

# CITY OF HENDERSONVILLE



## ZONING ORDINANCE

\* Published by order of the City Council \*

**ARTICLE XIII**  
**SIGN REGULATION MAINTENANCE AND ENFORCEMENT**

**Section 13-1 General Sign Compliance.** No type of exterior sign may be erected, posted, reposted, placed, replaced, hung, painted, or repainted in any use district except in accordance with this Article. Signs not specifically authorized by these regulations are prohibited. The Board of Adjustment shall not have the authority to grant variances so as to allow prohibited signs to be installed.

**13-1-1 Signs not requiring a permit.** The following types of signs are allowed in any use district without a permit:

- a) Any sign not exceeding 2 ft<sup>2</sup> in area and bearing only address numbers, names of occupants or business and professional signs not exceeding 2 ft<sup>2</sup> in area.
- b) Temporary signs advertising the sale, rental or lease of the property on which said signs are located, provided such signs are non-illuminated and do not exceed two signs per lot, do not exceed four feet in height and do not exceed 4 ft<sup>2</sup> per face for property zoned residential or do not exceed eight feet in height and do not exceed 32 ft<sup>2</sup> per face for property zoned other than residential. All such signs shall be removed within seven days after the closing of the sale, rental, or lease of the property.
- c) Directional signs or information signs of a public or quasi-public nature, not exceeding eight ft<sup>2</sup> in area, such as community names, place of worship, meeting place of a civic body, or event of public interest. Signs identifying a residential PRDCZD, Planned Residential Development Conditional Zoning District or subdivision may be erected provided that they do not exceed 24 ft<sup>2</sup> in area, are not greater than five feet in height and are only lighted indirectly.
- d) Signs for churches or public buildings (including bulletin boards, lighted or unlighted not to exceed 15 ft<sup>2</sup> in area. Such signs must meet the yard requirements for the district in which they are located.
- e) Signs advertising agricultural products for sale which are produced on the premises, not to exceed 20 ft<sup>2</sup> in area.
- f) Legal notices, identification, information or directional signs required by governmental bodies.
- g) Signs not exceeding six ft<sup>2</sup> in area directing and guiding traffic to parking areas on private property but bearing no advertising material.
- h) Other signs and devices including plaques, banners, pennants, streamers and posters for a period of not more than two weeks before and after the opening of a new business or sale. The Zoning Department shall be notified of the posting of such signs and devices in order to track the time period. Portable commercial signs are not included in this provision.
- i) One construction sign shall be allowed on a construction site provided such sign does not exceed 32 ft<sup>2</sup> in area per display face and a maximum of ten feet in height. Construction signs shall not be erected prior to the issuance of a building permit and shall be removed within seven days of the issuance of a certificate of occupancy.
- j) Signs which are not visible beyond the boundaries of the lot upon which they are located and/or from any public thoroughfare or right-of-way.

- k) Political signs not exceeding three ft<sup>2</sup> permitted from 60 days prior to three days following the day of the election.

**13-1-2 Signs Requiring a Permit.** No sign except those listed in 13-1-1 shall be erected in the PRDCZD, PMHCZD, R-40, R-20, R-15, R-10 or R-6 zoning district classifications nor in corresponding conditional zoning districts, if any. No sign except those listed in 13-1-1 shall be erected in the PCDCZD, RCT, C-1, C-2, C-3, C-4, MIC, CMU, I-1, PMDCZD, PIDCZD, GHMU, HMU, UVCZD, URCZD, MSH or CHMU zoning district classifications, nor in corresponding conditional zoning districts, if any, without a permit obtained from the Administrative Officer. Each application for a permit shall be accompanied by plans which show the following:

- a) Identify the proposed site by means of the property owner, location and present use;
- b) Show location of the sign on the lot in relation to property lines and existing signs or structures;
- c) Show complete structural specifications; and
- d) Any additional information needed to determine if such sign will be erected in conformance with the Ordinance.

### **13-1-3 Sign Location**

- a) No sign when attached to a building shall project closer than 18 inches to the curb line and it shall be at least ten feet above the level of any sidewalk it may overhang. Painted wall advertising signs are not permitted except in association with a previously-existing painted advertising sign.
- b) No sign except those erected for governmental purposes shall be permitted on any public property or right-of-way.
- c) Double-faced signs shall be permitted only in areas designated in the Ordinance.

### **13-1-4 Height of Sign**

- a) Ground signs, including supports, shall not exceed a height of 12 feet in a residential district.
- b) No sign attached to a structure shall project more than ten feet above the top of the exterior wall of such structure at the location of the sign.
- c) Free-standing signs, including off-premises signs, shall comply with applicable regulations set forth below.

### **13-1-5 Animated and Illuminated Signs**

- a) A sign may be illuminated externally if such illumination is confined to or directed to the surface of the sign, or internally. No animated sign shall be permitted except in the C-2, C-3 and I-1 zoning district classifications or in corresponding conditional zoning districts, if any.
- b) For externally illuminated signage, the light source of the signs shall be so designed and shielded that it cannot be seen from beyond the property lines on which the sign is located. Signs illuminated internally by fluorescent bulb, light emitting diodes (LED's), fiber optics, plasma or other similar technology, and neon tubes shall be limited to commercial and industrial use districts.)

