

CITY OF HENDERSON

Article 400: SIGN REGULATIONS

The purpose of these regulations is to minimize any detrimental effects of signs on adjacent land uses, and to insure that permitted signs do not become a public nuisance or hazard because of their number, location, size, lighting, structural conditions, or other reasons.

For the purpose of this ordinance a sign is defined as any words, lettering, parts of letters, pictures, numerals, phrases, sentences, emblems, devices, trade names, marks or other means by which having anything is made known in any visible form used to attract public attention.

Section 401: Classification and Definition of Signs According to Purpose

Signs are classified according to their message content and use as follows:

401.1: General Advertising Sign or billboard: A sign which directs attention to a business, industry, commodity, service, or entertainment not conducted, sold, or offered on the premises where the sign is located.

401.2: Business Sign: A sign which directs attention to a business, industry, commodity, service, or entertainment conducted, sold, or offered on the premises where the sign is located.

401.3 Identification Sign: A sign which carries no advertising message and is limited to the following information concerning the premises:

- a. The name of the building or buildings
- b. The address of the building or buildings
- c. The name of the business firm or firms or institution occupying the premises
- d. The nature of business or activity conducted on the premises
- e. Area or development name signs

401.4: Incidental Sign: A sign carrying no advertising message, but giving information for the convenience and necessity of the public such as entrance, exit, no admittance, telephone, parking, etc.

401.5: Informational Signs: A sign which carries no commercial message and which intended to inform the public of upcoming community events being sponsored or conducted by governmental, quasi-governmental or non-profit entities within the City. These events may include high school ballgames, charity drives, scout activities. (Amended 5-18-88)

Section 402: Classification and Definition of Signs According to Structural Type

Signs shall be classified according to structural type as follows:

402.1: Ground Sign: Any sign, other than a pole sign, the bottom of which is ten feet or less from the ground and which is attached directly to the ground by means of one or more upright pillars, braces, or posts placed upon the ground, and not attached to any part of a building.

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402.2: Marquee Sign: A sign affixed to a hood, canopy, or projecting roof structure over the entrance to a building, store, or place of public assembly.

402.3: Pole Sign: A sign, the bottom of which is more than ten feet above the ground, and which is attached to the ground by one or more poles or other upright supports. Said supports shall have a diameter which shall not exceed five percent of the total distance from the top of the sign to the ground. Pedestals for such supports shall not be higher than 2-1/2 feet above the ground.

402.4: Projecting Sign: A sign projecting out from, and attached to, the exterior wall of any building, and forming an angle of thirty degrees or more to said wall.

402.5: Roof Sign: A sign which is placed on or above the roof of any building to which it is attached.

402.6: Suspended Sign: sign which is suspended from the underside of a horizontal plane surface, such as canopy or marquee, and is supported by such surface.

402.7: Wall sign: Any sign, other than a projecting sign, which is attached to or painted on any wall of any building.

402.8: Window Sign: Any sign, oriented toward and visible from the exterior of a building which is placed directly on a glass window.

402.9: Awning Sign: A sign constructed of fabric like no rigid material which is part of a fabric of flexible plastic awning.

402.10: Banner: Any sign made of flexible, fabric like material except an awning sign.

402.11: Poster: Any sign made of a rigid or semi-rigid, non-durable material, such as paper or cardboard, other than advertising copy applied to a permanent sign structure.

402.12: Portable Sign: A sign which rests on the ground or any other surface, and is not directly and permanently attached to such surface.

402.13: Development Identification Sign: A pylon (or other type) sign which displays the names of businesses (not goods or items sold) located within a specific commercial or industrial development. The sign shall not advertise businesses not located within the development in which the sign is located. The sign shall meet requirements as listed in Section 406B. (Amended

9/24/01)

402.14: Playbill: Any sign announcing entertainment and special events offered or to be offered at a business location on the site where the sign is displayed. (Amended 9/24/01)

402.15: Temporary Signs: Any portable advertisement displayed for the duration of the event or sale (not to exceed 30 days) that directs or attracts public attention to a specific event, product sold or service offered by the beneficiary of such display (Informational Signs and

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Political/Election Campaign Signs are not considered temporary signage). Such include, but are not limited to the following:

1. Signs made of paper, cloth, polyethylene film, or other similar materials.
2. Signs that are not permanently affixed to the ground or building surface in a manner approved by the building inspector.
3. Trailer signs.
4. Portable signs.
5. Banners or other similar devices.

