

ORDINANCE NO. 1477
(Sign Ordinance)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HENDERSON TO AMEND TITLE 19 OF THE HENDERSON
MUNICIPAL CODE BY AMENDING THE REGULATIONS FOR
SIGNS, AND OTHER MATTERS RELATED THERETO.

SECTION 1. Henderson Municipal Code Chapter 19.58 is hereby repealed in its entirety.

SECTION 2. Henderson Municipal Code is hereby amended by adding thereto a new Chapter
19.58, as follows:

CHAPTER 19.58

SIGNS

Sections:

19.58.002	Purpose.
19.58.004	Sign Definitions.
19.58.006	General Regulations.
19.58.008	Regulations for Off-Premise Signs.
19.58.010	Regulations for On-Premise Signs.
19.58.012	Master Sign Plans and Sign Variances.

19.58.002 Purpose.

The purpose of this sign code is to ensure that signs throughout the community meet Henderson's standards for appearance, quality and safety, and to encourage equal access to consumers attempting to locate goods and services. In areas recommended for a common theme, that common theme shall be reflected in signs as well as building architecture and landscaping. This purpose is to be achieved by coordinating the types, placement and physical dimensions of signs and by the use of innovative sign design, sound planning and architectural principals, as follows:

- A. By providing each sign user an opportunity for effective identification by controlling the number and area of signs permitted on all sites.
- B. By controlling off-premises signs in order to maintain the legibility of on-premises signs.
- C. By maintaining and enhancing the quality of the City's appearance and the safety of its citizens by avoiding clutter, promoting proper maintenance, requiring removal of abandoned signs, and by subjecting certain signs to design review.

- D. By enabling consumers to identify establishments offering goods and services to meet their needs.
- E. By regulating the number, size, scale and proportionate balance of signs according to standards consistent with the types of establishments and their approved architecture.
- F. By protecting residential districts adjoining non-residential districts from adverse impacts of nearby signs.

19.58.004 Sign Definitions.

All terms used in this chapter are intended to have standard definitions, meanings and connotations, and are intended to be consonant with the meanings ascribed to them in other chapters of the Henderson Municipal Code, but the following terms also have the specific meanings stated as follows:

Abandoned Vehicle: See HMC 8.80.050.

Abandoned Sign: A sign which no longer directs, advertises or identifies a legal business establishment, product or activity, or which lacks any required maintenance certification.

Animated Sign: Any sign which is designed to deliver a message through a sequence of progressive changes of parts or lights or degree of lighting.

Area of Sign: See "Sign, Area of".

Awning: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. An awning is distinguished from a marquee in that a marquee is covered with rigid material. An awning is distinguished from a canopy in that an awning is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

Awning Sign: A sign painted on, printed on or otherwise attached flat against the surface of an awning.

Back Lit Awning: See "Electric Awning Sign".

Banners: See "Flags & Banners".

Billboard: A Class-I Off-Premises sign.

Blade Sign: A Projecting Sign, generally eight square feet or smaller in size, either lighted or unlighted, designed to be suspended from a canopy or to project from a wall or post above a walkway to aid pedestrians in locating store entrances.

Building Official: The Henderson Director of Building and Safety, or his designee.

Canopy, Building: A rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities.

Canopy, Freestanding: A rigid multi-sided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground at other points or extremities.

Canopy Sign: A sign affixed or applied to the exterior facing surface or surfaces of a canopy.

Changeable Sign: A sign whose informational content is changed or altered manually, electrically, electronically or electro-mechanical. Changeable signs include the following types:

1. **Manually Activated:** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
2. **Electrically Activated:** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
 - a. **Fixed Message Electronic Signs:** Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming. (Fixed sign.)
 - b. **Computer Controlled Variable Message Electronic Signs:** Signs whose informational content can be changed or altered by means of computer driven electronic impulses. (Fixed sign.)

