Dance Hall be located in conjunction with other buildings in a manner where said Private Club – Restaurant, Private Club – Bar, or Private Club – Dance Hall is clearly separated from the other portions of the structure (for example, a Private Club – Restaurant, Private Club – Bar, or Private Club – Dance Hall in a shopping center or motel), the Private Club – Restaurant's, Private Club – Bar's, or Private Club – Dance Hall's structure measurements shall be taken from the boundaries of the space in which the Private Club – Restaurant, Private Club – Bar, or Private Club – Dance Hall is housed or confined (not the entire shopping center or motel).
5. A Private Club – Restaurant, Private Club – Bar, or Private Club – Dance Hall shall not serve alcoholic beverages to anyone other than that Private Club's members or members' guests.
6. Any Private Club – Restaurant, Private Club – Bar, or Private Club – Bar, or Private Club – Dance Hall located in the City of Henderson shall be strictly governed by all provisions of the Alcoholic Beverage Code of the State of Texas as amended and specifically by Chapter 32 of such Alcoholic Beverage Code, as amended from time to time. The peace officers of the City of Henderson shall have the right and privilege to freely enter the premises of any Private Club – Restaurant, Private Club – Bar, or Private Club – Dance Hall at any time to conduct an investigation or inspection of the premises for the purpose of insuring compliance of all applicable provisions of the Texas Alcoholic Beverage Code.
7. Any entity or person desiring to operate a Private Club – Restaurant, Private Club – Bar, or Private Club – Dance Hall in accordance with this Zoning Ordinance must submit to the Building Inspector of the City a site plan setting out the dimension and locations for such Private Club – Restaurant, Private Club – Bar, or Private Club, Dance Hall. The entity or person shall sign a certified and notarized statement attached to the site plan designating which type of Private Club will be operated (either Private Club – Restaurant, Private Club – Bar, or Private Club- Dance Hall) and further stating that the proposed Private Club- Restaurant, Private Club – Bar, or Private Club – Dance Hall complies with the requirements set forth hereinabove. It shall be the duty of the entity or person to prepare the site plan and to assure compliance with the distance requirements.

Sec. 23.15. PUBLIC AND PRIVATE UTILITIES.

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements. All such requirements for such facilities shall be in accordance with the principal dimensional requirements of the district in which such facilities are permitted.
2. Buffering and screening.
 - a. Equipment storage. Any unhoued equipment shall be enclosed by a chain link fence of not less than six (6) feet in height without openings except for entrances and exits, which shall be equipped with unpierced gates or other screening as approved by the Board of Adjustment; however, when the equipment is totally enclosed within a building, no fence or other screening device shall be required.
 - b. Residential districts. In residential districts, such facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility or create hazardous effects, however, such other equipment may be stored in residential districts provided it is enclosed within a building or properly screened outside as in accordance with Section 24.17.

Sec. 23.16. RADIO AND TELEVISION TOWERS (TRANSMISSION TOWER)

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional requirements.
 - a. Tower location. Towers shall be centrally located on the site so as to provide a minimum distance equal to one and a half (1.5) times the height of the tower from all property lines or shall be certified by the City Engineer, who shall submit calculations substantiating the position of the tower on the site as being one and a half (1.5) times the height from all property line.
 - b. Anchor location. All tower supports and peripheral anchors shall be located entirely within the boundaries of the property and in no case less than ten (10) feet from the property line.

- c. Minimum yard setback – accessory structures. All accessory structures shall conform to the setback requirements for the district in which the use is located.
2. Buffering and screening. A chain-link fence of not less than eight (8) feet in height from finished grade shall be provided immediately around each tower; however, no such fencing shall be required when a tower is affixed to the roof of a building. Access to the tower(s) shall be through a locked gate.
3. Equipment storage. No equipment, mobile or unmobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are being made.
4. Aircraft hazard. No tower shall be permitted to encroach into or through an established airport approach pattern.

Sec. 23.17. VETERINARY HOSPITALS OR CLINICS

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Limitation of use. Such facilities shall be limited the treatment, boarding (not more than 30 days), grooming and short time breeding of domesticated animals such as horses, cats, and dogs.
2. Dimensional requirements.
 - a. Minimum lot area. The minimum lot area shall not be less than ten thousand (10,000) square feet.
 - b. Minimum lot width. The minimum lot width at the building line shall not be less than one hundred (100) feet.
 - c. Minimum yard setback. All buildings and structures excluding fences or walls shall be setback a minimum distance of twenty-five (250 feet from any residential district boundary. All other setbacks shall conform to the requirements of the district such uses are located.
 - d. Additional requirements. Veterinary hospitals or clinics shall not be required to meet any minimum lot coverage or building height except for the angle of light obstruction regulations of the district such facilities are permitted.

SEC. 23.18. PRIVATE SCHOOLS

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Minimum floor space:
 - a. Elementary schools 1000/1200 sq. ft. per
25 students
 - b. Middle or high schools 75 sq. ft.
2. Minimum lot width at building line 150 feet
3. Minimum yard setbacks 35 feet
4. Minimum building height of principal
structures 35 feet
5. Maximum percent of lot coverage 20 %

ARTICLE 24
GENERAL PROVISIONS

Sec. 24.1. PURPOSE

Provisions set forth in this Article apply to the entire corporate area of the City Of Henderson, Texas, and all zoning districts therein, unless exceptions are specifically provided relating to one (1) or more zoning districts, or except as otherwise provided in this chapter.

Sec. 24.2. ACCESS

1. Use of Residentially zoned property for access. No residentially zoned land shall be used for driveway, walkway, or access purposes to any land which is non-residentially zoned or used for any purpose not permitted in a residential district except for ingress and egress to a use existing at the time of adoption of this chapter which does not abut a public street.
2. Access to commercial uses. Where a parcel of property zoned for commercial use abuts more than one (1) street, access from either street to such property will be permitted only if no residentially zoned property lies immediately across such street from such commercial zoned property; provided, however, access may be permitted from any major thoroughfare map adopted by the City Council; and provided further, that one (1) point of access shall be permitted in any case, notwithstanding other provisions of this chapter.
3. Facing of commercial uses. Commercial uses shall face other commercial or industrial districts across a street if within a commercial or industrial zone, and shall not face residential zones which may front on an intersecting or rear street adjacent to such commercial or industrial zone, except where property has been previously zoned commercial or industrial.

Sec. 24.3. AUTHORITY TO ENTER UPON PRIVATE PROPERTY

The enforcing official may in the performance of his functions and duties under the provisions of this chapter, enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcements of this chapter.

Sec. 24.4. BOUNDARIES WHEN PUBLIC PROPERTY ABANDONED

1. For any public street or alley which is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the centerline of the property which is abandoned. In the event abandoned property is not divided at the centerline for abutting

properties, the zoning districts applicable shall apply to such ownership lines as determined by virtue of such abandonment.

2. For any public property other than the streets or alleys, the regulations applicable to the zoning classifications which abut the abandoned property for the greatest number of lineal feet shall apply to the entire property. For purposes of this subsection, property separated by an intersecting street shall be deemed to abut said abandoned property along the centerline of such street right-of-way.

Sec. 24.5. EFFECT OF OBJECTIONS OF PLANNING AND ZONING COMMISSION RECOMMENDATIONS

In case of a petition against any change in the zoning property, signed by the owners of twenty (20) percent or more, either of the area included in such proposed change, or the area within two hundred (200) feet of the area included in the proposed change, such amendment shall not become effective except by the affirmative vote of four-fifths (4/5) of all the commission. Publicly owned right-of-way, although in calculating the distance of two hundred (200) feet referred to in the previous sentence, shall not be included in determining the total of the area lying within two hundred (200) feet of the property, involved in such proposed change and at the percentage referred to.

Sec. 24.6. ENCROACHING UPON YARDS AND OPEN SPACES

The minimum yards and other open spaces required in this chapter for each and every building existing at the time of the passage of this chapter, or for any building hereafter erected or altered, shall not be encroached upon or considered a yard or open space or use requirements for any other buildings.

Sec. 24.7. EXCEPTION TO HEIGHT LIMITS

Church spires, chimneys, water, fire, radio, and television towers, smoke stacks, flag poles, monuments and similar structures and their necessary mechanical appurtenance may be erected above height limits herein established.

Sec. 24.8. HOME OCCUPATIONS

1. Purpose. A home occupation is any activity or profession engaged in by the occupants of a dwelling which is clearly and absolutely incidental and subordinate to use of the premises for residential purposes and which is carried on wholly within the principal building or accessory building by a member of a family therein. Furthermore, a home occupation shall include any business or activity meeting the standards and criteria stated below, but shall not include activities at the premises involving personal services, retail and wholesale sales and services, automotive or similar repair

business, automotive body repair business or other such similar businesses.

2. Home Occupation Permit

- a. Persons desiring a house occupation permit shall make application for same with the Building Inspector of the City of Henderson, Texas. Said Inspector shall evaluate those factors which might have a bearing on determining if such application for home occupation is clearly incidental and secondary to the dwelling unit and meets all the standards and criteria set forth in this section.

If such application is determined to be consistent with this section, a permit for same shall be issued by the Building Inspector. Once said home occupation permit is issued to an applicant, it cannot be transferred to a second applicant through the sale, leasing, or rental of the premises on which application for a permit shall contain such information as the Building Inspector may require, but, in any event, shall include the following:

- 1) Names of applicant;
 - 2) Location of residence where the home occupation will be conducted;
 - 3) Total floor area of the residence;
 - 4) Area of room or rooms to utilized in the conduct of the home occupation.
 - 5) A sketch with dimension showing floor plan and the area to be utilized for the conduct of the home occupation; and
 - 6) The exact nature of the home occupation.
- b. Any home occupation permit issued after the effective date of this chapter shall expire three (3) years from the date of issuance and must be renewed every three (3) years from date of issue by application to the Building Inspector according to the provisions set forth in this section. Home occupation permits issued prior to the effective date of this chapter shall expire one (1) year from the date of issuance and must be renewed for a three (3) year period by application to the Building Inspector according to the provisions of this section.
- c. Notice of expiration of home occupation permits issued prior to the effective date of this chapter shall be sent by mail by the Building Inspector to the holder of such permit within thirty (30) days from the effective date of this Chapter. If any occupation permit shall expire under the provisions of this chapter within ninety (90) days from the effective date of this chapter, such permit shall continue

to be valid until final determination by the Building Inspector or an application for renewal on same, provided such application is made within ten (10) days after notification by the Building Inspector.

- d. Any persons within two hundred (200) feet of said home occupation may seek revocation of a home occupation permit by filing a written complaint thereon with the Building Inspector, who shall cause an investigation to be made to determine whether the permit holder is conducting said home occupation in a lawful manner as prescribed by this section. In the event that the Building Inspector determines that the permit holder is in violation of the provisions of this section, said permit shall be immediately revoked by the Building Inspector until such time a public hearing is held. Said public hearing shall be held on filed complainant for continuation of said home occupation. Said public hearing shall be held before the City Council within thirty (30) days of filed complaint in which public hearing will ultimately determine the continuation or elimination of occupation.
3. All home occupations shall comply with the following standards and criteria before permits can be issued:
 - a. The home occupation shall be conducted wholly within the principal building or accessory building;
 - b. No more than one (1) additional person other than the residents residing in the premises shall be employed or engaged in said home occupation at the premises;
 - c. There shall be no alteration or change to the outside appearance, character, or use of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign not exceeding one (1) square feet in area, nonilluminated, mounted flat against the wall of the principal building or accessory building;
 - d. No home occupation shall occupy more space than twenty percent (20%) of the total floor area of a residence, exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided, however, that in no event shall such home occupation occupy more than seven hundred (700) square feet. Rooms which have been constructed as an addition to the residence and any attached garage or porch which has been converted into living quarters may be utilized for such home occupation;

- e. No commodities or goods of any kind shall be sold on the premises, nor displayed on the premises for sale elsewhere;
- f. No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable to the normal senses outside the dwelling unit, nor shall there be any combustible materials located elsewhere on the premises which are in violation of the City's Fire Prevention Code. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in live voltage off the premises;
- g. No articles or materials used in connection with such home occupation shall be stored on the premises other than in the
- h. No more than one (1) automobile or truck whose size shall not be principal building or accessory building so used; and larger than a stock three-quarter (3/4) ton panel or pick-up truck used in conjunction with such home occupation shall be permitted to park on the premises in question or off the premises in question and within view from surrounding properties. Said vehicles may only have two (2) signs not exceeding two (2) square feet in area each, mounted flat against or painted on the sides.

Sec. 24.9. LIVING UNITS IN ZONES OTHER THAN RESIDENTIAL

Dwelling units shall not be permitted in any commercial or industrial districts except as otherwise provided for in this chapter.

Sec. 24.10. MINIMUM PROPERTY FRONTAGE

1. In all districts, no building or structure except as hereinafter provided shall be erected on a lot or parcel of land which does not abut a public street for the required minimum lot width of the district where such is located. However, a residential dwelling may be erected on a lot or parcel of land which abuts at least one (1) public or private street for at least fifty (50) feet, except that a minimum street abutment distance of at least twenty-five (25) feet, may apply to properties of an irregular shape bordering curving streets or cul-de-sacs provided that a minimum building line width of fifty (50) feet is met at the required front yard setback line.
2. Any building or structure existing on a lot or parcel of land violation of the preceding paragraph (1) above prior to the effective date of this section may be modified, enlarged, or extended; provided any property line than

the required side yard area applicable to the district within which such building or structure is located.

Sec. 24.11. NONCONFORMITIES

1. General. Any lawful use of land or a building existing at the date of passage of this ordinance and located in a district in which it is not permitted under this ordinance, is hereby declared a nonconforming use, and not in violation of these regulations provided. However, such nonconforming use shall be subject to the regulations in this Section.
2. Nonconforming status shall exist under the following provisions.
 - a. When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the effective date of this chapter and has been operating since without discontinuance.
 - b. When on the effective date of this chapter, the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of the prior Zoning Ordinance or which was a nonconforming use thereunder, and which use or structure does not now conform to the regulations herein prescribed for the district in which such use or structure is located.
 - c. When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence at the time of annexation to the City Of Henderson and has since been in regular and continuous use.
3. Certificate of Occupancy.
 - a. The owner of a nonconforming building or use shall certify by affidavit to the Building Inspector that his building or use was made nonconforming by the passage of this ordinance.
 - b. On acceptance of the affidavit the Building Inspector shall issue a Certificate of Occupancy for the nonconforming use or building. Such certificates shall designate the location, nature and extent of such conforming and any additional data necessary for issuance of said certificate.
 - c. If, upon review of the affidavit, any illegally established violation of previous or existing chapters or codes is found, the Building Inspector shall not issue said certificate of occupancy and shall

declare such use to be in violation of this ordinance and shall act accordingly.

