

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE XVI. - SUPPLEMENTARY STANDARDS FOR CERTAIN USES, SECTION 16-4-12 'DAY CENTER' OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ADDRESS STANDARDS FOR ADJACENCY AND PROXIMITY BETWEEN DAY CENTERS AND RESIDENTIAL USES & RESIDENTIAL DISTRICTS

IN RE: P22-29-ZTA (Supplementary Standards for Day Centers)

WHEREAS, the City of Hendersonville's Planning Board reviewed this petition for a zoning text amendment at its regular meeting on May 9th, 2022; voting 6-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council has found that this text amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on June 2nd, 2022, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Article XVI. - Supplementary Standards For Certain Uses, Section 16-4-12 'Day Center' be amended as follows:

16-4-12 Day center.

- a) The parcel on which a day center is situated shall not be closer than 1,500 feet to any parcel on which another day center is situated. The application of the 1,500 foot separation standard shall be determined by measuring from the two points which represent the closest two points between the two day center parcel boundaries, and shall be measured as the crow flies.
- b) ~~The parcel on which a day center is situated shall not be adjacent to a residential use.~~ A day center shall be separated from any adjacent residential use, regardless of the zoning district where located, by a 15-foot B-type buffer meeting the requirements of article XV. Additionally, the buffer shall include a fully opaque vertical masonry wall or wood fence at least six feet (6') in height. "Fully opaque" shall mean that no more than ten percent (10%) of the surface of the fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property. For purposes of this paragraph, parcels situated across a public or private street right-of-way from a proposed day center shall be deemed to be adjacent. Additionally, for the purposes of this paragraph, these buffer standards shall prevail over the standards found in Section 15-6 b).
- c) ~~The parcel on which a day center is situated shall not be within 200 feet of a residential district.~~ A day center parcel shall be buffered from any residential district within 200 feet by a 15-foot B-type buffer meeting the requirements of article XV. Additionally, the buffer shall include a fully opaque vertical masonry wall or wood fence barrier at least six feet (6') in height. "Fully opaque" shall mean that no more than ten percent (10%) of the surface of a fence or wall shall be left open and the finished side of the fence or wall shall face the abutting property. For the purposes of this paragraph:
 - 1) These buffer standards shall prevail over the standards found in Section 15-6 b);
 - 2) The application of the 200 foot separation standard shall be determined by measuring from the two points which represent the closest two points between the proposed day center parcel boundary and any residential zoning district boundary, and shall be measured as the crow flies; and

3) Residential zoning district means the following use districts: R-40, R-20, R-15, R-10, R-6, RCT, PRD.

- d) Permissible hours of operations shall be limited to the hours between 6:00 a.m. and 6:00 p.m.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of June, 2022.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney