

ARTICLE VII SIGN REGULATIONS

§42-204. General

The requirements set forth in this Article shall be complied with in addition to any other general or specific requirements of this Chapter. The regulations of this section shall apply to all *signs* and *sign structures* erected, placed and/or maintained within the County, except as otherwise noted. The standards set forth in this Article are established in order to: (1) allow for the legitimate needs for identification of activities and commerce within the County; (2) improve the aesthetic quality of the County; (3) reduce intrusions on adjacent property; (4) protect property values; and (5) minimize undue distraction to motorists. These requirements in no way relieve a *sign* of having to meet all local, state and federal laws pertaining to the erection of that *sign*.

Subpart A. General Sign Standards

§42-205. General

The *sign* standards of this subpart provide requirements and standards applicable to all other subparts and sections within this Article.

§42-206. Prohibited Signs

The following are prohibited *signs*. *Signs*:

- A. Placed in the public *right-of-way* (except as erected for governmental purposes);
- B. Resembling and/or obscuring traffic signals;
- C. Obstructing access to drives, doors, walks, windows, fire escapes or fire escape routes;
- D. Which are animated and/or flashing (as defined by this Chapter);
- E. On the surface of lake/river water (except those navigational and warning signs);
- F. On *vehicles* parked and located for the purposes of displaying such a *sign*, where such *vehicle* is either a part of the *sign* or *sign structure*; and
- G. *Billboards* (an *outdoor advertising sign* 380 square feet in area or greater).

§42-207. Permit Requirements

A sign permit shall be required for all nonexempt *signs* in accordance with the provisions of this Article (See §42-353 (Sign Permits)).

§42-208. Sign Placement

Signs shall be placed a minimum of 15 feet from edge of pavement or from back of curb (as applicable), and shall be located out of the *road right-of-way*. *Signs* are not permitted in a *sight visibility triangle*. *Signs* that are placed in the *road right-of-way* may be removed and disposed of, without notice, by authorized *County* personnel.

§42-209. Sign Area Determination

Sign area shall be the product of the maximum vertical distance (from the highest point to the lowest point on the *sign* face) and the maximum horizontal distance (across the *sign* face) (see Article XIV (Definition) for the definition of “*Sign*”). *Sign* area shall be calculated by the *Zoning Administrator* in accordance with Figures 7A and 7B.

Figure 7A. Sign Area Determination

Not to Scale

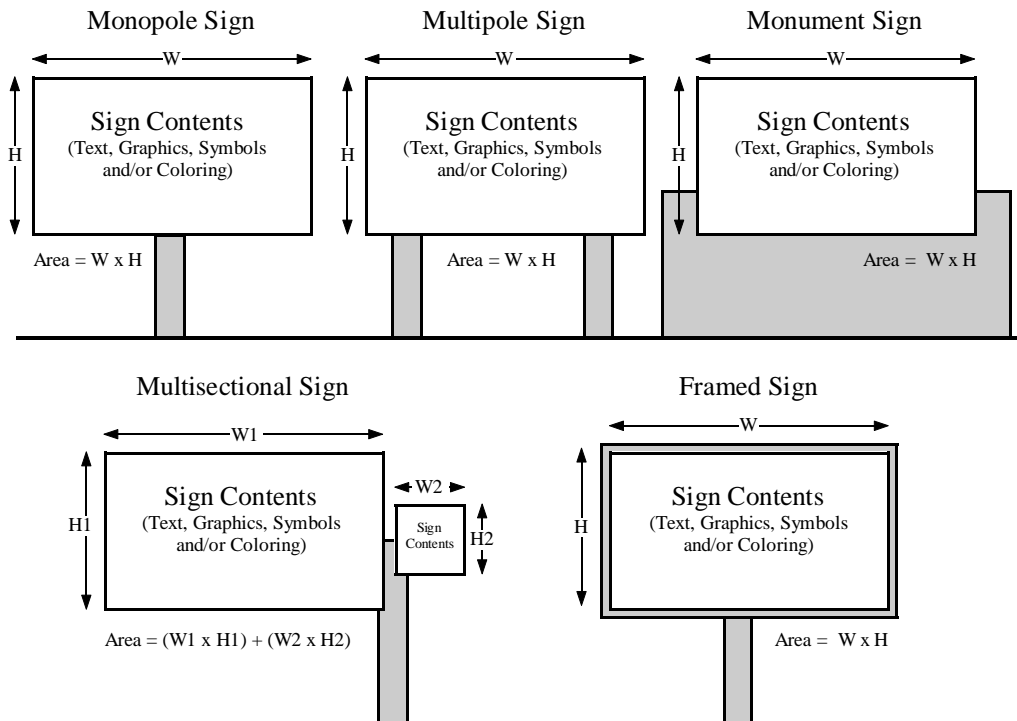
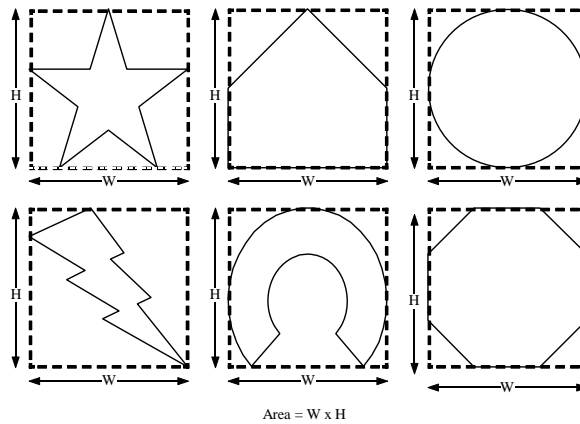