Class-I Off-Premises Sign: Any sign which advertises products or services which are not sold on the premises upon which the sign is constructed. This definition does not include temporary election signs, temporary directional or master development signs, as defined below.

Class-II Temporary Cooperative Off-Premises Development Directional Sign: An off-premises sign which directs potential buyers or renters to more than one real estate project offering lots, buildings or dwellings for sale or rent. A Class-II Co-op sign is intended to serve multiple developments for a period of time longer than would be needed for a single project, with the names and directional symbols changed from time to time during the life of the sign. A Class-II Co-op sign is different from a Class-IV Master Development Sign in that a Class-II sign is a temporary marketing sign, whereas a Class-IV sign is a permanent display of a name or emblem.

Class-III Temporary Individual Off-Premises Development Directional Sign: An off-premises sign intended to serve only the short term customer directing needs of its respective development, not envisioned to be a semi-permanent directional sign post for a greater number of projects. Included in this definition is the original message and graphics on the face of the sign. Removing, adding to or altering the message or graphics of the sign shall be considered as removing, adding to or altering the sign itself. This is distinguished from Class-I signs and Class-II Co-ops, which are contemplated by this ordinance to employ changeable messages and graphics. Also included in this definition are angle iron mounted and similarly constructed Weekend Directional Signs, which are typically placed along roadsides. Such Weekend Directional Signs shall be used to direct traffic to residential projects only, and shall not be employed for non-residential purposes of any kind.

Class-IV Off-Premises Master Development Sign: An off-premises sign which identifies, embellishes or directs visitors to a planned community or large aggregate body of developments.

Class-V Temporary Election Sign: An off-premises sign which advertises, promotes, supports or opposes a candidate, issue or ballot question to be decided in a scheduled election. This definition includes city, county and other public elections as well as elections of clubs, labor unions and other organizations which are not conducted by the city, county or state.

Class-X Exterior Fixed On-Premises Sign: Any sign which is constructed, painted, hung or otherwise permanently affixed outside a building, or which is affixed inside a building, but is viewable from a public right-of-way, and draws attention to or identifies a business, product or service available on the premises. This definition does not include fabric signs, flags, banners or signs which are temporary in nature such as signs advertising occasional sales or promotions.

Class-XI Interior Fixed On-Premises Sign: Any sign which is constructed, painted, hung or otherwise permanently affixed within a building and not viewable from a public right-of-way, and which draws attention to or identifies a business, product or service available on the premises. This definition does not include fabric signs, flags, banners or signs which are temporary in nature such as signs advertising occasional sales or promotions.

Class-XX Exterior Fabric On-Premises Sign: Any sign, flag or banner which is constructed, hung or otherwise permanently affixed outside a building, or which is affixed inside a building, but is viewable from a public right-of-way, and draws attention to or identifies a business, product or service available on the premises. This definition includes flags, signs and banners primary comprised of fabric or a similar material whose notable attribute is motion or flexibility, and which are flown or are suspended between supports. This definition does not include flags, banners or signs which are temporary in nature such as signs advertising occasional sales or promotions.

Class-XXI Interior Fabric On-Premises Sign: Any fabric sign, flag or banner which is constructed, hung or otherwise permanently affixed within a building and not viewable from a public right-of-way, and which draws attention to or identifies a business, product or service available on the premises. This definition includes signs and banners primary comprised of fabric or a similar material, whose notable attribute is motion or flexibility, and which are flown or are suspended between supports. This definition does not include flags, banners or signs which are temporary in nature such as signs advertising occasional sales or promotions.

Class-XXX Temporary Exterior On-Premises Sign: Any sign, flag or banner which is temporarily constructed, hung, placed or otherwise affixed outside a building and which draws attention to or identifies a business, product or service available on the premises. This definition includes all signs, flags and banners which are temporary in nature such as signs advertising occasional sales or promotions and which are not permitted for permanent placement or have the functional effect of permanently placed signs.

Class-XXXI Temporary Interior On-Premises Sign: Any sign, flag or banner which is temporarily constructed, hung, placed or otherwise affixed within a building and which draws attention to or identifies a business, product or service available on the premises. This definition includes all signs, flags and banners which are temporary in nature such as signs advertising occasional sales or promotions. Such signs must not require fasteners or electrical connections of a permanent nature, must not require permits for permanent placement, and must not have the functional effect of a permanent sign.

Clearance, Sign: See "Sign Clearance".

Construction Sign: A temporary sign identifying the persons, firms or businesses directly connected with a construction or development project.

Detached Sign: See "Freestanding Sign".

Directional/Informational Sign: An on-premises incidental sign designed to guide or direct pedestrian or vehicular traffic, to specify procedures or to warn of hazards. Directional/Informational signs contain no advertising, but may contain a company name or logo if such name or logo enhances the directional or informational message of the sign. (Example: A small logo combined with a directional arrow may reduce confusion for drivers looking for a certain driveway entrance.)

Double-Faced Sign: A sign with two essentially equal back-to-back faces. For the purposes of this definition, "back-to-back" shall mean the two faces shall not exceed 45 degrees from parallel. For contrast, see "V Sign".

Election Sign: A sign designed for the purpose of soliciting support of, or opposition to, a candidate or proposition at a public election. Generally regulated as Class-V Off-Premises signs.

Electric Awning Sign: An internally illuminated fixed space-frame structure with translucent, flexible reinforced covering designed in awning form, either with, or without graphics or copy applied to the visible surface of the awning. (Also called a Back Lit Awning Sign.)

Electrical Sign: A sign or sign structure in which electrical wiring, connections or fixtures are used.

Electronic Message Center: See "Changeable Signs - Electrically Activated".

Flags & Banners: As used in this chapter, the term, "flag", shall be distinguished from the term, "banner", as follows: "Flag" shall mean the flag of a recognized government and its agencies, or a flag-like device not bearing governmental emblems, whether flown from a flagpole, or draped or displayed by some other method. "Banner" shall mean a fabric device, either solid in color, or displaying a civic or private symbol, message or pattern, whether flown on a flagpole, or draped or displayed by some other method. The term "banner", also includes all other forms of bunting and fabric or metallic festoonery, whether "stars & stripes" or other colors, used for festive occasions or to draw attention to a place or event.

Flashing Sign: An illuminated sign which contains an intermittent or sequential flashing light source or any other means to attract attention. This definition is not intended to include Changeable Copy Signs or Animated Signs.

Freestanding Sign: A sign supported by the ground or by freestanding frames, braces or poles and not attached to any building. This includes Ground Signs, Detached Signs, Pole Signs and Monument Signs.

Frontage: Lot frontage shall be the length of abutment a parcel shares with a street right-of-way.

Ground Sign: See "Freestanding Sign".

Hanging Sign: See "Projecting Sign".

Height, Sign: See "Sign Height".

Illegal Sign: A sign which does not meet the requirements of this code and which has not received legal non-conforming status, or which has lost its legal non-conforming status.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Illumination, Direct: Illumination by means of light that travels directly from its source to the viewer's eye.

Illumination, Indirect: Illumination by means only of light cast upon an opaque surface from a concealed source.

Incidental Sign: A small sign, emblem or decal pertaining to goods, products, services or facilities which are available on the premises where the sign occurs, and intended primarily for the convenience of the public.

Marquee: A shelter projecting from and supported by the exterior wall of a building constructed of rigid materials on a supporting framework. A marquee is distinguished from an awning in that an awning is covered with non-rigid material. A marquee is distinguished from a canopy in that a marquee is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

Marquee Sign: A sign painted on, printed on or otherwise attached flat against the surface of a marquee.

Monument Sign: A Freestanding Sign with a solid base.

Moving Sign: Any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement.