- d. Any use not in conformance with this ordinance and on which no Certificate of Occupancy has been issued shall be presumed to be in violation of these zoning regulations and shall be treated accordingly.

4. Change of nonconforming use.

- a. A nonconforming use may be changed to another similar nonconforming use where in the opinion of the Board Adjustment such new use:
 - 1) will not extend the life of a nonconforming use;
 - 2) will reduce traffic, sound, odor, smoke, or number of employees;
 - 3) will not include structural alteration or expansion;
 - 4) will improve the character and value of surrounding property;

Such change in use may be permitted only following formal application for change with the Board of Adjustment. Where proper findings are made, the Board of Adjustment may direct the Building Inspector to issue the necessary permits.

- b. Whenever a nonconforming use has been changed to a conforming use, it shall not revert to a nonconforming use.

5. Restoration of nonconforming buildings.

- a. Nonconforming buildings may be restored only if destruction caused by fire, explosion, or act of God if fifty (50) percent or less of its structural valuation prior to such destruction. (The determination of such reduced structural valuation shall be made by an appraiser appointed by the City.)
- b. Any building whose destruction exceeds ten (10) percent but less than fifty (50) percent of its prior structural valuation, must apply for a building permit for reconstruction within six (6) months and commence reconstruction with twelve (12) months of that date of the described destruction.
- c. In lieu of such reconstruction, the nonconforming use shall be considered abandoned and such building shall be permitted to be reconstructed as a permitted use only.

6. Discontinuance or abandonment of nonconforming use.

Any nonconforming use of land or building which has ceased by discontinuance or abandonment for a period of six (6) months shall thereafter conform to the provisions of this ordinance.

Sec. 24.12. OFF-STREET PARKING AND LOADING FACILITIES

1. Parking space requirements. Parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees, and patrons of each building and premises constructed, altered, or enlarged after the effective date of this section; provided, however, that structures existing on the effective date of this section may be altered or enlarged, or a change in permitted use may occur so long as any alteration or enlargement or change in type of use does not require additional off-street parking as set forth in Subsection 4 below.
2. Requirements for a use not mentioned. In the case of a use not mentioned, the requirements of off-street parking shall be the same as for the most similar use specifically mentioned.
3. Existing parking. Such off-street parking facilities shall be maintained and continued as an accessory use as long as the principal use is continued. It shall be unlawful for an owner or operator of any building, structure or use affected by this section to discontinued change, or dispense with, or to cause the discontinuance, sale, or transfer of such building, structure or use, except to meet the regulations of this Article, without establishing alternative vehicle parking facilities which meet the requirements of this section. It shall be unlawful for any person, firm, or corporation to utilize a building, structure, or use without providing the off-street parking facilities to meet the requirements of an to be in compliance with this section.
4. Parking space requirements. All uses permitted with this ordinance shall be subject to the following minimum requirements unless more restrictive requirements are specifically cited:
 - a. Residential uses requirements.
 - 1) Single family dwellings:

One (1) parking space per dwelling unit plus one (1) space for each three (3) bedrooms.
 - 2) Multiple family dwellings:

- a) Efficiency and one bedroom – 1.5 parking spaces per dwelling unit;
 - b) Two bedrooms – 2 parking spaces per dwelling unit;
 - c) Three or more bedrooms – 2.5 parking space per dwelling unit;
- 3) CBD Multiple family dwellings: One (1) parking space per dwelling unit.
 - 4) Mobile homes: One (1) parking space per dwelling unit plus one (1) space for each three (3) bedrooms.
 - 5) Public housing designed and built specifically for the elderly. One (1) parking space for every four (4) living units.
 - 6) Special housing types, such as public housing and rent subsidy. One (1) parking space per dwelling unit.

b. Non-residential use requirements

- 1) Auditorium, theaters, stadiums, assembly halls, community centers, union halls, etc.: One (1) parking space per every four (4) permanently fixed seats. If permanently fixed seats are not used, parking requirements shall be one (1) parking space per every four (4) persons of legal capacity.
- 2) Barber and beauty shops: Two (2) parking spaces per barber or beauty chair.
- 3) Bowling alleys: Four (4) parking spaces per every bowling lane.
- 4) Child day care centers: One (1) storage space for loading and unloading children per every three (3) children based on the centers child capacity plus one (1) parking space per every employee.
- 5) Churches: One (1) parking space per every five (5) permanently fixed seats in the largest assembly, meeting or congregation area. If permanently fixed seats are not used, parking requirements shall be one (1) parking space per every

five (5) persons of legal capacity in the largest assembly, meeting, or congregation area.

- 6) Convalescent homes, rest homes, and sanitariums: One (1) parking space per every two (2) patient beds.
- 7) Drive-in banks: Eight (8) storage spaces per every teller window designed to serve drive-in patrons to be provided in the approach lane to each drive-in window or in a common reservoir storage area; provided, it does not interfere with other required off-street parking plus one (1) parking space every three (3) employees.
- 8) Drive-in cleaners and other similar drive-in facilities not herein specified: Three (3) storage spaces for every drive-in service window designed to serve drive-in patrons to be provided in the approach lane to each service window or in a common reservoir storage area; provided, it does not interfere with other required off-street parking plus one (1) parking space per every three (3) employees.
- 8b) Adult day center: One (1) parking space for every 300 sq. ft. of gross floor area, plus one (1) parking space for every employee.
- 9) Eating establishment:
 - a. Conventional:
 - (1) Restaurants, cafeterias, taverns, bars, and other food and drink establishments primarily providing for consumption within the premises: One (1) parking space per every three seats plus one (1) space per every three (3) employees in largest work shift.
 - b. Fast food services:
 - (1) Self service; where the patrons may park his car, order, and receive food at the counter and consume the food on the premises either at an inside and/or outside table or bench or in the car: One (1) parking space per each twenty (20) square feet of gross floor area exclusive of the area within the building devoted to the receipt of and consumption of food by the patrons, plus one (1)

space per every three (3) employees in the largest work shift.

- (2) Curb service; where the patrons remain in cars and are served by employees of the drive-in or which contain tables inside the building which are served by employees of the drive-in: One (1) parking space per every three (3) patrons seats plus one (1) space per every three (3) employees in largest work shift; provided that those spaces utilized exclusively for curb service shall not be considered as parking spaces for employees are herein required.
- (3) Window service; where food and beverage service is provided from a drive-in window to the patrons in automobiles: Five (5) storage spaces per every service window designed to serve drive-in patrons to be provided in the approach lane to each service window or in a common reservoir storage area; provided, such storage shall not interfere with other required off-street parking plus one (1) parking space per every three (3) employees.
- (4) Pick-up service; where food and/or beverage are purchased over the counter and consumed off the premises: One (1) parking space per every one hundred (100) square feet of gross floor area exclusive of the area within the building devoted to the receipt of food and/or beverage by the patron plus one (1) space per every three (3) employees.

c. Drive-ins:

- (1) Drive-in restaurants which have only curb service where the patrons remain in their cars to place their orders and are served by employees of the drive-in: One (1) parking space per every three (3) employees in the largest work shift in addition to the number of spaces provided for curb service use. Curb service space shall be designed in conformity with the parking space requirements of this section.

- 10) Gasoline service station: Two (2) parking spaces per each service stall, a service stall being an area for vehicular maintenance not including washing stalls or areas for pumping gasoline, plus two (2) spaces for employees.
- 11) Gasoline service station, self service: Four (4) storage spaces per every gasoline pumping island; provided, it does not interfere with other required off-street parking plus one (1) parking space per every three (3) employees.
- 12) Hospitals: One (1) parking space per every patient bed.
- 13) Laundromats and self service dry cleaning establishments: One (1) parking space per every two (2) washing and/or dry cleaning machines.
- 14) Medical professional services (medical or dental offices or clinics): One (1) parking space per every two hundred (200) square feet of gross floor area.
- 15) Mortuaries and funeral homes: One (1) parking space per every fifty (50) square feet of gross floor area in the slumber rooms, parlors, or individual funeral service rooms.
- 16) Motels, hotels, motor lodges, tourist homes, and rooming or boarding houses: One (1) parking space per sleeping unit plus one (1) additional space for every two (2) employees; restaurants, non drive-in or fast food service; lounges; night clubs; meeting rooms; etc. shall be calculated as an independent use for public assembly.
- 17) Motor vehicles sales and services establishments: Two (2) parking spaces per every vehicular service stall plus an additional number of parking spaces which shall be calculated based on five (5) percent of the total outdoor vehicular display area. One (1) parking space per every three (3) employees shall also be provided.
- 18) Offices of non-medical professional services and financial institutions (financial and business offices, banks, offices of lawyers, architects, engineers, etc). One (1) parking space per every three hundred (300) square feet of gross floor area.
- 19) Orphanages and similar institutions: One (1) parking space per every five (5) beds.

- 20) Retail stores, except where otherwise specified herein: One (1) parking space per every three hundred (300) square feet of gross floor area.
- 21) Stores for the retail sale of furniture and appliances; household and family services; contractor shops and yards; personal service establishments (other than barber and beauty shops); business service establishments; and uses: One (1) parking space per every eight hundred (800) square feet of gross floor area, plus one (1) space per every two (2) employees in the largest work shift.
- 22) Supermarket, convenience grocery stores, or self-service food store containing over two thousand five hundred (2,500) square feet of gross floor area: One (1) parking space per every one hundred fifty (150) square feet of gross floor area.
- 23) Transportation terminal facilities including airports, railroad stations, bus stations and truck terminals: One (1) parking space per every one hundred (100) square feet of public waiting room floor area, plus one (1) space per every two (2) regular employees on the largest work shift, plus sufficient space to park, store, load, or unload all commercial work vehicles incidental to the facility.
- 24) Vehicular washing facilities:
 - a) Motor vehicles wash rack, automatic car wash, (conveyor belt system): Ten (10) storage spaces per every conveyor belt system, provided from the end of the service pumps to the beginning of each conveyor belt system plus one (1) parking space per every four (4) employees on the largest work shift.
 - b) Self-service car wash: Four (4) storage spaces per every washing stall to be provided in the approach lane to each washing stall.
- 25) Warehousing, manufacturing and industrial concerns with retail business on premises: One (1) parking space per every three hundred (300) square feet of gross floor area devoted to retail sales on service plus one (1) space per every two (2) employees in the largest shift.

- 26) Warehousing, manufacturing and industrial concerns with wholesale trade only: One (1) parking space per every two (2) employees in the largest work shift.
 - 27) Adult Day Care Facility: One (1) parking space for every three hundred (300) square feet of gross floor area, plus one (1) parking space for every employee.
- c. Shopping center requirements:
- 1) Shopping centers with the major tenant being a convenience grocery store: Seven and one-half (7.5) parking spaces per every one thousand (1,000) square feet of gross leasable floor area (G.L.A).
 - 2) Shopping centers with the major tenant being a supermarket: Seven (7) parking spaces per every one thousand (1,000) square feet of gross leasable floor area (G.L.A).
 - 3) Shopping centers with the major tenant being a variety store or junior department store: Six and one-half (6.5) parking spaces per every one thousand (1,000) square feet of gross leasable floor area (G.L.A).
 - 4) Shopping centers with the major tenant being a discount store or full service department store: Six (6) parking spaces per every one thousand (1,000) square feet of gross leasable floor area (G.L.A).
5. Location of parking area: Off-street parking areas shall be located on the same lot or parcel of land as the principal structure to be served or within three hundred (300) feet of the principal structure to be served, as measured from the nearest point of the building to the nearest point of the off-street parking facility; provided, that this provisions shall not be interpreted to permit the location of off-street parking spaces within a zoning district where parking facilities are not otherwise permitted.
 6. Joint use of parking area. The joint use of parking facilities by two (2) or more uses is permitted whenever such joint uses is practicable and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction can be satisfied. In computing capacities of any joint use, the off-street parking requirements that will occur at the same time, provided that the total of such off-street parking facilities required for joint or collective use may be reduced by the Building Inspector in accordance with the following rules and standards:

- a. Uses which the joint off-street parking facilities serve do not normally or regularly operate during the same hours of the day or night may be considered.
- b. Not more than fifty (50) percent of off-street parking facilities required for theaters, churches, bowling alleys, dance halls, and establishments for the sale and consumption of alcoholic beverages, food or refreshments may be supplied by off-street parking facilities which are provided for other buildings or uses.
- c. The required off-street parking for a particular use shall be reduced by its proportionate share of any publicly owned parking lot for which it has been specially assessed.
- d. A copy of an agreement between joint uses shall be filed with the application for a building permit. The agreement shall include a guarantee for continued use of the parking facility by each party to the joint use, and shall be subject to the same requirements, conditions, and penalties as provided for in Subsection 3 above.

7. General regulations.

- a. Parking facilities shall be considered as a required accessory use, and shall be used only for the parking of vehicles of customers, patrons, and employees.
- b. For buildings or land containing more than one (1) use as designated in Subsection 4 above, the total parking requirements for each use.

8. Design requirements. Off-street parking, including public parking facilities, shall be designed, constructed, and maintained in accordance with the following standards and regulations:

- a. Vehicular ingress and egress to off-street parking facilities shall be in accordance with subsection 8, b 4), 5), and 6) below.
- b. Such parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
 - 1) Such parking spaces as required in this section shall be required to contain some type of vehicle wheel stops to prevent any part of a vehicle from overhanging on to the right-of-way of any public road, alley, street, or walkway.
 - 2) There shall be no off-street parking in the required front yards of any zoning district unless so specified within this

ordinance, and that this restriction shall not be interpreted to prohibit parking that normally exists in driveways within residential districts.