**13-1-6 Business Identification Signs.** Each business on a development parcel shall be entitled to install one or more business identification signs on the premises where the business is located so long as the total amount of such signage does not exceed the business identification sign allowance for any building housing one or more businesses. The business identification sign allowance for any such building shall be calculated as follows: one ft<sup>2</sup> for each linear foot of the front facade for that business plus one ft<sup>2</sup> for each three linear feet of any additional facade which has a door designed and used for public access or 250 ft<sup>2</sup>, whichever is less. Such signs may be placed on any facade of the building or on awnings, canopies or marquees attached to or closely associated with any such facade. Provided, however, buildings within the Downtown Special Tax District may be determined to have more than one main entrance, as defined herein, in which event the business identification sign allowance for such building shall be one ft<sup>2</sup> for each linear foot of the front facade for each main entrance. For a building to qualify for the multiple main entrance allowance, the following criteria must apply:

- a) The building must front on two or more streets, each of which has a right-of-way of 30 or more feet;
- b) Each entrance shall comply with all relevant building code provisions and shall provide significant pedestrian access to the business or businesses being identified; and
- c) Each entrance shall be architecturally designed as a front entrance for the building.

Notwithstanding the foregoing, business identification signs on any given building facade shall not exceed one ft<sup>2</sup> for each linear foot of the building facade on which it is located or 250 ft<sup>2</sup>, whichever is less.

**13-1-7 Free-Standing Signs.** Each development parcel may include no more than one freestanding sign for each thoroughfare on which the parcel has driveway access, which may be either a business identification sign or, where permitted, an off-premises sign. Free-standing signs must be permanently affixed to the site; portable signs are prohibited.

**13-1-7.1 Free-standing business identification signs** shall not exceed 70 ft<sup>2</sup> in size and 18 feet in height, measured from street grade, for each thoroughfare on which the site has driveway access. For purposes of this paragraph, a development parcel does not include out parcels associated with shopping centers and other multiple-business development sites.

**13-1-7.2 Free-standing off-premises signs** shall meet the requirements of Section 13-2, below.

**13-1-8 Special Requirements for Signs in Downtown Special Tax District.** The following special requirements apply to signs in the Downtown Special Tax District.

- a) Only one projecting sign per business is allowed.
- b) The maximum projection of a sign over the sidewalk shall be no greater than seven feet, but shall not project nearer than 18 inches to the front or side curb line and shall be at least ten feet above the level of any walkway it may overhang.
- c) Should lighting be provided, signs shall be lit in such a way as to prevent direct lighting from shining onto streets or adjacent properties. Lighting shall not interfere with the possible residential use of upper floors. No flashing, rotating or intermittent illumination shall be permitted.
- d) No permit for a sign shall be issued until it has been reviewed by the, Development Assistance Director or a designee following the guidelines set forth in the Section 13-1-9, below. In order to review the



design, the applicant shall submit a drawing of the sign indicating materials, color, message and dimensions; a drawing or photograph of the building facade and proposed sign location on the building, and a drawing or photograph of the site and adjoining properties' existing graphics. The Development Assistance Director or a designee shall have ten days to review the sign; if it has not been reviewed within this time, then it shall be considered to have been reviewed.

**13-1-9 Design Guidelines for Signs in Downtown Special Tax District.** The following design guidelines shall guide decisions of the Development Assistance Director, or a designee appointed by the Development Assistance Director, regarding applications for signs in the Downtown Special Tax District.

- a) Signs should be regarded as an integral and complimentary element of the overall architectural and streetscape composition and should be integrated with the buildings and landscape design.
- b) Signs should not obscure distinctive architectural features, such as cornices and windows.
- c) Signs should be placed so they fit into the originally designated areas on the building, such as above the first floor lintel, or on the transom, or on the wall space above the storefront.
- d) Signs projecting out from the building should be hung just above the lintel.
- e) Signs should not be so large that they overwhelm the building.
- f) Signs on a single building should provide a coherent and harmonious appearance.
- g) Signs are encouraged to be at a consistent height along the street, so they respect the existing "sign line" established by signs on adjacent stores.
- h) Signs are encouraged to coordinate with neighboring store fronts, so that the sign relates well to its own storefront as well as to other signs and storefronts along the block.
- i) The Development Assistance Director or a designee shall judge signs according to style, color, location, ornamentation, materials, and the architecture of the building on which it is to be placed. In order to review the design, the applicant shall submit a drawing or photograph of the site and adjoining properties' existing graphics.

**13-1-10 Noncommercial Messages.** Any sign, display, or device allowed under this Article and which complies with size, lighting, and spacing requirements of this Article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale.

**Section 13-2 Advertising Sign Regulations.** In addition to the general regulations and standards set forth in Section 13-1, all advertising signs shall comply with the regulations of this section.

*[By ordinance #99-0657, adopted 6-17-99, no new outdoor advertising signs shall be permitted within the planning jurisdiction of the City.]*

**13-2-1 Permits.** All outdoor advertising signs shall have a permit from the Administrative Officer prior to any construction, erection, structural alteration or site preparation.

**13-2-2 Permitted Use Districts.** Outdoor advertising signs shall be permitted only in the C-3 and I-1 use districts.

**13-2-3 Spacing.** The spacing requirements for advertising signs shall apply to advertising signs located on the same side of the street, road or highway. Advertising signs shall be spaced so that no such sign structure shall be placed closer to the next adjacent advertising sign structure than the minimum distance as herein defined.

The minimum spacing required for any advertising sign adjacent to an advertising sign measuring 300 ft<sup>2</sup> or larger shall be 500 lineal feet. The minimum spacing required for adjacent advertising signs measuring less than 300 ft<sup>2</sup> shall be 300 lineal feet. The minimum spacing distance shall be measured horizontally between the closest points of any two such signs. If adjacent signs have different sign face areas on each side of the sign structure, the larger sign face area shall be used in calculating the minimum spacing distance between the signs.

**13-2-4 Setbacks.** Setbacks for advertising signs shall be measured horizontally from the adjacent edge of the 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 street or road, signs shall be set back an equivalent distance from each roadway no less than minimum setback required for the sign size.

**13-2-5 Maximum Sign Height.** Maximum sign height shall be measured from the existing street grade to the uppermost point on the sign structure.

**13-2-6 Minimum Sign Height.** Minimum sign height shall be measured from the existing street grade to the lowest point on the horizontal portion of the sign structure. Minimum sign heights are not required if advertising signs are set back in accordance with Section 13-2-4 and Table 13A.

**13-2-7 Number and Arrangement of Signs on a Sign Structure.** No sign structure shall be permitted to have more than one sign face per side.

**13-2-8 Maintenance and Enforcement.** In addition to provisions of this section, all advertising signs shall comply with the provisions of Section 13-3 of this Ordinance.

**13-2-9 Sign Size, Height and Setback Requirements.** Regulations governing the maximum sign size, setbacks and maximum and minimum heights are shown on Table 13A.

**13-2-10 Nonconforming Off-Premise Signs (Amortization).** All nonconforming outdoor advertising signs shall be discontinued or made conforming (amortized) within five and one-half (5½) years from the effective date of this section unless explicitly prohibited by state statute. All outdoor advertising signs which are made nonconforming by an amendment to this Article or to the official zoning map, or extension of the areas in which this section is applicable shall be discontinued or made conforming (amortized) within five and one-half (5½) years after the date of such amendment or extension, unless explicitly prohibited by State Statute. *[This section became effective the fourth day of June, 1987.]*

### **Section 13-3 Maintenance and Enforcement.**

**13-3-1 Maintenance Requirements.** The following maintenance requirements must be observed for all signs visible from all public street or highway within the jurisdiction of this Ordinance:

- a) No sign shall be in a state of disrepair where more than 20% of its surface area is covered with disfigured, cracked, ripped or peeling paint or poster paper.
- b) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts, or be allowed to stand more than 15 degrees from the perpendicular.

c) No sign shall be allowed to have weeds, trees, vines or other vegetation growing on it or obscuring it from the street or highway from which it is intended to be viewed.

d) No neon or internally illuminated sign shall be allowed to stand with only partial illumination.

**13-3-2 Authority of the Administrative Office.** To enforce the regulations set forth in this Ordinance, the procedures and penalties outlined in Section 9-6 and 9-7 shall be used.

**Section 13-4 Nonconforming Signs.**

a) After the effective date of this Ordinance, it shall be unlawful for any person to erect, construct or place any sign which does not conform to the requirements set out herein on any parcel of real property within the jurisdiction of this Ordinance.

b) Any advertising sign or business identification sign which is not specifically prohibited and is permanently affixed to a building, structure or the ground, which is nonconforming because of its height, size, setback or location shall be allowed to continue and shall be maintained as provided for in the preceding sections, but shall not be:

- 1) Changed to another nonconforming sign;
- 2) Structurally altered (except to meet safety requirements);
- 3) Altered so as to increase the degree of non-conformity of the sign;
- 4) Expanded;
- 5) Re-established after its discontinuance for 60 days;
- 6) Continued in use after cessation or change of the business or activity to which the sign pertains; or
- 7) Re-established after deterioration, damage, destruction or voluntary demolition if the cost of reconstruction exceeds 60% of the replacement cost of a sign of comparable quality.

**Regulations for Advertising signs - Table 13A**

Permitted Sign Area** (in ft <sup>2</sup> )	Streets & Highways Where Outdoor Advertising Signs Are Permitted	Required Setbacks from Streets and Highways **	Maximum Permitted Height of Sign Structure	Minimum Permitted Height of Sign Structure
0 to 72	All streets and highways	10	25	None
73 to 380	All streets and highways	20	35	15

\*\* All setbacks shall be measured from the edge of the right-of-way to the nearest edge of the sign structure.