Non-conforming Sign: A sign, outdoor advertising structure or display of any character which was lawfully erected or displayed, but which does not conform with standards of location, size or illumination for the district in which it is located by reason of adoption or amendment to this Title, or by reason of annexation of territory to the City.

Off-Premises Sign: See HMC 19.58.008

On-Premises Sign: See HMC 19.58.010

Pole Sign: See "Freestanding Sign".

Political Sign: See "Election Sign".

Portable Sign: Any sign designed to be moved and not permanently attached to the ground or to a structure or building.

Projecting Sign: A sign which is attached to and projects from the structure or building face, and is not parallel to the part of the structure to which it is attached. This definition is not intended to include awnings, canopies or marquees. this definition does, however, include awning signs, canopy signs and signs hung from the undersides of awnings, canopies and marquees.

Public Right-Of-Way: Land owned by the United States of America, the State of Nevada, Clark County or the City of Henderson, which is used, reserved or intended for use for pedestrian or vehicular travel.

Public Service Information Sign: Any sign intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news or traffic control.

Real Estate Sign: Any temporary sign pertaining to the sale, exchange, lease or rental of land or buildings. This definition includes stab signs, designed and constructed to be installed in the ground without tools, but excludes subdivision development and directional signs and "Weekend Directional Signs".

Roof Sign: Any sign erected upon or above a roof or parapet wall of a building and which is completely or partially supported by the building.

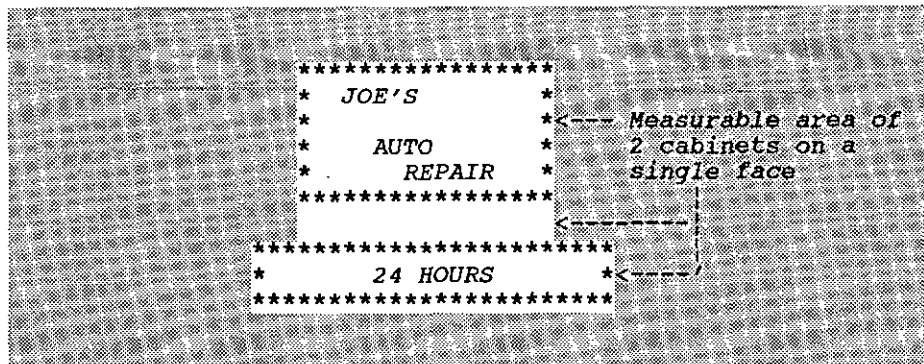
Rotating Sign: Any sign or portion thereof which physically revolves about an axis.

Sign: A visual communications device used to convey a message to its viewer. A sign shall mean and include every advertising message, announcement, declaration, insignia, mural, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of any establishment, product, good or service or the interests of any person or entity.

Sign, Area of:

- (1) Projecting and Freestanding: The face side of any single-faced and the largest side only, of any double-faced freestanding or projecting sign shall be counted in calculating its area. One-half the total area of any spherical, round, oval, elliptical, polygonal, totem or any other sign having more than two faces shall be counted in calculated its area. The area of the sign shall be measured as follows:

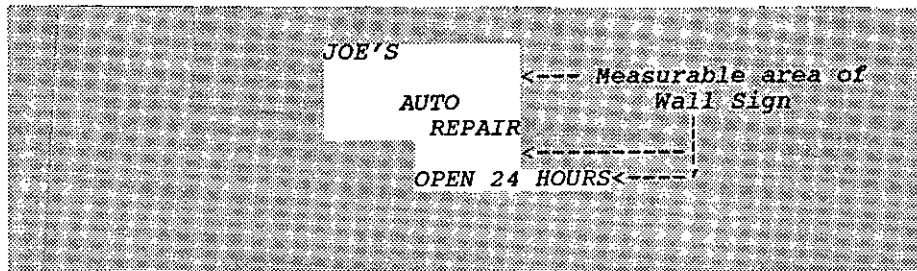
For each face, a rectilinear line of not more than eight sides shall be drawn around and enclosing the perimeter of all cabinets or modules and their structure where the structure adds mass to the sign. Such area within the rectilinear line shall be the total sign area of that face. The perimeter of the measurable area shall not include incidental embellishments such as poles and pole covers 16 inches or narrower, framing, etc., provided that such embellishments do not include any advertising message, announcement, declaration, insignia, mural, or are otherwise erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. (See Illustration S-1.)