- 3) Maneuvering and access driveways for off-street parking areas, except residential parking areas requiring six (6) or less parking spaces, shall be provided within the plot on which the parking is located so that automobiles shall not be required to back into or maneuver within the public street right-of-way on entering or leaving any off-street parking space.
 - 4) The minimum distance from the street right-of-way line or any major ingress or egress driveway to any interior service drive or parking space having direct access to such driveway shall be one hundred (100) feet (a major driveway is defined as the main ingress or egress joint as approved by the Commission).
 - 5) The minimum distance from the street right-of-way line at any other ingress or egress driveway to any interior service drive or parking space with direct access to such driveway shall be twenty (20) feet.
 - 6) Ingress and egress to parking facilities shall be provided through the commercial or industrial property whenever possible; otherwise, such access shall be provided by means of any alley adjacent to commercial or industrial property; or in the event that neither of the preceding means of access are possible, ingress and egress to such parking may be provided from adjoining streets, provided that the point of access is adjacent to, or across the street from land designated for single family detached residential use.
- c. Construction specifications: All off-street parking areas shall be paved, and shall meet the following requirements:
- 1) Pavement base and surface coarse: All work and materials shall be in accordance with the specifications for the type of base and surface coarse chosen and approved by the City Engineer.
 - 2) Standard specifications on file: All off-street parking area improvements shall be made in accordance with the standards and specifications on file in the office of the City Engineer.

- d. All parking facilities shall be lighted after dark throughout the hours which they are in use by the public. Such lighting shall not exceed an intensity of five (5) foot candles nor shall it be less than one and one-half (1.5) foot candles at pavement level. Sources of light, including bulbs and tubes and all reflecting surfaces shall be hooded or shielded so as not to create a nuisance across lot lines.
- e. All buffering and/or screening for off-street parking facilities shall be shown on the parking plan and approved by the Building Inspector.
- f. A parking plan shall be submitted with every application for a building permit for any use or structure required to provide off-street parking under this section. The plan shall clearly and accurately show all proposed buildings and parking layouts, including north arrow and date, existing and proposed driveway locations and widths, street pavement types, widths, and right-of-way widths, proposed location of off-street loading and unloading facilities, interior parking arrangements and traffic circulation patterns, and retaining walls, drainage, utility poles, streets (eight (8) inches or better), and other physical features which affect the driveway location.
- g. Parking stalls and interior driveways shall have the following minimum dimensions:

<u>Angle of Parking</u>	<u>Width of Stall Parallel to Driveway</u>	<u>Depth if Stall Perpendicular to Driveway</u>
90	9.0 ft.	19 ft.
60	10.4 ft.	19 ft.
45	12.7 ft.	19 ft.
30	18.0 ft.	17 ft.

<u>Minimum Driveway Depth</u>	<u>Minimum Width of Two Rows of Parking Stalls and Driveway</u>	<u>Minimum Width of One Row of Parking Stalls and Driveway</u>
24 ft.	62 ft.	43 ft.
18 ft.	56 ft.	37 ft.
14 ft.	52 ft.	33 ft.
12 ft.	46 ft.	29 ft.

9. Off-street loading and unloading:
- a. Purpose. In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage, warehouse, department store, variety store, wholesale store, retail store, market, hotel, hospital, laundry, dry-cleaning, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicles shall provide loading and unloading space on the premises for that number of vehicles normally at the premises at any one (1) time on an average day of full use.
 - b. Loading and unloading space:
 - 1) Every building housing a use mentioned in this subsection and having over five thousand (5,000) square feet of gross floor area (G.F.A) shall be provided with at least one (1) off-street loading space for standing, loading, and unloading. Such space is defined as an area of at least fifty (50) feet in depth, twelve (12) feet in width and with an overhang clearance of not less than fourteen (14) feet, exclusive of access, platform, or maneuvering area to be used exclusively for loading and unloading of merchandise. One (1) additional space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet or major fraction thereof, of gross floor area (G.F.A) in the building.
 - 2) Access of all truck standing, loading, and unloading facilities shall be provided directly from a public street or alley, and shall be so designed that all maneuvering be located on the property.
 - 3) Loading spaces required under this subsection shall be provided as an area additional to off-street parking spaces as required in subsection 3 above, and shall not be considered as supplying off-street parking spaces,
10. The Board of Adjustment shall not grant special exceptions to any of the requirements of this section, nor shall the Board of Adjustment allow variance from any of the requirements of this section; it being the specific intent of this section to require compliance with the terms of this section as stated and alleviated in part the required expense of the public providing parking space either on public right-of-ways or public parking lots or garages, except as otherwise herein specifically permitted.

Sec. 24.13. ONLY ONE PRINCIPAL STRUCTURE ON A LOT

Only one (1) single family detached structure and its customary accessory structure may hereafter be erected on any lot of record within a single family zoning district.

Sec. 24.14. OVERHANGING OR PROTRUDING PROJECTIONS

Every part of a required yard, court, or public right-of-ways shall be open from its lowest point to the sky, unobstructed, including the customary projection of sills, belt courses, cornices, ornamental features, and eaves.

Sec. 24.15. PARKING, STORING, KEEPING OF COMMERCIAL AND RECREATIONAL VEHICLES

The following regulations shall apply to all districts established within this ordinance and designated upon the Official Zoning Map of the City Of Henderson, Texas:

1. Motor vehicles prohibited or restricted in all zoning districts. It shall be unlawful for any person to park any vehicle, trailer, or combination thereof on the streets, alleys or other public ways, except in official loading or unloading zones, of the city which shall exceed twenty-five (25) feet in length.
2. Delivery; moving and construction vehicles; emergency repairs. The restrictions of Subsection 1 above shall not apply to routine deliveries and service call by tradesman, to disable vehicles, or to the temporary parking of vehicles on private property whereon construction is underway for which a current and valid building permit has been issued.
3. Permitted parking.

Boats or other recreation vehicles as defined in this ordinance may be parked on a plot in a residential district subject to the restrictions and conditions set forth below:

- 1) Boats or other recreation vehicles shall not be permitted to park within the area lying between a public or private street and a line drawn passed the front of the structure, extending the width of the lot; provided however, such vehicles may be permitted to locate on the approved driveway area or within the side or rear yard area.
- 2) No boat or other recreation vehicle parked in a residential district shall be occupied or used for living, sleeping or housekeeping purposes for more than twenty-four (24) hours without a permit from the City of Henderson, but then, no longer than seven (7) days.

Sec. 24.16. PERMITTED BUILDING AREA.

The principal structure on any lot or parcel of land shall be erected within the area bounded by the building lines established by setback or yard requirements. Accessory structures may be erected within any building line established for the principal structure and in required rear yards as may be otherwise provided in these regulations. Provided, however, that no accessory structure shall be permitted in the required rear or side yard closer than three (3) feet from rear or side property line as measured from the overhang of the accessory structures. Fences and walls may be erected on side and rear property lines provided they do not extend past the front or side street set back lines.

Sec 24.17. OUTDOOR STORAGE AND DISPLAY REQUIREMENTS.

1. Outdoor storage.
 - a. No outdoor storage of any materials, products, or supplies shall be permitted in any required front and side yard setback areas.
 - b. The outdoor storage of any materials, products, or supplies used or designed for commercial or industrial use is hereby expressly prohibited in any residential district; provided, however, that provisions of this subsection shall not apply to the storage of building material on a lot or parcel of land during construction.
2. Outdoor display of goods and commodities.
 - a. Conduct of business uses to allow for outdoor promotional sales, special event sales, and the sale of seasonal or temporary good and commodities, except food items:
 - 1) All principal uses in any business or commercial district shall be contained within completely enclosed structures or as approved by the Board of Adjustment. This shall prohibit any outdoor storage or display of goods and commodities not contained within completely enclosed structures, except as approved by the Board of Adjustment.

Sec. 24.18. SUBDIVISION OF LOTS RESULTING IN AREA REDUCTION

No parcel of land shall be subdivided or reduced in area in a manner which would result in causing any lot to have an area less than that required in the district in which it is located as set forth in this ordinance, or would reduce the open spaces or yards required by this ordinance.

Sec. 24.19. SWIMMING POOL REQUIREMENTS

All swimming pools within residential districts, either below ground or above ground, shall be built or constructed only in the rear yard area; provided, however, the edge of the water line shall not be closer to the side or rear property line than six (6) feet. Further provided, that in a residential district, no pool structure (excluding the concrete pool deck) shall be closer to the side or rear property line than twelve (12) feet.

Sec. 24.20. RETAINING WALLS

Nothing in these regulations shall be construed to prohibit or prevent the construction of a retaining wall does not adversely affect the natural flow of surface water, or create any other adverse effect upon adjacent or adjoining properties. However, any application for a retaining wall shall be subject to the approval of the City Engineer before the issuance of a permit.

Sec. 24.21. TEMPORARY SALES AND SPECIAL EVENTS

1. Fundraising sales by Non-profit groups or organizations.
 - a. The intent of this subsection shall be to permit the sale of goods and commodities at a fixed location and may include the use of a structure or parcel of land for such sales by non-profit institutions such as churches, schools, and fraternal societies, where such sales are clearly incidental to the primary function of such institutions and the use of the premises where such sale is conducted with or as a special event and for a specified time period.
 - b. An applicant representing a non-profit group or organization for such sales shall secure a temporary use permit from the Building Inspector. Approval of such a permit shall be based upon a consideration of the location, which may be in any zoning district, providing all other conditions are satisfactorily met, type of goods to be sold, and the manner of sale which shall have been examined and approved by the various departments of the City Of Henderson particularly the Police, Fire, and Traffic Engineering to secure protection of the public interest in health, safety, and general welfare. In granting their approval such departments may suggest such conditions of approval such departments may suggest such conditions of approval as would be in keeping their responsibilities and the general spirit and purpose of this subsection, and may recommend that approval of such permit be denied where conditions warrant. In the event of disapproval of a requested permit, the applicant may appeal disapproval of a requested permit;

the applicant may appeal directly to the City Council for final disposition.

- c. A temporary use permit issued under the provisions of this subsection shall be effective for a period not to exceed thirty (30) days, however , only one (1) such permit may be issued to the same non-profit group or organization during a six (6) month period of time.

Sec. 24.22. USES NOT EXPRESSLY PROVIDED FOR

In districts, where an application is made for a use not expressly permitted or prohibited, the Building Inspector shall determine that use which is expressly prohibited or permitted most closely similar or allied to that use requested. In the event any applicant or citizen objects to a determination made by the Building Inspector, such person or persons may appeal his case to the Board of Adjustment.

Sec. 24.23. VALIDITY OF PREVIOUSLY ISSUED PERMITS IN CONFLICT WITH THESE REGULATIONS

Permits for either the construction of buildings or for the use of land or buildings which have been issued prior to the adoption of this ordinance and which are in violation with the regulations of this ordinance shall be declared void unless evidence is shown to establish that substantial expenditures have been made either for the preparation of plans for construction or for preliminary planning. Investment in real property shall not be construed as an expenditure towards construction. Unless actual construction work, including grading and excavation is under way within six (6) months after the adoption of this ordinance such permit shall become void.

Sec. 24.24. VARIATION OF FRONT SETBACKS

The minimum front yard setback requirement shall be complied with, in all districts; however, in all residential districts (R-1, R-2, R-3, and R-4) both existing and proposed lots, front yard setbacks may only be varied a plus or minus two (2) feet off the required front setback. Exempt from this, regulations are lots of one (1) acre or more with frontage width of two hundred (200) feet or more.

ARTICLE 25
SITE PLAN APPROVAL PROCESS

Sec. 25.1 PURPOSE.

The purpose of these provisions is to promote harmonious functional relationships among the various elements within any development such as the location of activities, vehicular and pedestrian circulation systems, and visual form, to insure physical, social, and economic compatibility with neighboring developments and conditions, as well as the community at large and to prevent detrimental impact to the natural environment on and off the site by providing for review and evaluation by the Planning and Zoning Commission of site plans for all developments of the types listed below. Although certain minimum standards are set forth in this section, such review will permit maximum flexibility in evaluating each plan on its merits and encourage variety and innovation while insuring privacy and safety on all levels.

Sec. 25.2. DISTRICTS REQUIRING SITE PLAN REVIEW.

The site plan approval provisions contained herein shall apply to the following zoning districts:

1. All multiple family, residential districts with proposed developments of eleven (11) or more units;
2. All HUD-Code Manufactured Homes and Mobile Home districts;
3. All office and professional districts; and
4. All commercial and industrial development with one (1) acre or more of land or twenty thousand (20,000) square feet of building (floor) area.

Sec. 25.3. CONSIDERATIONS OF THE PLANNING AND ZONING COMMISSION IN SITE PLAN REVIEW.

The commissioner shall consider the following when reviewing site plans:

1. The General character and compatibility, that is the Commission shall determine that the proposed development is compatible or in agreement (internally or with surrounding area) in terms of housing types, yard depths, ground coverage, tree cover, surface drainage, density (in residential developments) and will result in the least possible detrimental impact to the site and surrounding areas and will be designed so as not to cause substantial depreciation of property values, or reduce the safety, light, or general convenience of neighboring developments.

2. Ingress to and egress from property and internal circulation, including access or service and emergency vehicles and design of off-street parking and loading area (See Section 24.12).
3. The location and arrangement of all buildings and structures with regard to setback requirements and special consideration given to aspects such as visual form, sociability, and person safety with regard to police and fire protection.
4. Environmental aspects with regard to sedimentation, drainage, and flood control and preservation of natural greenery on the site.
5. Utilities, with regard to availability and suitability for the use intended, and consideration of hook-in and service locations, including fire hydrants.
6. Screening and buffering and landscaping with regard to the type and dimensions, to preserve the character of surrounding areas and to provide privacy for the site in question.
7. Size and location of all exterior identification signs, however, the City Manager or his designate may approve individual signs if the Commission has approved a size and location format for a development or if an existing sign is to be replaced by one of equal size or smaller. (See Article 26)
8. Exterior lighting with regard to glare, traffic safety and effects on surrounding property.
9. Recreation and open space with attention to the location, size, and development of the area with regard to their usability, adequacy, and their relationship to communitywide open spaces and recreation facilities (for residential developments).

Sec. 25.4. SITE PLAN REVIEW REQUIRED

All site plans involving any new development or construction shall be required to have preliminary and final site plan approval from the commission, upon preliminary approval of the site plan, the petitioner may request final approval. Final Commission approval of the site plan must be achieved prior to issuance of a building permit. The procedures for preliminary and final site plan review are identical, however, the information required for each is not, therefore, preliminary and final site plan review may not occur simultaneously.