Figure 7B. Sign Area Determination for Nonrectangular Signs

Not to Scale



§42-210. Lighting Standards

Lighting mitigation shall be required as defined by this Chapter for all *signs*.

§42-211. Property Address Signs

A *sign* indicating the address of a property shall be provided as required by and in accordance with Chapter 142 of the Henderson County Code, *Property Addressing*.

§42-212. Reserved

§42-213. Reserved

§42-214. Reserved

§42-215. Reserved

§42-216. Reserved

Subpart B. Exempt Sign Standards

§42-217. General

The *sign* standards of this subpart identify exempt *signs* and provide requirements and standards for exemption.

§42-218. Exempt Sign Standards

The following *signs* are permitted in all districts and shall not require a *sign* permit as long as in conformance with the applicable standards. All exempt *signs* may have one (1) or two (2) faces (unless otherwise indicated). No exempt *sign* shall be internally illuminated in excess of six (6) foot-candles (measured at ground level at any point within the property, and installed in such a manner that the source of light (the bulb) is shielded and not visible from adjacent roadways).

A. Agricultural Sign.

- (1) Maximum Area. Thirty-two (32) square feet per face.
- (2) Maximum Height. Ten (10) feet.

B. Commemorative Sign.

- (1) Maximum Area. Eight (8) square feet per face.
- (2) Maximum Height. Eight (8) feet.

C. Construction Sign.

- (1) Maximum Area. Thirty-two (32) square feet (total square footage for all faces).
- (2) Maximum Height. Ten (10) feet.
- (3) Removal. Such *signs* shall be removed upon completion of construction.

D. Directional Sign.

- (1) Maximum Area. Six (6) square feet per face.
- (2) Maximum Height. Three (3) feet.

E. Flags/Insignia.

- (1) Maximum Number Permitted. One (1) corporate flag is permitted per *lot*. Flags or insignia of any nation, state, county, city, organization (religious, civic or fraternal), educational facility or cultural facility are not limited in number.

F. Governmental Sign.

G. Home Occupation Sign.

- (1) Maximum Number Permitted. One (1) freestanding *sign* and one (1) attached *wall sign* at the entrance of the *home occupation* are permitted.
- (2) Maximum Area. Six (6) square feet per face.
- (3) Maximum Height. Three (3) feet.

H. Outdoor Advertising Sign.

- (1) Maximum Area. Ten (10) square feet per face.
- (2) Maximum Height. Five (5) feet.
- (3) Permitted Districts. Permitted in all districts except *residential zoning districts*.