"For each face a rectilinear line of not more than eight sides shall be drawn around and enclosing the perimeter of all cabinets or modules".

ILLUSTRATION S-1

- (2) Wall Signs: The area shall be measured by calculating the area within a rectilinear line of not more than eight sides drawn around and enclosing the perimeter of the advertising message, announcement, declaration, insignia, mural, or other attention attracting device. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within a rectilinear line of not more than eight sides drawn around and enclosing the entire perimeter of all combined symbols or letters. (See Illustration S-2.)



"Rectilinear line of not more than eight sides drawn around and enclosing the perimeter of the advertising message, announcement, declaration, insignia, mural, or other attention attracting device".

ILLUSTRATION S-2

Sign Area, Total: In calculating the total sign area on a lot, each sign is measured separately, and the total sign area is the sum of those measurements.

Sign, Class-I through -V Off-Premises: See HMC 19.58.008 - Off-Premises Sign regulations.

Sign, Class-X through -XXXI On-Premises: See HMC 19.58.010 - On-Premises Sign regulations.

Sign Clearance: The smallest vertical distance between the grade of the adjacent sidewalk and the lowest point of any sign, including framework and embellishments extending over that grade or over any area within ten feet of that grade. Measurement is to be made from the grade of the curb where no sidewalk exists, from the grade of the traveled way where no curb or sidewalk exists, and from finished soil grade at the base of the sign where no traveled way is anticipated. Where a traveled way is to be enlarged in the future, the measurement of clearance is to be made from the projected grade of the anticipated traveled way at final buildout.

Sign Height: Height shall be measured from sign base, provided that if the ground at the base is augmented in a manner which adds height to the sign but not the surrounding buildings the height shall be measured from the nearest paved travel way. Where such traveled way is to be enlarged or otherwise altered in the future, the measurement is to be made from the projected grade of the anticipated traveled way at final buildout.

Sign Module: The portion of a sign consisting of a cabinet, board, panel or similar device which contains an advertising message, announcement, declaration, insignia, mural, or other attention attracting device.

Special Events Sign: A temporary sign advertising or pertaining to any civic, patriotic or special event of general public interest taking place within the city.

Snipe Sign: A temporary sign or poster affixed to a tree, fence, etc.

Stab Sign: Angle iron mounted and similarly constructed signs, typically placed along roadsides to direct traffic to projects or activities or to support political candidates. Also see "Weekend Directional Signs".

Subdivision Directional Sign: A sign designed to inform the public of the existence of a real estate subdivision.

Subdivision Identification Sign: A freestanding or wall sign identifying a recognized subdivision, condominium, apartment complex or residential development.

Temporary Sign: A sign which is installed for a limited time and is not constructed or intended for long-term use.

Temporary Window Sign: A sign painted on or constructed of paper or other light weight material and affixed to the interior or exterior side of a window or glass area on a building for a limited time.

Under-Canopy Sign: A sign suspended beneath a canopy, ceiling, roof, marquee or similar structure. Also see "Blade Sign".

"V" Sign: A sign consisting of two essentially equal faces, positioned at an angle subtending between 46 and 179 degrees. For contrast, see "Double-faced Sign".

Vehicle Sign: A signs or other advertising device painted on or otherwise affixed to a car, truck, trailer or other similar vehicle. Also see HMC 19.58.006 D.5.