Sec. 25.5. SITE PLAN REVIEW PROCEDURES

The following process shall be utilized to obtain approval of site plans:

1. Pre-application conference. The applicant for preliminary or final site plan review shall meet with the City Manager or his designee to discuss basic site plan procedures and requirements, to consider the elements of the site in question, and to proposed development.
2. Administrative processing.
 - a. City Staff Review. Following the pre-application conference, an application for site plan review may be filed in the Office of the City Manager according to the application cut-off schedule as adopted by the Commission. At the time of application, the applicant or his designee shall submit five (5) copies of the material as indicated in Section 25.6. The material will be distributed to various departments or offices for review and comments relative to their specialty or concern. The comments and offices will be collected and compiled by the City Manager or his designee, and will the site plans with all comments and recommendations will be presented to the Commission for their consideration.
 - b. Commission hearing. The commission shall hold a public hearing to consider the site plans and determine whether they meet the intent of this Article. The commission shall have thirty (30) days after the original public hearing said plans in which to review and act thereon. If, at the end of thirty (30) days, the Commission shall be unable to give approval of all or part of the plans, the petitioner may request in writing that the City Council review those specific portions of the plans for which approval has not been granted. Said written request shall also contain the petitioner's reasons for making such a request. The Commission shall submit in writing their justification and reasons for not granting approval of the total plan or the specific portion or portions of the plans which do not meet with their approval. The City Council shall then review the decision of the Commission and either approve or disapprove the plan or portions of the plan that were submitted to them.
3. Final site plan filing. Preliminary site plan approval, as granted by the Commission, shall be effective for a period of six (6) months unless otherwise specified at the time of approval. Application must be made for final approval, or if final approval is granted, a building permit must be applied for within this period or the site plan approval may be deemed null and void. At the end of the six (6) months, an extension for additional time not to exceed six (6) months may be granted upon formal request to the City Manager and at his discretion. A building permit may be issued for construction of the development as exactly shown on the approved site

plan. Minor changes to be approved by City Manager. No changes, alterations, or modifications to the approved site plan shall occur unless a site plan amendment is approved.

Sec. 25.6. SITE PLAN APPLICATIONS

1. The applicant or his designee must submit five (5) copies of the following information for site plan review:
 - a. Materials and information required for preliminary site plan review are as follows:
 - 1) A legal description of the property under review for site plan review;
 - 2) Site conditions information, including:
 - a) A topographic map of the site of a scale not smaller than 1" = 100', showing two foot (2') contours;
 - b) Soil type and evaluation for entire site, including consistency, texture, percolation capacity, bearing strength, shrink/swell potential, etc.;
 - c) Type and location of all existing vegetation;
 - d) Means or methods of controlling sedimentation.
 - 3) A site conditions map showing:
 - a) A general location map showing the relationship of the site to such external facilities as streets, residential areas, commercial facilities, and recreation/open space areas;
 - b) The location of all existing public streets, right-of-way, easements, and other reservations of the land in the area of the property in question and adjacent properties on the same frontage, indicating the locations of the buildings and structures on such adjacent properties means of ingress and egress to such properties, off-street parking, loading, and service areas, if any, for or on such properties, and any screening of buffers on such properties and the nature and type thereof;

- c) The location, size and capacity of all existing utilities, including existing fire hydrant locations;
 - d) The location of all water holding or carrying facilities, natural or man-made, including creeks, ponds, sinkholes, ditches, culverts, and storm sewer.
4. A site development plan at a scale not smaller than 1" – 60' showing:
- a) The name of the planner, architect, or designer who prepared the plans, the name of the developer whether it be an individual, group, or corporation, the name of the proposed project or development, a north arrow and date;
 - b) The location of all proposed streets, driveways, or other facilities designed to accommodate vehicular movement, in the development points of ingress and egress, parking areas, including the exact number of spaces, and loading and service areas (location of dumpsters) and a traffic impact analysis of projected trip generation for the development;
 - c) The locations of all proposed buildings and structures to be included in the development:
 - 1) For commercial or industrial development indicate gross floor area of all buildings.
 - 2) For residential development indicate the next number of dwelling units broken down into size by bedrooms (number of one-bedroom units, number of two-bedroom unit, etc.)
 - d) The manner of drainage of the property, show the manner of drainage of all impervious surfaces (including roofs of buildings) and all green areas, including all control devices such as storm sewers and retention or detention facilities;
 - e) The percentage of the site that will be covered by building and structures and the

percentage that will be covered by streets, drives, parking and loading.

- b. The material and information required for final site plan review shall include all information required for preliminary approval and:
- 1) A drainage and grading plan including all finished elevations and contours;
 - 2) The exact location of all public use easements;
 - 3) The exact location of all utility services, including hook-in points to the main system, fire hydrant locations, and for multi-family structures, the location of each unit's electrical and water meters;
 - 4) A buffering and screening design to be approved by the Planning and Zoning Commission;
 - 5) The size, location and intensity of all exterior lighting fixtures and devices;
 - 6) Architectural elevations of all buildings and structures;
 - 7) A development timetable if project is to be constructed in phases.

Sec. 25.7. SITE PLAN AMENDMENTS

Changes, alterations or modifications to any approved site plan that involves construction, removal or relocation of a building or structure; redesign or modification of the vehicular or pedestrian circulation system (including all points of access drives, parking areas, and walkways); modification of the drainage system, or relocation of any buffering area shall require approval of the Commission in accordance with the procedures described above.

ARTICLE 26

SIGNS

Sec.26.1. PURPOSE

The purpose of this article is to establish rules and regulations for the construction, erection and maintenance of all outdoor advertising displays, signs or billboards within the City of Henderson, Texas, as well as for the regulations or the issuance of denial of permits for the following purposes:

1. To protect property values;
2. To preserve the beauty and unique character of the community;
3. To protect the public from damage and injury that may be caused by the uncontrolled location and faulty construction of signs;
4. To protect pedestrians and motorists from damage and injury caused or partially attributable to the distractions, obstructions and visual clutter which are the result of improperly situated signs; and
5. To promote the safety, welfare, convenience and enjoyment of travel and the free flow of traffic.

Sec.26.2. LICENSES

No person shall engage in the construction, erection and/or maintenance of signs on any building, structure, or premises within the City of Henderson, without having been licensed under this article in accordance with the succeeding provisions hereof.

1. All persons desiring to engage in the business of construction, erection and/or maintenance of signs shall provide written information on a prepared application form to the Building Official and pay an annual Twenty-Five Dollar (\$25.00) fee to be entitled to engage in such business from January to December 31st of each calendar year the fee is paid.
2. The license of any person under the terms of this article may be revoked by the Building Official of the City if the license holder willfully violates any of the applicable provisions of this ordinance, or if such person shall be convicted of a felony offense or be guilty of habitual immoral conduct or become incompetent by reason of physical or mental disability of a permanent nature.

Sec.26.3. SIGN CLASSIFICATIONS AND DEFINITIONS

1. Classifications.

The following sign construction types used in the Schedule of Sign Standards contained in Section 26.11 hereof are defined in and correspond to the sign classifications in the Building Code of the City.

- a. **Ground sign**: A sign which is supported by more than two (2) columns, poles, uprights, or braces in or upon the ground and is not a part of a building. The term "ground sign" shall include billboards.
- b. **Roof sign**: a sign which is erected, constructed, or maintained on or over the roof or parapet wall of the building.
- c. **Wall Sign**: A sign which is attached or affixed to the wall of a building with the exposed face of the sign in a plain parallel to and not more than twelve inches (12") from said wall; provided, however, that electric wall signs may project not more than eighteen inches (18") from said wall. A wall sign shall not extend above or beyond the parallel face to which the sign is attached. This term shall also include Subsection d below.
- d. **Projection Sign**: A sign which is attached or affixed to a building wall or structure other than a pole and extends or projects therefrom more than twelve inches (12).
- e. **Pole sign**: A sign supported by and placed upon not more than two (2) poles or standards.
- f. **Directional Sign**: A pole or ground sign that directs vehicular traffic. The sign may display arrows, words, or other symbols to indicate direction of facilities. No goods or services for sale may be listed. No sign may exceed eight (8) square feet or as elsewhere provided.
- g. **Reader Board Sign**: A changeable message sign with strips attached to the face of the sign to hold readily movable letters and numerals. The sign may be internally or externally illuminated. (Ground or pole sign only).

2. Definitions.

- a. **Abandoned or obsolete sign**: A sign which depicts or refers to a product, business, service, activity, condition, or person which has changed in such a manner that the sign no longer correctly identifies or describes what it purports to identify or describe, or which product, business, service, activity, or condition no longer exists in a way or at any place, or which sign is deserted, surrendered or forsaken, unused, given up, or relinquished with intention of never resuming a right or interest therein.
- b. **Advertising sign**: A sign which is the primary use of the land on which it is located (not an accessory use) and which directs attention to a business, product, activity, or service which is not conducted, sold, offered, or located on the premises where the sign is located.
- c. **A-frame sign**: A temporary sign used to identify a business name, telephone number, hours of operation, and/or the business web site address. An A-frame sign is made up of two (2) pieces of wood, metal or other similar material approved by the building official connected at the top by hinges or similar devices and may collapse when the connecting devices are overextended or the two (2) pieces of wood, metal or other similar material are against one another. Also commonly referred to as "sandwich board sign".
- d. **Banner sign**: A temporary sign which is constructed of pliable materials such as canvas, fabric, vinyl plastic, or similar materials, with or without framework, which will withstand exposure to wind and rain without significant deterioration.
- e. **Cloud buster balloon sign**: Any visible, airtight, inflatable apparatus that exceeds one (1) square foot in total area, made of latex, mylar, or other similar material that extends more than ten (10) feet into the sky by a cord, rope, string, wire, or other similar material. A cloud buster balloon is commonly used to attract passerby/patrons to a location having a promotion, sale, or other function, and is considered a temporary sign.
- f. **Directory sign**: A pole or ground sign consisting of building identification and general business signs of the individual tenants.
- g. **Flag**: Any flag that is not a national flag, a state flag, or a flag of a governmental subdivision of the State of Texas.
- h. **Flashing sign**: As the term is used in section 26.11 hereof, a sign or part thereof, operated so as to create flashing; change in light intensity, color, or copy, or

intermittent light impulses more frequent than one every ten (10) seconds, Message Centers as defined in subsection k below shall not constitute flashing signs. A sign which creates intermittent light impulses which convey time of day and/or temperature only shall not constitute a flashing sign.

- i. Inflatable device sign: (IDS) A temporary sign manufactured of plastic, cloth, canvas, or other flexible or light fabric, inflated with air, secured to the ground, which does not float, does not move freely in the wind, and does not exceed thirty (30) feet in height. A wind device sign shall not be considered an (IDS).
- j. Lighting: As the term is used in section 26.11 hereof, the illumination of a sign face by a light source exterior to and not a part of such face, or a source of light not exposed to the eye.
- k. Menu board sign: A temporary sign used to inform the public of the list of dishes, foods, or entrees available in a restaurant, and may include the corresponding prices.
- l. Message center: A sign which provides public service information, any similar public interest information, and/or related advertising for a general business located on the same premise through electronically controlled intermittent light impulses. A message center shall consist of letters, words or numerals which can either change sequentially or travel across the display area. No character shall exceed forty two (42") in height and no lamp shall exceed fifty (50) watts. A message center is deemed to be a sign subject to the requirements of Section 26.11 hereof according to the particular use of said message center and the specific requirements for such uses determined by the Classifications contained in said Table. Prior to the issuance of a permit for a message center, the same shall be approved as a Special Exception in compliance with Section 27.12 (3); however, in no case shall such sign exceed the regulations contained in Section 26.11.
- m. Motion: As the term is used in Section 26.11 hereof, the moving or rotation of a sign or portion thereof, or the giving of the perception of motion, other than a message center as hereinafter defined.
- n. Moving sign: Any sign, sign appendages or apparatus designed or made to move by an electrical or mechanical device.

- o. Political sign: Any type of sign which refers only to the issues of candidates involved in a political election.
- p. Real Estate sign: A sign which advertises a parcel of land or a structure for rent, lease, or sale; provided however, that signs identifying model homes shall be considered real estate signs and shall be limited as follows:
- 1) They shall be limited to a maximum of twenty-four (24) square feet; and
 - 2) No more than one sign per model home shall be permitted.
- q. Residential Subdivision Identification sign: A sign supported by at least two columns or standards or a wall that is used to identify the entrance to a residential subdivision.
- r. Required setback: The required distance from the property line or right-of-way line of all streets adjacent to the premises on which a sign is located.
- s. Sign: Any writing, letter, word, numeral, pictorial representation, emblem, symbol, trademark, object, design or other identification which is designed or intended to identify, advertise, announce, or inform. The term "sign" shall not include:
- 1) Works of art which in no way identify a product or business and which are not displayed in conjunction with a numerical for-profit enterprise.
 - 2) Temporary decorations or displays directly incidental to and customarily and commonly associated with national, regional or local holiday celebrations.
 - 3) Traffic and other official signs and devices of any public or governmental agency.
- t. Sign structure: Any part of a sign, including the base, supporting columns or braces, display surface, or any other appendage thereof.
- u. Temporary or portable sign: Any sign that is not permanently attached to the ground or to a building or that is not designed to be permanently attached to the ground or building, including, but not limited to: torpedo signs, A-frame signs, inflatable signs, wind driven signs, real estate signs, temporary directional signs, promotional posters, banners and political signs, as herein defined.

- v. **Torpedo sign:** Signs that are of the portable type that can be moved from location to location, usually exhibiting flashing lights or changeable messages.
- w. **Vehicular sign:** A sign that identifies a vehicle used for a particular business; however, not when the primary use of the vehicle is that of a sign.
- x. **Wind device sign:** A flag, banner, pennant, streamer, inflatable balloon or similar device made of cloth, canvas, plastic or other similar material, with or without a frame or other supporting structure, fastened in such manner as to move upon being subject to pressure by wind or breeze and used as a temporary sign. Texas and United States flags displayed on a pole shall not be considered wind device signs.