I. Political Sign.

- (1) Removal. Such *signs* shall be removed within the seven (7) day period following of the primary, general or run-off elections or referendum. (Primary election winners or those involved in run-off elections shall be allowed to leave *signs* up between the primary and the general election or until the run-off is held).

J. Property Identification Sign.

- (1) Maximum Number Permitted. One (1) *sign* per *lot frontage*.
- (2) Maximum Area. Six (6) square feet per face.
- (3) Maximum Height. Three (3) feet.

K. Real Estate Sign.

- (1) Maximum Number Permitted. One (1) *sign* per *lot frontage*, on the *lot* for sale.
- (2) Maximum Area. Six (6) square feet (for *lots* of less than five (5) acres) or 32 square feet (for the sale of *subdivision lots* where the original *tract* is greater than five (5) acres).
- (3) Removal. *Signs* placed for the sale of *subdivision lots* shall be removed when 90 percent or more of the *lots* have been sold.

L. Regulatory Sign. (i.e. Warning, Safety, Railroad Signs; regulated by the Manual on Uniform Traffic Control Devices (MUTCD))

M. Religious Institution Sign.

- (1) Maximum Area. Thirty-two (32) square feet per face.
- (2) Maximum Height. Ten (10) feet.

N. Temporary Event Sign.

- (1) Maximum Number Permitted. Three (3) per event.
- (2) Maximum Area. Six (6) square feet per face.
- (3) Maximum Height. Three (3) feet.
- (4) Removal. Such *signs* shall be removed within three (3) days of final event.

O. Temporary Sign.

- (1) Maximum Area. Thirty-two (32) square feet per face (*residential zoning district*); 72 square feet per face (*nonresidential zoning district*).
- (2) Maximum Height. Ten (10) feet (*residential zoning district*); 18 feet (*nonresidential zoning district*).
- (3) Removal. Such *signs* shall be temporary in nature, no longer than 30 days per occurrence and only once per calendar year per *lot of record*.

P. Vehicle Sale Sign (Private).

- (1) Maximum Number Permitted. One (1) *sign* per *vehicle* and a maximum of two (2) *vehicles* per property, applying only to noncommercial sales.

Subpart C. On-Premise Sign Standards

§42-219. General

The *sign* standards of this subpart provide requirements for *signs* based on the general *use district* in which they are located. This subpart provides general standards for all *signs* within a general *use district* as well as *sign* specific standards for certain types of *signs* associated with certain *uses* or types of development. The following standards shall be in effect to provide appropriate signage for *uses*, and compliance therewith is required for the erection of a new *sign*.

§42-220. Residential Zoning Districts

The following *sign* regulations shall apply in *residential zoning districts*.

A. Freestanding Signs. Freestanding *signs* are permitted where intended to identify entrances to a community, *single-tenant development*, or *multi-tenant development* and shall adhere to the following standards.

- (1) Sign Type. *Ground signs* only are permitted.
- (2) Maximum Number by Sign Type.
 - a. Community Identification Sign. One (1) *double-faced* or two (2) single-faced freestanding *signs* is/are permitted per community entrance (but shall be placed at to no more than two (2) entrances).
 - b. Single-Tenant Development Sign. One (1) freestanding *sign* is permitted per *lot*. One (1) additional freestanding *sign* is allowed for corner or *double-fronted lots*.
- (3) Maximum Area. Thirty-two (32) square feet per face.