The square footage including all temporary signs shall not exceed 35 square feet per lot. In addition, temporary signs shall not be affixed to pylon signs, light poles (whether public or private), utility poles or fences. Any banner to be displayed on the overpass at Charles Street is not covered by this ordinance but shall be subject to the Henderson City Code Section 16-11.

(Amended 9/24/01)

Section 403: General Regulations

The following regulations shall apply to all signs in all districts.

403.1: Compliance: No sign of any type shall be constructed, erected, painted, repainted, posted, reposted, placed, replaced, or hung in any district except in compliance with this ordinance. Provided however, that permitted signs (or signs in existence before July 1, 1974) on the site of the business premises may be repainted (or replaced at the same location with a sign constructed of similar building materials and the same size or smaller) when merely the name of the business on said site, or product sold there at or services rendered thereat, is changed. (Amended 8-22-77)

403.2: Sign permit required: A sign permit, issued by the Zoning Administrator, shall be required for all signs listed in Section 404.1, 404.2, 404.2.10, and 404.2.11. (Amended 9/24/01)

403.3: Measurement of Area: Sign area shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the entire advertising copy or art designed to attract attention, including architectural embellishment. All faces of each sign shall be included in the sign area computation, except that where two such faces are placed back to back and are at no point more than two (2) feet from another, the area of the sign shall be taken as the area of one face if the two faces are of unequal area. The foundations, bottom supports, upright supports or any other supports shall be excluded from any computation. (Amended 6-14-76)

403.4: Building Code Compliance: All signs shall fully comply with the requirements of the City of Henderson and State of North Carolina Building and Electrical Codes.

403.5: Permit Fees: The initial permit fee for signs to be paid at the time of issuance of the sign shall be as follows:

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SIGN FEES

SIZE OF SIGN	FEE
0-50 square feet	\$25
51-100 square feet	\$50
101-200 square feet	\$75
200(+) square feet	\$100

*Special Use Permits and Variances for sign approval will be an additional fee. (Amended 7-24-06)

403.6: Maintenance Required: All signs, together with braces, guys, and supports shall at all times be kept in good repair. If at any time a sign should become unsafe or poorly maintained, the building Inspector shall notify the owner or lessee of the sign of such condition, and upon failure of the owner or lessee to correct such condition the Building Inspector may order the removal of such sign at the expense of the owner or lessee.

403.7: Removal of Obsolete Signs: Signs identifying establishments no longer in existence, products no longer being sold, and services no longer being rendered shall be removed from the premises within 180 days from the termination of such activities. Signs advertising events, such as shows, displays, festivals, circuses, fairs, athletic contests, fund drives, elections, contests, exhibits, meetings, conventions, sales, performances, dances, paper drives, and the like shall be removed within (30) days after the date of the termination of such events. Upon failure of the owner or lessee to remove such signs within the prescribed time period, the Zoning Administrator may order their removal at the expense of the sign owner or lessee.

Section 404: Signs in All Districts

404.1: Advertising Signs: General Advertising Signs or Billboards of all structural types are business uses and except where specifically authorized by the terms of this ordinance, shall not be permitted in any district other than B3 & I2 districts and by Special Use Permit in RA districts.

404.2: Business and Identification Signs: The following types of business and identification signs may be erected in any district.

404.2.1: Any Business or Identification sign not exceeding one and one-third square feet in area. There shall be a limit of two such signs per lot on any one lot.

404.2.2: Identification signs of professions or businesses, not exceeding two square feet in area, fixed flat against the building where such profession or business is carried on, and not illuminated. There shall be a limit of one such sign per business or professional establishment.

404.2.3: "For Sale" or "For Rent" signs pertaining to realty, on the premises offered for sale or rent, not exceeding four square feet in area and not illuminated. Such a sign may be placed not closer to a front property line than two feet. There shall be a limit of one such sign for each street abutting the lot.