Sec. 26.4. SIGN SPECIFICATIONS

- 1) No on-premises outdoor advertising display, sign or billboard, except those described in the subsection below, shall be permitted in any residentially zoned area, as defined by the zoning ordinance and the official zoning map, as it now exists and may hereafter exist, of the City of Henderson.
- 2) Approved on-premises outdoor advertising displays, signs, billboards may be constructed, erected and maintained only in general business, local retail and industrial zoned areas as defined by the zoning ordinance and the official map, as it now exists and may hereafter exist, of the City of Henderson, except as provided by subsection 3 of this section.

3) **Residential Subdivision Identification Signs:**

It shall be lawful to erect and maintain a Residential Subdivision Identification Sign for the purpose of identifying the entrance to a residential subdivision, subject to the following restriction and procedures:

- a. **Permit:** No Residential Subdivision Identification Sign shall be erected without first obtaining a special sign permit from the City building official.
- b. **Application:** Application forms for Residential Subdivision Identification Sign permits shall be made upon provided by the City building official and shall contain the following information:
 - (1) Name, address and telephone number of the applicant.
 - (2) Location of the proposed Residential Subdivision Identification Sign, showing its position in relation to nearby structures.

- (3) Six blueprints or ink drawings of the plans and specifications and showing the proposed sign's method of construction and attachments to a wall or the ground.
- c. Duty of building official: Upon receipt of the application for a Residential Subdivision Identification Sign permit, the building official shall conduct an inspection of the proposed site and present the application and the official's report to the City Council, along with the official's recommendation of proposed action on the application.
- d. Action by the council: The City Council, upon presentation of the application for a Residential Subdivision Identification Sign permit, shall approve or disapprove such application. Upon approval by a simple majority of the council members present, the City Council shall grant the application and direct the City building official to issue the permit for the proposed sign. The City Council may require certain modifications to the construction and placement of the proposed sign and make approval and granting of the application conditional upon compliance with such modifications, and in such event, the permit issued by the building official shall also be subject to such modifications. If disapproved by the City Council, the application shall be denied and no further action on such application shall be required of the building official.
- e. Issuance of permit: Upon the granting of an application for permit for a Residential Subdivision Identification Sign by the City Council, the City building official shall issue a permit for the construction and placement of the requested sign. The permit shall be subject to any modifications required by the Council and it shall designate the location and method of construction of the Residential Subdivision Identification Sign to be constructed.
- 4) Political signs shall be permitted in all zoning districts, as defined by the zoning ordinance and the official zoning map; provided the following standards are complied with:
- a. No such signs shall be permitted in any public right-of-way;
- b. No such signs, which are located within any residential or multi-family zoning districts, shall be larger than thirty-two (32) square feet;
- c. All such signs shall be removed no later than seventy-two (72) hours after such election. If such signs are not removed within said period, the City shall remove such signs and assess each candidate reflected on each sign removed Five Dollars (\$5.00) per sign removed; and

- d. Such signs shall comply with all other provisions of this Article, not in conflict with this section.
- 5) Any building or land use not conforming to the zoning ordinance provisions for the zone in which it is located shall, nevertheless, comply with all of the provisions of this ordinance for the conforming zone.
 - 6) In the Central Business District and where sidewalks exist, no sign shall project nearer the front or side street property line than two (2) feet from the back of the curb line and must have a minimum clearance of eight (8) feet above ground or sidewalk level and fifteen (15) feet above driveways and alleys.
 - 7) In all other approved zoning ordinance locations, as they now exist and may hereafter exist, ground or pole type signs, advertising a place of business, shall be restricted to three (3) such signs per business location. The display, surface area of all such signs shall provide a minimum of ten (10) feet set-back or clearance from any street property line and a minimum height of ten (10) feet from the bottom of the sign display area to the grade surface.
 - 8) All signs shall comply with the pertinent requirements of the Building Code and if illuminated, the Electrical Code as well, of the City of Henderson, including the permit fees stipulated herein.
 - 9) No sign shall be erected, altered or relocated without first securing a permit from the Building Official. Such permit shall contain the location of the sign structure, ~~the name and address of the sign owner and of the sign erector,~~ drawings showing the design and location of the sign, and such other pertinent information as the Building Official may require to insure compliance with all ordinances of the City of Henderson.
 - 10) Electrical permits for illuminated signs shall be obtained from the Building Official.
 - 11) All pole signs hereafter erected, constructed, altered, or maintained, for which a permit is required shall be plainly marked with the name of the person, firm, or corporation erecting and/or maintaining such sign which shall be affixed on the front thereof with the date and number of the permit issued by the Building Official.
 - 12) The provisions of this section shall be applicable to the location, size, and placement of signs and shall otherwise be considered supplementary to the Building Code of the City. No provisions specified herein shall be construed to otherwise amend or nullify any provision of the Building Code or any ordinance or regulation of the City pertaining to the erection, use, maintenance, or operation of signs.

- 13) Any sign used in conjunction with a nonconforming use of land or buildings, if such sign is not in accordance with the provisions of this section, shall be deemed a separate nonconforming use of land, and shall be subject to the provisions of Section 24.11 of this ordinance.
- 14) A sign in direct line of vision of any traffic signal light, traffic control sign, or other such traffic device from any point in a moving traffic lane within seventy-five feet (75') of and approaching such traffic lane control shall be permitted only with approval of the Chief of Police of the City.
- 15) Notwithstanding any provisions of this section, no signs shall be erected which constitute an obstruction of view of operators of motor vehicles on public streets or entering such streets from private property. In the event of any question regarding sign obstructions, the Chief of Police of the City shall determine that whether such obstruction exists.

Sec. 26.5. PERMITTED AND PROHIBITED SIGNS

1. Permitted Signs: The following signs, when complying with structural and safety requirements herein, are permitted anywhere within the City of Henderson in which such signs are approved, as herein provided, and shall not require a permit:
 - a. Construction signs, identifying the architects, engineers, contractors, owners, and other individuals or firms involved, but not including any advertisement of any product.
 - b. All signs described in Subsection (a) above shall be removed within fourteen (14) days after construction is completed.
 - c. Public signs of a non-commercial nature and in the public interest erected by or on the order of a public officer in the performance of his public duty, such as safety, danger, trespassing, traffic, memorial, historical interest and the like are hereby exempted from all of the provisions of this ordinance except for structural and safety regulations required by the Building and Electrical Codes of the City of Henderson.
2. Prohibited Signs: Signs which are strictly prohibited are those which:
 - a. Contain statements, words, or pictures of an obscene, indecent, or immoral character that will offend public morals or decency.

- b. Contain or are in imitation of an official traffic sign or signal or contain the words "stop", "go", "go slow", "caution", "danger", "warning", or similar words.
- c. Are of a size, shape, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- d. Are not permanently or firmly attached to a building or approved sign poles or structures.
- e. Have a revolving beam or beacon of light resembling any emergency vehicle light as part of a sign display in any zoning district, nor shall any sign be located so as to obstruct the vision or sight of motor vehicle operators or pedestrians at any street intersection, street crossing or other place of traffic concentration.
- f. Are signs, banners, and streamers suspended over or above dedicated streets or alleys; except when a temporary use permit is obtained from the Building Official.

Sec. 26.6. ILLUMINATED SIGNS

Illuminated signs shall be constructed and located so as to protect the general welfare of all citizens and the safety of the motoring public as follows:

1. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be hazardous or objectionable to the adjacent or surrounding areas.
2. No sign shall have blinking, flashing, or fluttering lights or other illuminating device. Beacon or revolving lights shall not be permitted.
3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
4. Neither the director nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
5. No exposed reflective type bulbs and no strobe lights or incandescent lamps exceeding fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp, to any public street or adjacent property; however, illuminated sign which indicate such customary public services as time, date, temperature, or other similar information may be permitted.

Sec. 26.7. NONCONFORMING SIGNS

1. All temporary signs, as defined herein, existing at the time of the enactment of this ordinance that are not conforming to the provisions therein shall be regarded as non-conforming signs. Such signs may be continued in use when properly and safety maintained for a period of one hundred eighty (180) days from the date of the enactment of this ordinance. At the end of the one hundred eighty (180) days, they shall be made to conform with the provisions of this ordinance or they shall be removed by the owner or person having beneficial use of such sign.
2. Non-conforming signs which are structurally altered, relocated, or replaced shall comply immediately with all of the provisions of this article.

Sec. 26.8. RULES OF CONSTRUCTION

1. The area of a sign shall be computed by drawing a line or lines around the sign in such a way as to form not more than four (4) regular geometric figures such as a rectangle, circle, triangle, trapezoid, or ellipse. The total of these figures shall be total area of the sign. All portions of the sign structure which are internally illuminated shall be subject to the area limitations of Section 26.11.
2. The maximum size area in square feet as prescribed in Section 26.11 shall apply to only one (1) sign face. If the sign has more than one face, the maximum area of all faces shall be twice the area prescribed in Section 26.11. The angle between the faces of a double face sign shall be subject to the area limitations of Section 26.11.
3. The height of a sign shall be measured as follows:
 - a. A ground or pole sign within one hundred feet (100') of a street abutting the property on which the sign is located: From the top of the curb of the nearest street adjacent thereto, or if there is no curb, from a point six inches (6") above the edge of the road surface.
 - b. A ground or pole sign more than one hundred feet (100') from an adjacent street: From the ground at the sign base to the top of the sign structure.
 - c. Roof sign: From the roof level at the base to the top of the sign structure.

Sec. 26.9. SPECIAL STANDARDS FOR SIGNS

1. The maximum sign heights prescribed in Section 26.11 shall apply only to ground and pole signs; provided, that in no event shall a sign of any classification be permitted to exceed the maximum height prescribed for buildings or other structures within the zoning district in which the sign is located, unless authorized under the provisions of Section 26.10 hereof.
2.
 - a. Advertising sign structures which are pole signs, ground signs, or wall signs erected in all residential districts, "C-1" Districts under permit, "C-3", "I-1", or "I-2" Districts shall be placed a minimum of two hundred feet (200') apart when erected so as to face in the same direction. No such structure shall be located within two hundred feet (200') of a residential district boundary line if the face of the sign is placed at an angle of less than ninety (90) degrees to the district boundary line, nor shall any structure be located within two hundred feet (200') of a business sign.
 - b. Advertising sign structures erected in all residential districts or "C-1" Districts, shall be placed at a minimum of six hundred and sixty feet (660') from the right-of-way of a state or federally controlled highway or freeway.
 - c. Advertising sign structures erected in "C-3", "I-1", or "I-2" Districts placed within six hundred and sixty feet (660') of the right-of-way of a state or federally controlled highway or freeway shall be permitted when in compliance with the following:
 - 1) Placed a minimum of one thousand five hundred feet (1,500') from any interchange or intersection;
 - 2) Placed a minimum of one thousand five hundred feet (1,500') from any other advertising sign on the same side of the highway or freeway and two hundred feet (200') from any general business sign, pole sign, ground sign, or wall sign (on premises);
 - 3) Placed no closer than one thousand five hundred feet (1,500') to any park, forest, playground or scenic area as designated by a governmental agency having and exercising such authority, which is adjacent to the highway.
3. All ground or pole signs shall be placed no less than forty feet, face to face, or ten feet, end to end, from all other ground pole signs and special height signs and shall not exceed in number one sign per use per street frontage per tenant space occupied.
4. Apartment signs shall be placed a minimum of three hundred feet (300') apart or one per street frontage, whichever is the lesser distance.

5. Real estate signs in all districts shall be placed a minimum of five hundred feet (500') apart or a maximum of two (2) per street frontage, whichever is the greater distance.
6. Temporary Signs:
 - a. No more than three (3) temporary signs may be displayed at or on any contiguous property which is owned by one person, corporation, or other legal entity.
 - b. Sets of flags or streamers will be considered as one (1) sign. Duplicate signs at or on any contiguous property which is owned by one person, corporation, or other legal entity shall be considered as one (1) sign.
 - c. Temporary signs must be maintained in good repair. Any faded, torn, or damaged signs must be removed. If they are not removed by the owner, they may be removed by the Building Official.
 - d. Any person, corporation, or other entity that intends to display temporary signs must obtain a permit from the Building Official and pay a one-time Twenty-Five Dollar (\$25.00) fee before displaying temporary signs on each such property. This permit is not transferable to another property or upon a change of ownership of the permitted property.
 - e. Each applicant for a permit to display temporary signs shall be given a copy of this Chapter of the Zoning Ordinance by the Building Official.

Sec. 26.10. SPECIAL HEIGHT AND/OR AREA SIGNS

In order that the City may develop in accordance with the intent and purpose of this ordinance and in order that substantial justice may be done, signs may be erected which exceed the height and area limitations contained in Section 26.11 after approval of the same as a special exception in compliance with the terms and provisions of Section 27.12 (3) hereof, having due regard for the topography of the premises and the elevation of adjacent roadways.

Sec. 26.11. SCHEDULE OF SIGN STANDARDS

No signs shall be erected, placed, displayed, or located except in accordance with the following Schedule of Sign Standards.

Sec. 26.12. ABANDONMENT OF SIGNS

Any sign or billboard not used for advertising purposes for a period of six (6) months shall be deemed to be in excess of requirements and abandoned. Such signs shall be removed by the owner within thirty (30) days after written notice from the Building Official. If such order is not complied with, the Building Official shall cause such sign or billboard to be removed at the expense of the owner thereof. For sale, lease, or rent notices or signs shall not be deemed as advertising.

Sec. 26.13. ADMINISTRATION

1. The Building Official is hereby authorized and directed to enforce all the provisions of this ordinance. Upon presentation of proper credentials, he or his authorized representative may enter any building, structure or premises within the City of Henderson to perform any duty imposed upon him by this ordinance.
2. The Building Inspector may order the removal of any sign erected or maintained in violation of this ordinance. He shall give thirty (30) days notice in writing to the owner of such sign or of the building, structure, premises on which such sign is located, to remove the sign or bring it into compliance. He may remove a sign at cost to the owner, immediately and with notice, if, in his opinion, which shall be final, the sign presents an immediate threat or danger to the safety of the public.

Sec. 26.14 GRIEVANCE PROCEDURES FOR VARIANCES EXCEPT AS PROVIDED FOR BY SECTION 26.10

Any person aggrieved by any of the requirements of the provisions in this Section 26, may make a written request to the Building Official, except as stated in Section 26.10, stating the reason or reasons for the specific need. The Building Official, the Community Development Director, the Street Superintendent, and the City Engineer are hereby directed and authorized as a committee with full powers to act in the review of all such requests. Any three (3) members of said committee shall constitute a quorum. All decisions of the committee shall be made in writing and all denials shall state the reasons for such denial which shall then be submitted to the City Council for final decision. All decisions of the City Council shall be final except as provided for by State Laws.