- (4) Maximum Faces. Two (2) faces per *sign*.
 - (5) Maximum Height. Ten (10) feet.
 - (6) Illumination. Lighting of *signs* shall not exceed six (6) foot-candles, measured at ground level at any point within the property, and shall be installed in such a manner that the source of light (the bulb) is shielded and not visible from adjacent roadways.
- B. Attached Signs. *Attached signs* are permitted where intended to identify nonresidential uses within a community, *single-tenant development*, or *multi-tenant development* and shall adhere to the following standards.
- (1) Sign Type. Window, wall, suspended, *awning* and *changeable copy* (as part of a permanent *sign*) *signs* only are permitted.
 - (2) Sign Clearance. Any *attached sign* projecting 12 inches from a wall shall have a minimum nine (9) foot clearance over sidewalks and 14 foot clearance over roads, drives and *alleys* (no projection is allowed in any *right-of-way*).
 - (3) Maximum Area. Ten (10) percent of any wall area fronting a *road* and/or *building facade*, up to a maximum of 250 square feet.
 - (4) Illumination. Lighting of *signs* shall not exceed six (6) foot-candles, measured at ground level at any point within the property, and shall be installed in such a manner that the source of light (the bulb) is shielded and not visible from adjacent roadways.
- C. Prohibited Signs. *Portable signs* and *outdoor advertising signs* are prohibited in *residential zoning districts*.

§42-221. Office, Institutional, and Commercial Zoning Districts

The following *sign* regulations shall apply in office institutional, commercial and industrial districts:

- A. Freestanding Signs.
- (1) Sign Type. *Ground signs* only are permitted when the *sign height* is 18 feet or less. *Pole* and *ground signs* are permitted when the *sign height* is greater than 18 feet.
 - (2) Maximum Number by Sign Type.
 - a. Single-Tenant Development Sign. One (1) freestanding *sign* is permitted per lot. One (1) additional freestanding *sign* is allowed for corner or *double-fronted lots*.
 - b. Multi-Tenant Development Sign. One (1) *double-faced* or two (2) single-faced *signs* is/are permitted per development entrance (but shall be placed at to no more than two (2) entrances).
 - c. Office Institutional and Commercial Subdivision Sign. One (1) *double-faced* or two (2) single-faced *signs* is/are permitted per *subdivision* entrance (but shall be placed at to no more than two (2) entrances).

- (3) Maximum Area. Seventy-two (72) square feet per face. Where a *sign* is located within 500 feet of the *right-of-way* line of Interstate 26 the maximum area shall be 200 square feet per face.
- (4) Maximum Faces. Two (2) faces per *sign*.
- (5) Maximum Height. Eighteen (18) feet. Where a *sign* is located within 500 feet of the *right-of-way* line of Interstate 26 the maximum height shall be 75 feet (as measured from the *road* grade of the interstate).

B. Attached Signs.

- (1) Sign Type. All *attached signs* are permitted.
- (2) Sign Clearance. Any *attached sign* projecting 12 inches from a wall shall have a minimum nine (9) foot clearance over sidewalks and 14 foot clearance over *roads*, drives and *alleys* (no projection is allowed in any *right-of-way*).
- (3) Maximum Area. Ten (10) percent of any wall area fronting a *road* and/or *building facade*, up to a maximum of 250 square feet.

§42-222. Industrial Zoning District

The following *sign* regulations shall apply in Industrial Districts.

A. Freestanding Signs.

- (1) Sign Type. All freestanding *signs* are permitted.
- (2) Maximum Number by Sign Type.
 - a. Single-Tenant Development Sign. One (1) freestanding *sign* is permitted per lot. One (1) additional freestanding *sign* is allowed for corner or *double-fronted lots*.
 - b. Multi-Tenant Development Sign. One (1) *double-faced* or two (2) single-faced *signs* is/are permitted per development entrance (but shall be placed at to no more than two (2) entrances).
 - c. Industrial Subdivision Sign. One (1) *double-faced* or two (2) single-faced *signs* is/are permitted per *subdivision* entrance (but shall be placed at to no more than two (2) entrances).
- (3) Maximum Area. Seventy-two (72) square feet per face.
- (4) Maximum Faces. Two (2) faces per *sign*.
- (5) Maximum Height. Eighteen (18) feet. Where a *sign* is located within 500 feet of the *right-of-way* of Interstate 26 the maximum height shall be 75 feet (as measured from the *road* grade of the interstate).

B. Attached Signs.

- (1) Sign Type. All *attached signs* are permitted.
- (2) Sign Clearance. Any *attached sign* projecting 12 inches from a wall shall have a minimum nine (9) foot clearance over sidewalks and 14 foot clearance over *roads*, drives and *alleys* (no projection is allowed in any *right-of-way*).