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404.2.4: Church or public building bulletin boards, lighted or unlighted, not exceeding twelve square feet in area. There shall be a limit of one such sign for each street abutting the lot.

404.2.5: Signs not exceeding ten square feet in area advertising agricultural products produced on the premises. There shall be a limit of one such sign per lot.

404.2.6: Signs not exceeding six square feet in area identifying by name only, residential subdivisions, unified housing development, or mobile home parks. There shall be a limit of one such sign for each road or driveway entrance to the development named on the signs.

404.2.7: Signs erected or ordered to be erected by Local, State, or Federal governments for orderly traffic control and other governmental purposes.

404.2.8: Directional signs not exceeding four square feet in area referring only to organizations which are non-profit in character or to construction projects only while they are under construction.

404.2.9: Temporary signs giving information pertaining to construction taking place on the lot upon which the sign is located, limited to a total area of 50 square feet, but with a limit of three signs to a lot, not to exceed 32 square feet in area.

404.2.10: Development Identification Sign: A pylon sign (or other type) which displays the names of businesses (not goods or items sold) located within a specific commercial or industrial development. The sign shall not advertise businesses not located within the development in which the sign is located. The sign shall meet requirements as listed in Section 406B. (Amended 9/24/01)

404.2.11: Temporary Signs: Any portable advertisement displayed for the duration of the event or sale (not to exceed 30 days) that directs or attracts public attention to a specific event, product sold or service offered by the beneficiary of such display. Such include, but are not limited to the following:

1. Signs made of paper, cloth, polyethylene film, or other similar materials.
2. Signs that are not permanently affixed to the ground or building surface in a manner approved by the building inspector.
3. Trailer signs.
4. Portable signs.
5. Banners or other similar devices.

(See Section 402.15 for design criteria). (Amended 9/24/01)

404.4: In no case shall total number of all the types of signs provided for in Section 404 exceed six (6) per lot.

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Section 405: Prohibited Signs

The following exterior signs shall be prohibited in all districts.

405.1: Signs, beacons, rotating disks, and other devices which resemble traffic signals, traffic signs, emergency vehicle flashing lights, or which can be misconstrued by the traveling public as being an official governmental sign or emergency warning, or which by their distracting nature create a hazard to motorists.

405.2: Illuminated signs casting glare into a roadway to an extent that it creates a hazard to motorists are prohibited in all districts.

Section 406: Business Signs

406.1: In the B-1 Central Business District, any O-I Office Institutions District, any business sign shall pertain solely to the identification of the principal use of each building on the premises and shall not advertise products and services that differ in name from the principal use of each building.

406.2: A maximum total sign area of not more than seventy-five (75) square feet shall be permitted on each lot or parcel in a business or industrial use except where said lot or parcel abuts a publicly maintained right-of-way for more than 200 feet, in which the latter event three (3) square feet of sign area per lineal foot of building frontage up to a maximum of 250 square feet of sign area shall be permitted. The permitted sign area in B-1, O-I, and I-1 districts shall be divided among not more than three (3) signs. Notwithstanding the foregoing, the maximum permitted area of any sign on any lot in a Unified Business Development shall be two (2) square feet per lineal foot of building frontages up to 150 square feet. The provisions of this section are subject to the exceptions set forth in paragraph 406.7. (Amended 8-22-77)

406.3: Except as specifically authorized herein, no sign of any type shall be placed nearer the right-of-way line of any public street or road than fifty (50) percent of the building lines established by the yard regulations of this ordinance, nor shall any such sign occupy any of the area required to be left clear for a front or side yard, except that in B-1, B-2, B-2A, or I-2 districts, a maximum of three identification signs totaling among them not more than thirty-six (36) square feet may be located in a front yard. (Amended 12-11-74 and 8-22-77)

406.4: In no case shall any sign be erected or displayed on the side street side of a corner building, nor on the rear of any building, if such building be located within one hundred (100) feet of a Residential District.

406.5: No signs of any nature, except those erected for orderly traffic control, and other municipal and governmental purposes, or directional signs of less than four (4) square feet and referring only to organizations which are non-profit in character, or to construction projects in process, shall be permitted on any public right-of-way, except in the case of the Central Business District.