SECTION 3: SEVERABILITY.

The provisions of the Ordinance shall be severable. If any provisions of this Ordinance are held invalid, such invalidity shall not affect other provisions or application of this Ordinance which can be given effect without the invalid provision or application.

SECTION 4: REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 5: OPEN MEETING.

It is declared that this Ordinance was passed and adopted at an Open Meeting as prescribed by law.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall be effective from and after its adoption and publication as required by law.

PASSED AND APPROVED on first reading on this the _____ day of _____, 2010.

PASSED, APPROVED, AND ADOPTED on second reading by the City Council of Henderson, Texas, on this the _____ day of _____, 2010.

J. W. FULLEN, Mayor

Attest:

KELLY POOVEY, City Secretary

ARTICLE 27
ADMINISTRATION AND ENFORCEMENT

Sec. 27.1. ADMINISTRATION

1. The Building Inspector shall be charged with the duty of administering the provisions of this zoning chapter and securing compliance therewith. The enforcing official in the furtherance of his responsibilities shall:
 - a. Make such inspections as may be necessary to effectuate the purpose and intent of this chapter and to initiate appropriate action to bring about compliance with this chapter if such inspection discloses any instance of noncompliance.
 - b. Investigate thoroughly any complaints of alleged violations of this chapter, and indicate clearly in writing as a public record in his office the disposition made of such complaints.
 - c. Order in writing as set out below the remedy of all conditions or violations of the chapter found to exist in or on any premises.
 - d. State in the violation order a time limit for complaints herewith as hereinafter set out.
 - e. Request the assistance of the City Attorney in taking appropriate legal action upon the failure of the responsible party to comply with such violation order at the time specified therein.
2. The Building Inspector is authorized and directed to lawfully enter in and upon all premises in accordance with Section 24.3
3. Whenever the Building Inspector determines that a violation of this chapter exists, he shall take action as follows:
 - a. Give written notice of the violation to the occupant and the owner shown on the most recent tax roll of the city, and to the holder of the certificate of occupancy if different from both the occupant or owner.
 - b. The notice shall include:
 - 1) A description of the location of the property involved, either by street address or by legal description.
 - 2) A statement indicating the nature of the violation and reason or reasons why the notice of violation is issued;

- 3) A specification of the section or sections of this chapter upon which the notice of violation is based;
- 4) A general description of the things that are required to be done in that order that the premises comply with the provisions of this chapter;
- 5) A statement showing the time within which the work must be accomplished in order to comply with the provisions of this chapter which requirement as to time may not be less than ten (10) days nor more than ninety (90) days from the date of such written notice;
- 6) The name or names of the person upon whom the notice of violation is served;
- 7) A statement advising that upon the failure to comply with the requirements of the notice, the city shall take such enforcement procedures as may be required under this chapter in order to secure compliance and to punish for continued violation;
- 8) A statement advising of the procedures available for review of the action of the Building Inspector as set out in this chapter.

c. Issuance of the notice:

- 1) Service of the written notice required by this chapter shall be deemed complete if personally delivered to the person or persons required under the provisions of this chapter to be served with such notice, and if the same cannot be personally delivered within the city, then service shall be deemed complete upon sending same by certified mail, return receipt requested to the last known address of such person or person and by posting a copy of such notice on a conspicuous place on the premises.
- 2) The Building Inspector shall endorse on the copy of the written notice forwarded to the City Manager the manner of service of the notice or notices as are hereby required.
- 3) When any written notice of violation shall become an order, either because on petition for review of the decision of the Building Inspector has been taken or because such

petition for review has been taken and the decision of the Building Inspector has not been reversed, then such order shall be executed by the Building Inspector.

- 4) If such order is not complied with within the time specified in the order, then the Building Inspector shall use all available means of enforcement in order to secure compliance with the punishment for its violation.
- 5) When any notice has been issued and such notice becomes an order within the terms of this chapter the Building Inspector shall cause to be placed in a conspicuous place on the premises a notice which shall read substantially as follows:

“These premises are in violation of the requirements of the City’s Zoning Ordinance Section No. _____. This notice is to remain as placed here until the requirements of said Chapter have been complied with. It is unlawful to remove this notice until such requirements have been so complied with.”

4) Revocation of certificate of occupancy.

- a. When any notice has been issued and such notice becomes an order within the terms of this chapter, the certificate of occupancy shall be automatically revoked as to those premises covered by such order.
- b. It shall be unlawful for any person to occupy or use any premises as to which the certificate of occupancy has been revoked except that use is permitted in the process if restoring and bringing about compliance with the chapter. Any person convicted of violating this provision shall be punished as provided in Section 1-5 of the Henderson Code of Ordinance. Each day such violation continues shall constitute a separate offense.

Sec. 27.2. AMENDMENTS OR CHANGES TO THE ZONING ORDINANCE

1. Reason. Any person having a proprietary interest in any property may petition the City Council for a change or amendment to the provisions of this chapter or the Planning and Zoning Commission may on its own motion or on request from the City Council institute study and proposal for changes and amendments in the public interest.

2. Procedure.

- a. The City Council may, from time to time, amend, supplement, or change by Chapter the boundaries of the districts or the regulations herein established as provide by the Statutes of the State of Texas.
- b. Before taking action on any proposed amendment, supplement or change, the governing body shall submit the same to the Planning and Zoning Commission for its recommendation and report.
- c. The Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the Planning and Zoning Commission on a proposed amendment or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than eleven (11) days before the date set for hearing by posting such notice properly addressed and postage-paid to each taxpayer as the ownership appears on the last approved City tax roll.
- d. A public hearing shall be held by the governing body before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication in the official publication of the City of Henderson stating the time and place of such hearing, which time shall not be earlier than sixteen (16) days from the date of publication.
- e. Unless a proposed amendment, supplement, or change has been approved by the Planning and Zoning Commission, or if a protest against such proposed amendment, supplement, or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the lots included in such a proposed changed, or those immediately adjacent in the rear thereof extending two hundred (200) feet therefrom or those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by a two-thirds (2/3) vote of the governing body.

Sec. 27.3. APPLICABILITY

No building, or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered, and no existing use, new use, or change of use of any building, structure, or land, or part thereof shall be made or continued except in conformity with the provisions of this chapter.

Sec. 27.4. BUILDING PERMITS REQUIRED

Following the adoption and effective date of this chapter, no building shall be constructed, reconstructed, altered, or extended, until a building permit has been issued indicating that such use is in compliance with the provisions and regulations of this chapter.

Sec. 27.5. CERTIFICATE OF OCCUPANCY REQUIRED

No water, land, building or any part thereof shall be used and no existing use of land, water, or building shall be changed until a certificate of occupancy is issued stating that such use of land, water, or building or any part thereof is found to be in conformity with the provisions of this chapter. A certificate of occupancy shall also be required for any change of use, or for any alteration or modification of any building or structure. Any change of occupancy, of commercial uses, professional uses, and personal services establishments shall require an occupancy certificate.

Sec. 27.6. TEMPORARY USES

There shall be no excavation, cut or fill of earth or debris, no curb shall be cut or access opened onto a public street, no land shall be used for purposes other than agricultural, no signs shall be erected, and no building shall be constructed, altered or moved until a permit has been obtained from the Building Inspector.

Sec. 27.7. RECORD OF TEMPORARY USES

All temporary uses existing after the effective date of this chapter shall be ascertained, identified and recorded by the Building Inspector.

Sec. 27.8. RECORD OF HOME OCCUPATIONS

All home occupations existing after the effective date of this chapter shall be ascertained, identified and recorded by the Building Inspector for the purpose of effectuating Section 24.8.

Sec. 27.9. RECORD OF NONCONFORMING USES

All nonconforming uses existing after the effective date of this chapter shall be ascertained, identified and recorded by the Building Inspector for the purpose of effectuating Section 24.11.

Sec. 27.10. VIOLATIONS AND PENALTIES

Any person convicted of violating any of the provisions or terms of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine as provided for in Section

1-5 of the Henderson Code of Ordinance. Each day such violation continues shall be considered a separate offense.

Sec. 27.11. COMPLETION OF EXISTING BUILDINGS

Nothing herein contained shall require any change in the plans, constructions or designated use of a building actually under construction at the time of passage of this chapter and which entire building shall be complete within one (1) year from the passage of this chapter. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and which entire building shall be complete within six (6) months from the date of the passage of this chapter. If any amendments to this chapter is hereafter adopted changing the boundaries of districts, the provisions of this chapter with regard to buildings, or premises existing or buildings under construction or building permits issued at the time of the passage of this chapter, shall apply to building permits issued in the area affected by such amendment at the time of the passage.

Sec. 27.12. BOARD OF ADJUSTMENT

1. Organization. There is hereby established and created a Board of Adjustment consisting of five (5) members and two (2) alternate each to be appointed by the Mayor and subject to confirmation by the City Council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made. Two (2) members heretofore appointed shall serve for one (1) year, or until their successors are appointed and three (3) members as heretofore appointed, shall serve for two (2) years, or until their successors are appointed or each new appointee shall serve for a full term of two (2) years unless removed as hereinabove provided. Provided, however, that the Mayor and City Council shall appoint two (2) alternate members of the Board of Adjustment who shall serve in the absence of any of the regular members when requested by the Mayor or Building Inspector, as the case may be, so that all cases to be heard by the Board of Adjustment will always be heard by a minimum number of five (5) members. The alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and shall be subject to removal in the same manner as the regular members.
2. Procedure. The Board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with the chapter or Statutes of the State of Texas. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oath

and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

3. Criteria for Granting of Exception. In reaching a decision on any application for a special exception, the Board shall determine:
 - a. That the requested exception will establish only those uses permitted under the ordinance.
 - b. That the location of proposed activities and improvements are clearly defined on a site plan filed by the applicant.
 - c. That the exception will be wholly compatible with the use and permitted development of adjacent properties either as filed or subject to such requirements as the Board may find necessary to protect and maintain the stability of adjacent properties.

Sec. 27.13. APPEALS TO BOARD OF ADJUSTMENT

1. Appeals process involving zoning chapter decisions. Appeals to the Board of Adjustment may be taken by any person, officer, bureau, or agency of any public body affected by any decision of the Building Inspector. Such appeal may be made within sixty (60) days after a decision by the Building Inspector by filing with the Building Inspector a notice of appeal to the Board of Adjustment and specifying the ground thereof. The Building Inspector shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the action appealed from was taken.
2. Appeals process involving zoning chapter violations. The Board of Adjustment of the City shall serve and perform the duties of such appeals board under the procedure herein set forth:
 - a. Meetings of the Board of Adjustment shall be at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, including a summary of testimony of each person appearing before it; it shall keep records of its findings and decisions. The vote of each member on each question shall be recorded, or if absent or failing to vote, the circumstances shall be noted. The concurrence of four (4) members of the Board has the

power to determine. All such records shall be public records and the same shall be filed in the office of the Board, which shall, for the purpose of this chapter, be the office of the Building Inspector.

- b. Appeals to the Board of Adjustment may be taken by any person aggrieved by any notice, which has been issued in connection with the enforcement of this chapter or by any office or bureau or the governing body of the city affected by any decision of the Building Inspector. Such shall be taken within fourteen (14) days after the notice of violation was served or action by filing in the office of the Building Inspector written petition to the Board setting forth the grounds therefore. Upon the receipt of such petition, the Board shall set a time and place for hearing the appeal, but in no case shall such hearing be less than ten (10) days nor more than forty (40) days following the receipt of the petition. The Building Inspector shall promptly transmit to the Board all papers constituting the record upon which the notice of violation was issued or action taken. Written notice of the time and place of the hearing shall be sent by certified mail, return receipt requested, to the person taking such appeal and all owners of real property located within two hundred (200) feet of the property on which the appeal is made at least ten (10) days prior to the date of such hearing and public notice of each hearing shall be published at least once ten (10) days prior to the hearing in a newspaper of general circulation in the city. At the hearing any party may appear in person or by agent or attorney.
- c. After public notice hearing, the Appeals Board shall have the power to sustain, modify, or withdraw the notice of violation. The Board shall make findings in writing justifying the exercise of its authority and the same shall be a part of the permanent record of the case.
- d. If the board of Adjustment sustains the Building Inspector, it shall find:
 - 1) That the facts as stated in the written notice of violation are correct and that the situation covered by the notice is, in fact, a violation of this chapter; and
 - 2) That the remedy stated by the Building Inspector in the written notice of violation is the minimum remedial action which will bring the premises cited into compliance with this chapter.

- e. If the Board of Adjustment shall modify or withdraw the notice of violation, it shall find the following, as may be applicable to the specific cases:
 - 1) That the facts as stated in the written notice of violation are not correct and that the situation as covered by the notice is not, in fact a violation of this chapter, or that the procedures required of the Building Inspector in this chapter have not been complied with; and/or
 - 2) That the remedial action required by the Building Inspector is not the minimum remedial action necessary to bring the premises into compliance with this chapter and that some other remedial action, to be stated by the Board as a part of the record of the case, is the minimum action necessary to secure compliance with this chapter.
- f. If the person or persons to whom the order is given fails to comply with the same within the time allowed, the Building Inspector shall promptly proceed with all means of enforcement in order to seek compliance with the provisions of this chapter. The Building Inspector shall likewise place a notice on the premises in the form and manner prescribed in Section 27.1 (3) above.
- g. An extension of time to comply with a notice of violation shall proceed in the following matter:
 - 1) In addition to the authority hereinbefore given to the Board of Adjustment, such Board shall have the authority upon good cause shown therefore in writing to grant an extension of time within which such person may be required to comply with a notice of violation which has been issued by the Building Inspector provided such written request for the extension of time is presented to the Board prior to the expiration of time originally stated in the written notice of violation.
 - 2) The Building Inspector shall be furnished immediately with a copy of such written request of all extension and shall immediately file a written report regarding the request which shall be considered by the Board at the same time the requested extension shall be considered.
 - 3) The authority of the Board in hearing requests for extension of time as herein given shall be in each instance limited to either granting or denying the request for such extension,

and shall not be considered as an appeal from the terms of the notice of violation, and the Board shall not have the authority to modify or vary the terms of the notice of violation except as to the time of performance.