- (3) Maximum Area. Ten (10) percent of any wall area fronting a *road* and/or *building facade*, up to a maximum of 250 square feet.

Subpart D. Off-Premise Sign Standards

§42-223. General

The *sign* standards of this subpart identify districts in which *outdoor advertising signs* are permitted and provide requirements and standards therefore. The following standards shall be in effect to provide appropriate outdoor advertising signage (except for those *signs* which are exempt or prohibited by this Article), and compliance therewith is required for the erection of a new *outdoor advertising sign*.

§42-224. Commercial and Industrial Districts, Urban Service Area

Outdoor advertising signs are permitted only in commercial and industrial districts where they are located in the Urban Service Area (USA) as identified by the *Comprehensive Plan*. *Outdoor advertising signs* shall be classified based on size and include: *Outdoor Advertising Signs* Type A, B and C (see Table 7.1).

Table 7.1. Outdoor Advertising Sign Requirements				
<i>Outdoor Advertising Sign</i>	Square Feet Permitted	Maximum Height (ft.)²	Minimum Setback (ft.)³	Spacing (linear ft.)
Type A	0 to 72	25	10	1,000
Type B	>72-300	35	20	1,000
Type C	>300-380 ¹	35	20	1,000

- 1 Signs greater than 380 square feet are considered *billboards* and are not permitted in the County.
 2 Maximum height shall be measured from the existing *road* grade to the uppermost point on the *sign structure*.
 3 Minimum *setback* shall be measured horizontally from the adjacent edge of *right-of-way* to the nearest edge of the *sign structure*, provided that no part of the *sign* or *sign structure* shall encroach upon a public *right-of-way*. Where property abuts more than one (1) *road*, *signs* shall be set back an equivalent distance from each *road* no less than the minimum *setback* required.

Outdoor advertising signs shall be spaced so that such *outdoor advertising sign* (or its *structure*) is placed no closer to the next *outdoor advertising sign* (or its *structure*) or any existing adjacent residence than the minimum spacing distance required (see Table 7.1). Spacing shall apply to *outdoor advertising signs* located on either side of a *road*. The minimum distance between *signs* or between a *sign* and a residence shall be measured horizontally between the nearest points on either *structure*. If, because of terrain, vegetation or practical difficulties, a point-to-point accurate measurement cannot be obtained, the *Zoning Administrator* may extend any point of measurement to a logical corresponding location and measure from this point. Using the extended measuring method a variation of five (5) percent is acceptable for the purpose of this Article.

The minimum distance between a *sign structure* and a residence shall not be less than 1,000 feet, except:

- A. Where the adjacent residence is a *nonconforming use*;
- B. Where the *sign* was erected after the original effective date of this Article (May 21, 1986, as amended) and predates a residence, the *sign* shall not be nonconforming because of distance from the residence;
- C. Where the *sign* was erected prior to the effective date of this Article (May 21, 1986 as amended) and duly registered, the *sign* shall not be nonconforming because of distance from another *sign* or a residence; or
- D. Where the topography obscures the *sign* from sight by the residents of the dwelling.

The spacing requirement may be reduced by up to 25 percent where the topography obscures the sign from sight by the residents of the dwelling.

§42-225. Reserved

§42-226. Reserved

§42-227. Reserved

Subpart E. Sign Maintenance

§42-228. Sign Maintenance

Maintenance requirements must be observed for all *signs* visible from any *public road* or highway within the jurisdiction of this Chapter. A *sign* in a state of disrepair shall be considered in *violation* of this Chapter. A *sign* shall be in a state of disrepair and require maintenance where the *sign* and its *structure* are:

- A. More than 20 percent covered with disfigured, cracked, ripped or peeling paint or poster paper (or any combination of these conditions);
- B. More than 15 degrees from the perpendicular as a result of bent/broken *sign* facing or supports, and/or loose appendages/struts;
- C. Obscured from the *road/highway* from which it is to be viewed by weeds, vines or other vegetation growing on it; and/or.
- D. To be illuminated, but are only partially illuminated.

§42-229. Reserved

§42-230. Reserved

§42-231. Reserved