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406.6: No sign shall be attached to a building in any way so as to extend more than (10) feet above any part of the roof or, if projecting from the outer walls of the building, so as to have any part of the sign (10) feet higher than the nearest edge of the roof.

406.7: No part of any pole or ground sign shall be more than thirty (30) feet above ground at its base, or twenty-four (24) feet above ground at its base if within the first fire district of the City of Henderson; provided however, that the pole signs located in business and industrial district and outside the first fire district shall be allowed to have the following respective maximum total sign area, determined by the distance such sign is setback from the nearest street right-of-way:

Distance From Street Right-of-Way	Maximum Height	Maximum Total Sign Area
½ minimum bldg. setback requirement	30 ft.	75 sq. ft.
5 ft. increase over ½ min. bldg. setback	30 ft.	85 sq. ft.
10 ft. inc. over ½ min. bldg. setback	30 ft.	100 sq. ft.
15 ft. inc. over ½ min. bldg. setback	35 ft.	110 sq. ft.
20 ft. inc. over ½ min. bldg. setback	35 ft.	120 sq. ft.
25 ft. inc. over ½ min. bldg. setback	35 ft.	130 sq. ft.
30 ft. inc. over ½ min. bldg. setback	35 ft.	140 sq. ft.
35 ft. inc. over ½ min. bldg. setback	40 ft.	150 sq. ft.
40 ft. inc. over ½ min. bldg. setback	40 ft.	165 sq. ft.
45 ft. inc. over ½ min. bldg. setback	40 ft.	175 sq. ft.
50 ft. inc. over ½ min. bldg. setback	40 ft.	185 sq. ft.

Provided further that pole or ground signs located in Business and Industrial Districts and outside the first fire district and within 900 feet of an interchange to U.S. 1 Bypass, I-85, or U.S 158 Bypass can exceed the above stated heights or maximum total sign areas by Special Use Permits.

(Amended 8-2-77)

406.8: Any lights used for illumination shall be so arranged as to reflect light away from any adjoining Residential District, and any light used for illumination and not an integral part of the sign shall be so arranged as to reflect light away from the streets.

406.9: No sign erected before the adoption of this ordinance shall be removed, replaced or repaired in excess of fifty (50) percent of its original cost in any calendar year without complying with the provisions of this ordinance. Provided however, that signs (or signs in existence before July 1, 1974) on the site of the business premises may be repainted (or replaced at the same location with a sign constructed of similar building materials and the same size or smaller) when merely the name of the business on said site, or product sold there at, is changed.

406.10: Unified Business Development: Regardless of the zone in which it is located, the following regulations affecting signs shall apply on property which is developed under the provisions of a Special Use Permit for the Unified Business Development.

406.10.1: Individual stores or business establishments within a Unified Business Development are limited on the front wall of their building to two (2) square feet of sign area for each linear

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foot of building frontage, with one-hundred and fifty (150) square feet being the maximum permitted. Independently placed buildings or buildings with corner locations are limited on each side or rear wall to one-half the amount of the sign area permitted on the front wall, provided that said side or rear wall sign can only be used to display either the name of the development or the name of the individual interior tenant immediately inside said wall. (Amended 2/26/07)

406.10.2: Automobile service stations within a Unified Business Development are limited to a maximum of two (2) pole signs in addition to signs permitted on the front, side or rear walls of the building. Each such sign shall be limited to thirty-six (36) square feet in area, and only one such sign is permitted in either the required front yard, or in the required side yard on the street side of a corner lot.

406.10.3: In addition to signs permitted for individual establishments within a Unified Business Development, general shopping center signs, bearing the name of the Unified Business Development, will be permitted on the bases of one sign for each fifty thousand (50,000) square feet of building ground coverage, or fraction thereof within the development, and a total limit of four (4) such signs. These signs must be limited to the name of the development, except that signs not exceeding thirty-six (36) square feet may be allowed for individual commercial enterprise as part of the main sign. The total area of each sign shall not exceed three-hundred (300) square feet in area. Such signs shall not be in a required front yard, or in the required side yard on the street side of a corner lot, except that such signs may be placed if they are no larger than one-hundred fifty (150) square feet.