- 4) In granting or denying the request for extension of time, the Board shall consider such factors as are appropriate, including the good faith effort to comply, with availability of materials and workmen necessary, and such other factors as the Board may deem appropriate and consistent with the intent of this chapter.
 - 5) All requests for extension of time shall be considered at the next meeting of the Board occurring not less than three (3) days after the filing of such request, and the person seeking the extension of time as well as the Building Inspector shall be notified of the time and place of such hearing.
 - 6) In granting or denying the request, the Board shall, in each instance, state its reasons therefore and state the length of time it is extended, during this the acts required to be done shall be completed, which time, in no instance, may be greater than ninety (90) days after the time period stated in the original notice of violation.
- h. An appeal or request for extension of time properly filed within the time and in the manner as herein provided shall stay all action or enforcement appealed from or sought to be extended until final disposition therefore by the Board of Adjustment.

Sec. 27.14. JURISDICTION

When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after notice and public hearing, and subject to appropriate conditions and safeguards authorize the following special exceptions to the regulations here established.

1. Permit the reconstruction, extension or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use and permit the expansions of off-street lading for a nonconforming use.
2. Permit such modifications of the height, yard, area, coverage, and parking regulations as may be necessary to secure appropriate development of a

parcel of land which differs from other parcels in the district by being such restricted area, shape, or slope that is cannot be appropriately developed without such modifications.

3. Require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized with a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this Chapter. All actions to discontinue a nonconforming use of land and structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property. That Board shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use within the City.

Sec. 27.15. STATUS OF BOARD ADJUSTMENT ACTION; JUDICIAL REVIEW

1. In exercising its powers, the Board may, in conformity with the provisions of Articles 1011-A and including 1011-J of the 1925 Civil Statutes of Texas, as amended; revise or reform, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from and make such order, requirement, decisions, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.
2. The concurring vote of four (4) members of the Board shall be necessary to revise any order, requirement, decision, or determination of any such Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to affect any variance in said chapter.
3. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department, or board of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

**ZONING AREAS PERMITTED USES
CITY OF HENDERSON
1998**

RE RESIDENTIAL ESTATE	MF-1 MULTIPLE FAMILY RESIDENTIAL (LOW DENSITY)	RPO RESTRICTED PROFESSIONAL & OFFICE
R-1 SINGLE FAMILY, DETACHED (LOW DENSITY)	MF2-MULTIPLE FAMILY RESIDENTIAL (HIGH DENSITY)	L-1 LIGHT INDUSTRIAL DISTRICT
R-2 SINGLE FAMILY, DETACHED (MED. DENSITY)	C-2 LOCAL RETAIL COMMERCIAL	L-2 GENERAL INDUSTRIAL DISTRICT
R-3 SINGLE FAMILY, DETACHED (HIGH DENSITY)	C-3 GENERAL COMMERCIAL	FP-FLOOD PLAIN DISTRICT
R-4 SINGLE FAMILY, MODULAR HOUSING	CBD CENTRAL BUSINESS	PUD- PLANNED UNIT DEVELOPMENT

X DENOTES PERMITTED USE
 SU DENOTES SPECIAL USE
 SE DENOTES SPECIAL EXCEPTION
 BLANK DENOTES PROHIBITED USE

DESCRIPTION OF DISTRICT	RE	R1	R2	R3	R4	MF1	MF2	MF3	MH1	C2	C3	CBD	RPO	L1	L2	FP	PUD
ADULT DAY CARE CENTER										X							
ADULT ASSISTED LIVING																	
ARGICULTURAL, FORESTY ACTIVITIES	X														X		
ART GALLERIES													X				
ASPHALT, CONCRETE PRODUCTS															X		
AUDITORIUMS, ARENAS, STADIUM												X					
AUTO DRIVING SCHOOLS											X						
AUTO & EQUIPMENT RENTALS/STORAGE												S/E		X	X		
AUTO GARAGES, PAINT/BODY SHOPS											X						
AUTO PARTS, RETAIL/WHOLESALE											X				X		
AUTO, TRUCK & EQUIPMENT RENTALS											X						
BAKERY								S/E									

DESCRIPTION OF DISTRICT	RE	R1	R2	R3	R4	MF1	MF2	MF3	MH1	C2	C3	CBD	RPO	L1	L2	FP	PUD
BANKS, FULL SERVICE												X					
BED & BREAKFAST																	
BOWLING ALLEYS											X						

DESCRIPTION OF DISTRICT	RE	R1	R2	R3	R4	MF1	MF2	MF3	MH1	C2	C3	CBD	RPO	L1	L2	FP	PUD
BRICK, CLAY PRODUCTS															X		
BUSINESS & PERSONAL SERV ESTABLISHMENT.											X	X	X				
CAFETERIA											X						
CARETAKERS RESIDENCE(INDUSTRIAL(X			
CEMETERIES, MAUSOLEUMS	S/E	S/E															
CHEMICAL INDUCT RES.															X		
CHILD DAY CARE CENTER		S/E	X		S/E	S/E											
CHURCHES & OTHER HOUSES OF WORSHIP	S/E	S/E	S/E	S/E	X	X	X	X	X		X	X	X				
CLINICS										X							
COMPOSITION FLOOR OPERATION																	
COMPOUND USES								S/E				X					
CONSTRUCTION, OPERATION & STORAGE															X		
CONTRACTOR SHOPS														X	X		
CROPS, FIELD	X																X
CROPS, FIELD & TRUCK	X																
CROPS, RETAIL ROADSIDE SALES	X																
DANCE STUDIO													X				

DESCRIPTION OF DISTRICT	RE	R1	R2	R3	R4	MF1	MF2	MF3	MH1	C2	C3	CBD	RPO	L1	L2	FP	PUD
DEPARTMENT STORES																	
DORMITORIES																	
DRUG STORES							X			X							
DRUG STORE IN MEDICAL FACILITIES													S/E				
DRY CLEANING, LAUNDRY & SUB-STATIONS						S/E	S/E	S/E						X	X		
DRY GOOD STORES										X							
DUPLEXES						X	X	X									
EDUCATIONAL SPECIALTY SHOP													X				
EQUIPMENT HEAVY SALES/SERVICE											X						
FARM EQUIPMENT SALES/SERVICE										X							
FEED, GRAIN, FLOUR PACKAGING, STORAGE															X		
FERTILIZER															X		
FINANCIAL INSTITUTIONS										X			X				
FISH & MEAT MARKETS							S/E	S/E									
FLORIST SHOP													S/E				
FOOD STORAGE LOCKERS, COLD STORAGE														X	X		
FRATERNITIES & SORORITIES							X	X									
FUNERAL HOMES, MORTUARIES													S/E				
FURNITURE & APPLIANCE STORE																	
GAS STATIONS, SELF-SERVICE													S/E	S/E			
GAS STATIONS WITH CAR WASH														S/E	S/E		
GLASS MANUFACTURING & PRODUCTS															X		

DESCRIPTION OF DISTRICT	RE	R1	R2	R3	R4	MF1	MF2	MF3	MH1	C2	C3	CBD	RPO	L1	L2	FP	PUD
GLASS, MIRROR SHOPS											X						
GOLF COURSES	S/E	S/E							S/E								
GOVERNMENTAL BUILDING & SERVICE	S/E		X	X	X	X	X										
GROCERY OUTLET						S/E	S/E	S/E		X							
HOSPITAL & FULL MED. SERVICE								S/E					X				
HOUSEHOLD & FAMILY EST.										X							
INSULATION, MANUFACTURING OF															X		
INTERIOR DESIGN STUDIO													X				
JUNKYARDS, SALVAGE YARD														S/E			
LIGHT MANUFACTURING														X	X		
LIVESTOCK RANGES, ANIMAL HUSBANDRY																X	
LUMBER BUILDING MATERIALS														X	X		
MACHINERY EQUIPMENT SALES/SERVICE											X						
MANUFACTURING, REPAIRING																	
MOBILE HOME DEALERS NEW/USED																	
MOBILE HOME, MULTI-SECTION					X	X											
MOBILE HOME SALES									S/E								
MOBILE HOME SINGLE SECTION					X				X								
MODULAR HOME					X												
MOTELS, HOTELS																	X
MOTOR VEHICLES DEALER, NEW/USED																	X
MOVING, STORAGE																	X

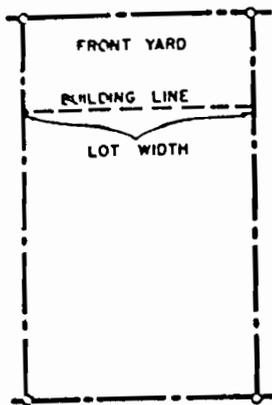
DESCRIPTION OF DISTRICT	RE	R1	R2	R3	R4	MF1	MF2	MF3	MH1	C2	C3	CBD	RPO	L1	L2	FP	PUD
MULTIPLE FAMILY DWELLINGS						X	X	X				X					
MUSIC STUDIO													X				
NURSERIES, PLANT																X	
NURSING & CONVALESCENT HOMES						S/E	S/E	S/E					S/E				
OFFICES, BUSINESS														X	X		
OFFICES, STUDIO																	
PARKING LOTS, COMMERCIAL											X	X					
PATIO HOMES						X	X	X									
PERSONAL SERVICE ESTABLISHMENT						S/E	S/E	S/E		X							
PETROLEUM STORAGE															X		
PHARMACIES										X	X						
PHARMACIES IN MEDICAL FACILITY													S/E				
PHOTOGRAPHIC STUDIO													X				
PHOTOGRAPHIC PROCESSING LAB														X	X		
PIPELINE TRANSPORTATION														X	X		
POOL HALL																	
PRINTING, BOOKBINDING														X	X		
PUBLISHING PLANTS														X			
PRIVATE CLUB, BAR														X	X		
PRIVATE CLUB, DANCE HALL														X	X		
PRIVATE CLUB, RESTAURANT											X			X	X		
PROFESSIONAL BUSINESS ESTABLISHMENT						S/E	S/E	S/E									
PROFESSIONAL SERVICES											X		X				

DESCRIPTION OF DISTRICT	RE	R1	R2	R3	R4	MF1	MF2	MF3	MH1	C2	C3	CBD	RPO	L1	L2	FP	PUD
PROFESSIONAL STUDIO, OTHER													X				
RADIO STUDIO													X				
RADIO TOWERS	S/E													S/E			
RADIO TRANSMITTING TOWER	S/E													S/E			
RECREATION, WATER ORIENTED FACILITIES NON-COMMERCIAL																X	
RECREATION & SPORTS STORES											X						
RECREATION, PUBLIC PARK																X	
RECREATION, COMMERCIAL INDOOR											X						
RECREATION FACILITIES OUTDOOR																X	
RECREATIONAL, PUBLIC BLD. FACILITIES	X	X	X	X		X	X	X	X			X	X				
RECREATIONAL SEMI-PUBLIC FACILITIES		S/E	S/E	S/E	S/E		S/E	S/E	S/E								
RESEARCH OFFICE, EDUCATION/SCIENTIFIC												S/E					
RESEARCH LABS, GENERAL SCIENTIFIC														X	X		
RESEARCH LABS INDUSTRIAL														X	X		
RESTAURANTS										X	X	X					
RESTAURANTS DRIVE INN																	
ROOMS, LEASE & RENT	X	X	X	X	X	X	X										
ROW HOUSES						X	X	X									
SALES & SERVICE RETAIL/WHOLESALES												X					
SAVINGS & LOAN INSTITUTIONS												X					

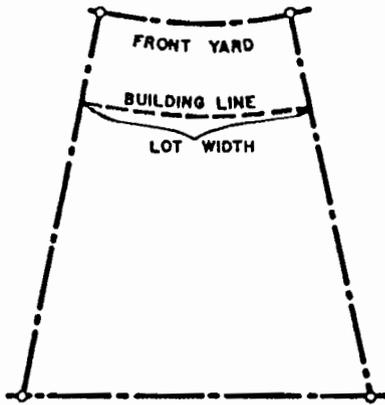
DESCRIPTION OF DISTRICT	RE	R1	R2	R3	R4	MF1	MF2	MF3	MH1	C2	C3	CBD	RPO	L1	L2	FP	PUD
SCHOOLS, PUBLIC/PRIVATE	X	X	X	X	X	X	X	X	X								
SINGLE FAMILY, ATTACHED						X		X									
SINGLE FAMILY AS COMPOUND												S/E					
SINGLE FAMILY, DETACHED	X	X	X	X	X		X										
SKATING RINK										X							
SOIL SURVEY AGENCIES																	
STABLES, RIDING HALLS & HORSE TRACKS																S/E	
TELEVISION STUDIO													X				
TELEVISION TRANSMITTING TOWERS	S/E													S/E			
TERMINALS, BUS, CAB, TRUCK, RAILROAD												X		X	X		
THEATERS											X	X					
TOWNHOUSE						X	X	X									
UTILITIES, PUBLIC & PRIVATE	S/E		X	X	X	S/E		X									
VEGETABLE AND FRUIT MARKETS							S/E	S/E									
VETERINARY HOSPITAL & CLINICS											X		S/E				
VIDEO ARCADES											X	X					
WALLBOARD, PLASTER, BUILDING															X		
WAREHOUSING IN FULL TIME DEPT. STORE										X							
WAREHOUSING, WHOLESALING														X	X		
WELL DRILLING AGENCIES															X		

PZDIST

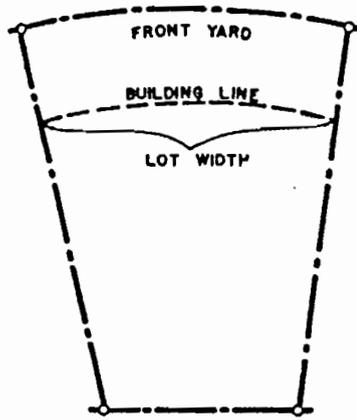
1. LOT WIDTH



(A)

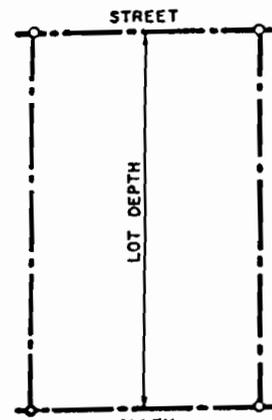


(B)

