

**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**

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

**WHEREAS**, City Council desires to provide opportunities for the provision of services for those in need while maintaining the character of existing neighborhoods, and

**WHEREAS**, City Council took up this application at its regular meeting on June 2<sup>nd</sup>, 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 to require a buffer when adjacent to a residential use and when in proximity to a residential zoning district.

**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.
- 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 vertical masonry wall or wood fence at least six feet (6') in height. 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 purposes of this paragraph, parcels situated across a 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 vertical masonry wall or wood fence barrier at least six feet (6') in height. 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
  - 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 2<sup>nd</sup> day of June, 2022.

Attest:

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Barbara G. Volk, Mayor, City of Hendersonville

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Angela L. Reece, City Clerk

Approved as to form:

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Angela S. Beeker, City Attorney