Section 406A: Informational Signs

Informational signs shall be allowed in any commercial (øBø) or industrial (øIø) district, without regard to whether the sign is on-premise or off-premise, providing that the signage allowable for business signage on that property would not be exceeded if the sign had been erected as a business sign and providing that the sign is under 36 sq. ft. in area, is setback at least 5 feet from the right-of-way, is fully landscaped, and is not higher than 10 feet in height. (Amended 5-18-88)

Section 406B: Development Identification Signs:

Development Identification Signs shall be permitted in any development located in any Commercial øBø district and any Industrial øIø district without regard to whether the sign is on or off premises, provided that the signage allowable for the business located within the development will not exceed 300 square feet and 30ø in height. If the sign should have an attached playbill, the sign area may be increased to 350 square feet and the height may be increased to 35ø feet. Detached playbills shall not be permitted. The sign shall be setback a minimum of ten (10ø) feet from any property line of street right of way. In addition, the sign shall not be located under a power line without permission from the appropriate utility authority. The intent of the Development Identification sign is to provide signage visible from the street and to be located at the entrance or front of the development with additional signs permitted if there is more than one main entrance on more than one street. It is also encourages that all businesses located within the development use the Development Identification Sign in place of individual

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pole signs for each business and parcel. The sign shall be landscaped with a minimum of low growing shrubs at the base. (Amended 9/24/01)

Section 407: Permitted Signs in the B-1 Central Business District

No signs shall be permitted in the Central Business District except in conformance to the following regulations:

407.1: No sign shall be erected except those described in sub-sections 404.3 and 407.2 herein without first obtaining a permit from the Zoning Administrator. For illuminated signs an additional permit from the electrical inspector is required.

407.2: A wall sign, not exceeding six (6) square feet in area, not extending more than two (2) inches from the wall of the Central Business District building, may be placed on any wall of a building in the Central Business District and no permit is required.

407.3: A wall sign, other than those described in subsection 407.2 above, may be erected, provided it may not extend more than twelve (12) inches from the building to which it is attached and is not less than eight (8) feet above the sidewalk or the ground level beneath the sign.

407.4: A sign may be erected projecting from a building; provided that no such sign shall extend more than three (3) feet over any public right-of-way and provided that no such sign shall be more than thirty (30) square feet in area on each face or less than nine (9) feet above the public right-of-way over which it may extend, and provided that no such sign shall be closer than two (2) feet from the vertical extension of the curb.

407.5: A pole sign may be erected; provided that the total area of all signs supported by any pole does not exceed thirty (30) square feet, that no part of any sign other than the supporting pole is less than nine (9) feet above the public right-of-way, or any plot of ground suitable for pedestrian or vehicular movement and that no sign shall extend more than three (3) feet over any public right-of-way.

No ground sign or pole supporting a sign, except those erected for orderly traffic control and other governmental purposes shall be permitted on the public right-of-way.

407.6: A marquee or other sign shall not extend more than (10) feet from the building nor be less than (9) feet above the ground or sidewalk at the lowest point of the marquee shall be permitted that will interfere with any street tree or be closer than two (2) feet from the vertical extension of the curb line.

407.7: A drop awning may be permitted, but when let down to its fullest extent, no metal bar or other solid or hollow framing shall be less than eight (8) feet above the ground or side walk; provided, that a flexible cloth, canvas or similar skirt may hang twelve (12) inches below the horizontal bar supporting the awning, but in no case shall the skirt be less than seven (7) feet above the ground or sidewalk at the lowest point, nor shall it extend closer than two (2) feet from the vertical extension of the curb line.

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407.8: All signs, marquee or drop awnings must be erected in accordance with the North Carolina Building Code requirements.

Section 408: Exempt Signs

The Zoning Code shall not apply to any governmental sponsored signs or signs placed pursuant to a governmental sign program which has been approved by the City Council.

409: All premises must be erected in accordance with all requirements of the North Carolina Building Code. (Amended 3/15/06)

410: That as with all other portions of the Zoning Code, Section 908.2 (relative to severability) shall be applicable to this Article and all other Articles of the Zoning Code. (Amended 3/15/06)

4011: Notwithstanding any other provision herein, non-commercial copy may be substituted in place of commercial copy on any off premises sign. (Amended 3/15/06)