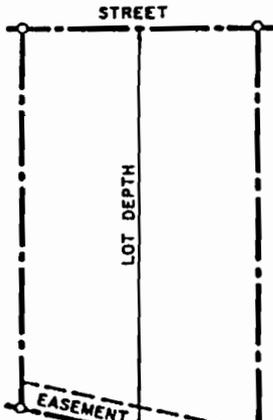


(C)

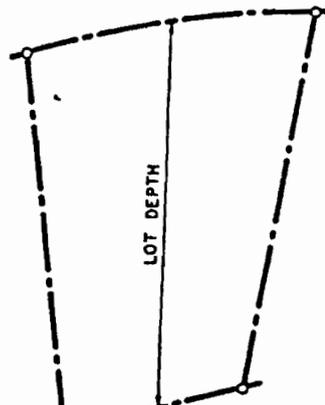
2. LOT DEPTH



(A)

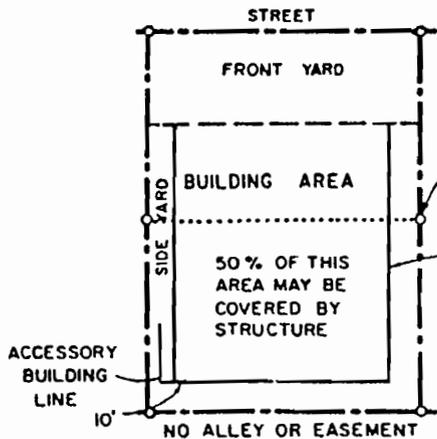


(B)



(C)

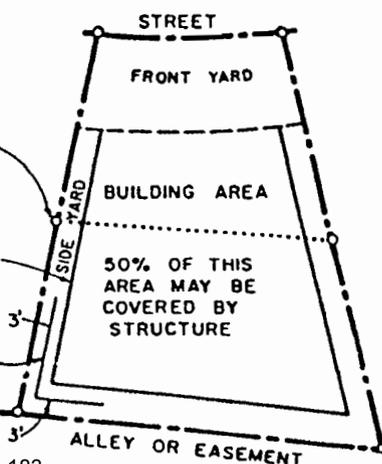
3. YARDS

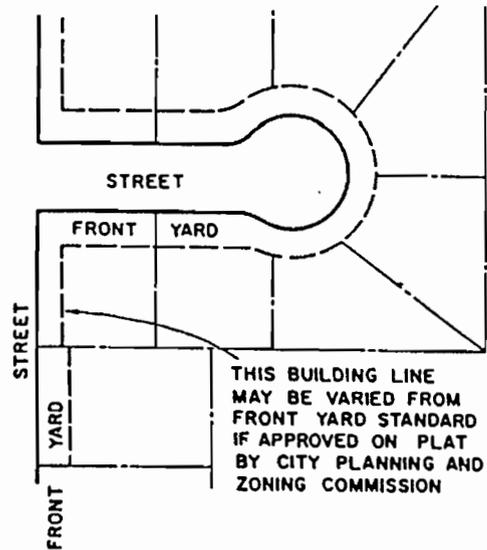
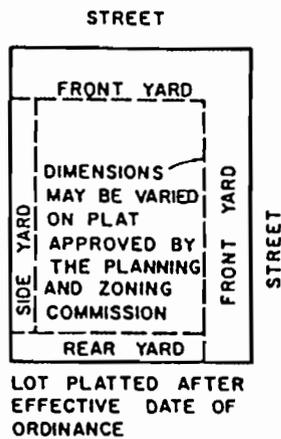
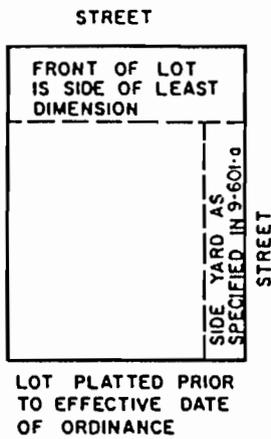


MID POINT ON LOT LINE

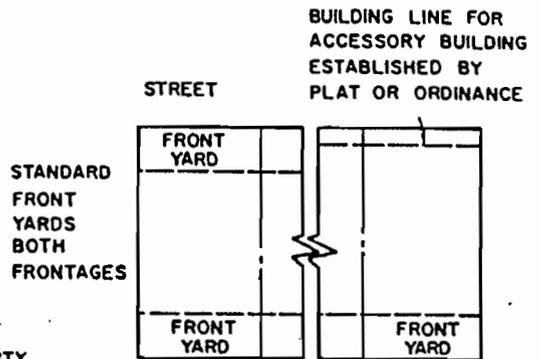
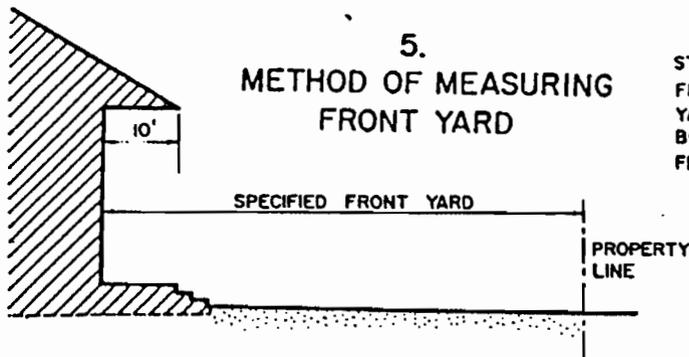
RESIDENTIAL STRUCTURE BUILDING LINE

ACCESSORY BUILDING LINE

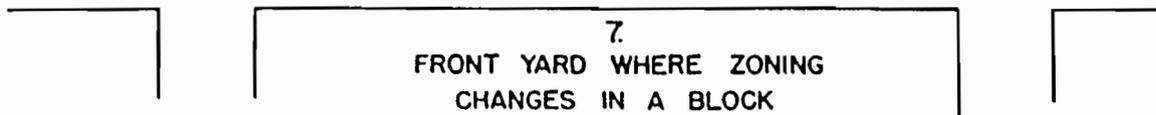
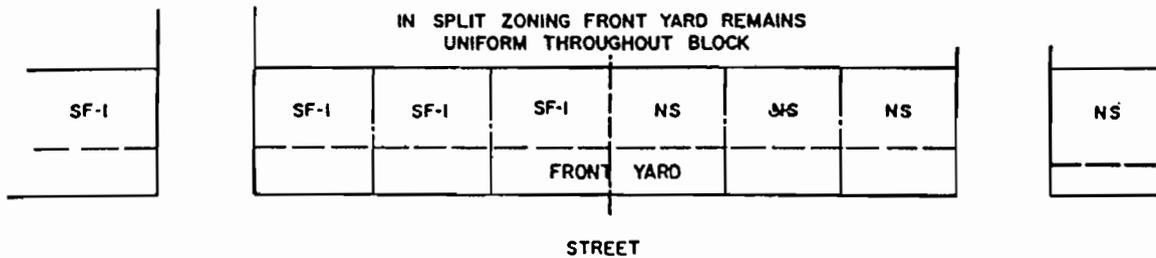




4. CORNER LOT



6. DOUBLE FRONTAGE LOTS



8.
INTERPRETATION AVERAGE FRONT
YARD WHERE YARD DEPTH VARIES

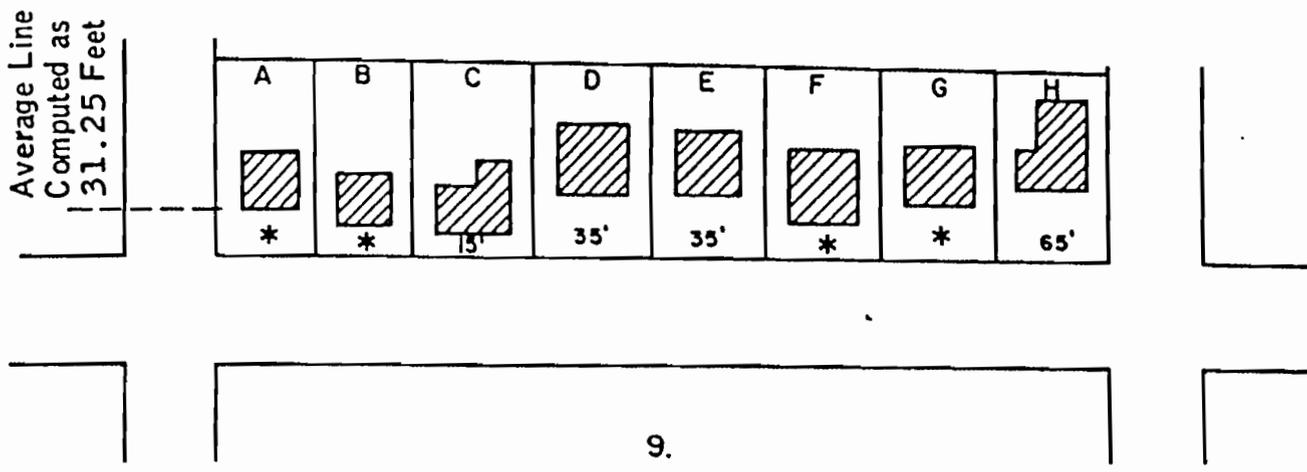
Basis of Computation
Existing Buildings

Lots	Set Back
C	15'
D	35'
E	35'
H	65'

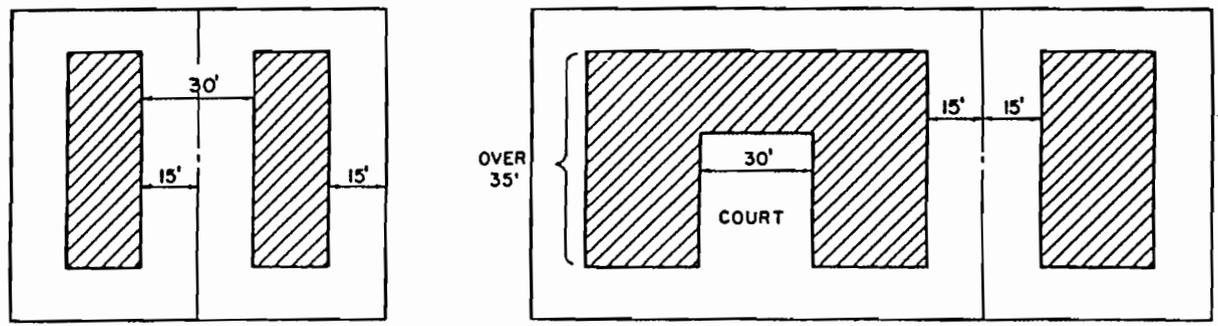
Computed Minimum Set Backs

A	31.25'	average
B	25'	need not set back over 10' from C
C	15'	existing
D	35'	existing
E	35'	existing
F	31.25'	average
G	41.25'	need not set back over 10' from F
H	65'	existing

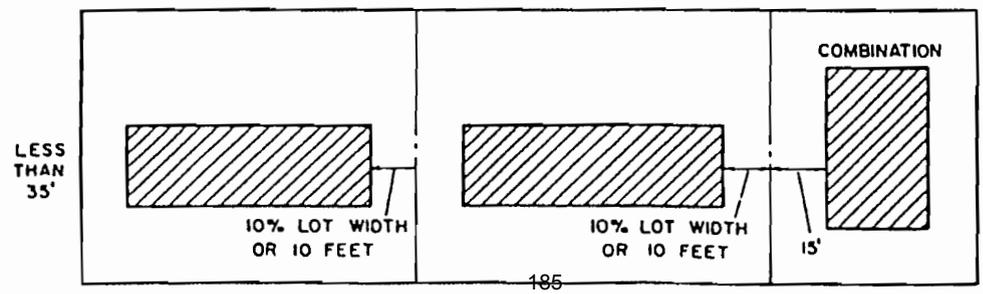
* Other lots by 9 - 502(e), 4 = 25'
 Average Line = 31.25'



9.
SPECIAL APARTMENT SIDE YARD
AND SPACING STANDARDS

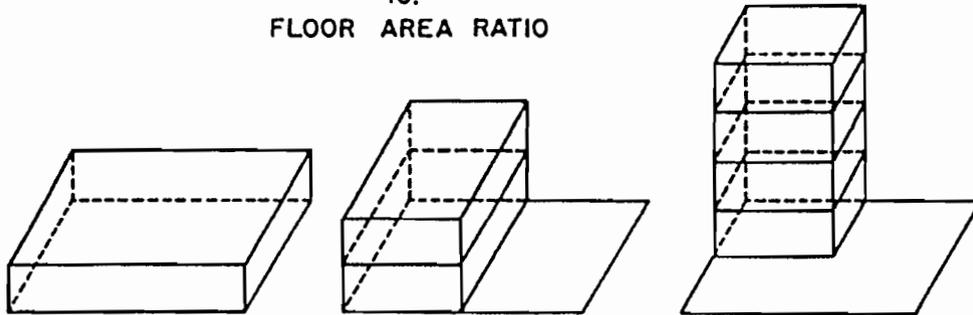


WHERE LONG DIMENSION OF BUILDING IS PARALLEL TO SIDE YARD



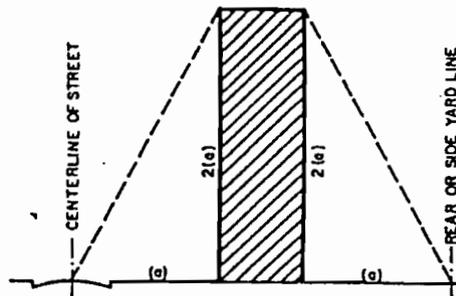
WHERE END OR NARROW DIMENSION OF BUILDING IS PARALLEL TO SIDE YARD

10.
FLOOR AREA RATIO



EACH DRAWING ILLUSTRATES FLOOR AREA RATIO OF 1:1

11.
SET BACK STANDARDS HIGH RISE
APARTMENT & SIMILAR STRUCTURES



WHEN HEIGHT EQUALS $2(a)$, FRONT YARD MEASURED FROM STREET CENTERLINE MUST BE MINIMUM OF (a) . SIDE AND REAR YARDS WITH OPENINGS FOR LIGHT OR AIR, SHALL BE MINIMUM DIMENSION OF (a) WHEN HEIGHT IS $2(a)$. IN NO CASE NEED (a) EXCEED FIFTY (50) FEET

12.
SIDE YARD STANDARDS
ATTACHED SINGLE FAMILY DWELLINGS