Wall Sign: Any sign posted, painted or suspended from or otherwise affixed to the wall of any building or structure in an essentially flat position, or with the exposed face of the sign in a place approximately parallel to and not greater than 24 inches away from the wall with no copy on the sides or edges.

Weekend Directional Sign: Angle iron mounted or similarly constructed sign, typically placed along roadsides to direct traffic to residential projects. Sometimes called "stab sign". Regulated as Class-III Off-Premises sign.

Window Sign: A sign installed inside a window and intended to be viewed from the outside.

19.58.006 General Regulations.

Sections:

- A. Permit Required.
- B. License Issuance/Renewal and Property Owner's Responsibility.
- C. Alterations of signs.
 - 1. Off-Premises Signs.
 - 2. On-premises Signs.
 - 3. Nonconforming Signs.
 - 4. Signs Approved by Master Sign Plan.
- D. Flags and Banners.
 - 1. Off-premises Flags.
 - 2. Off-premises Banners.
- E. Painted-on Wall Signs.
- F. Removal of Abandoned, Unsafe, Unpermitted and Unmaintained On-Premises Signs.
 - 1. Abandoned On-Premises Signs.
 - 2. Unsafe, Unpermitted and Unmaintained Signs.
 - 3. Removal Proceedings.
 - a. All signs except vehicle signs.
 - b. For Class-I signs.
 - c. For Class-II, Class-III and Class-IV signs.
 - d. Weekend Directional Sign.
 - e. Class-V signs.
 - f. For vehicle signs.
- G. Exempt Signs.
- H. Prohibited Signs.
- I. Maintenance/Biennial Certification Required.
- J. Non-Conforming Signs.
 - 1. Determination of Legal Non-Conformity.
 - 2. Loss of Legal Non-Conforming Status.

- A. Permit Required. Except as otherwise provided in this ordinance, all persons erecting, hanging, painting, installing, or otherwise placing signs in Henderson must first obtain a permit to do so from the Building Official. The Building Official may authorize persons other than licensed sign contractors to obtain permits for certain Class-III Weekend Directional Signs, Class-V, Class-XXI, Class-XXX and Class-XXXI Signs which present minimal structural or other health and safety risk to the public. The determination of which signs present such minimal risk is left solely to the discretion of the Building Official. Applications for permits must be accompanied by all fees, structural calculations and other required exhibits.
- B. License Issuance/Renewal and Property Owner's Responsibility. Regardless of whether a business is owned by the property owner or by a tenant proprietor, no business license shall be issued or renewed for a premises on which a prohibited sign exists. Except as otherwise required in this ordinance, each property owner shall be responsible for proper permitting, installation and maintenance of all signs on their property.
- C. Alterations of signs.
 - 1. Except for message and graphics changes on Class-I signs or Class-II co-ops, no Class-I or Class-II Co-op sign shall be altered unless its Class-I or Class-II Co-op sign permit is reissued. No Class-IV sign shall be altered in any way except as prescribed in its approved master sign plan. No structural changes in a Class-IV sign shall be made until its Class-IV sign permit is reissued. Except as otherwise authorized by the Planning Director, no Class-III Temporary Directional sign shall be altered in any way, including message or graphics, unless its Class-III permit is reissued. The Planning Director may authorize minor message changes on Class-III signs, such as corrections in the advertised telephone number or subdivision phase number, or other similar minor text or maintenance items. The term "minor message changes", however, does not include changes in project or developer name or redesigning the fundamental message or graphics of the sign. For Weekend Directional Signs the term "minor message changes" shall be construed liberally. It is the intention of this ordinance to allow broad changes in copy and graphics on Weekend Directional Signs without requiring reissuance of sign permits, provided however, that if the name of the subdivision changes the developer must then apply for a new Weekend Directional Sign permit.

2. No on-premises sign requiring a building permit by this code shall be altered unless its sign permit is reissued.
3. Nonconforming Signs. Except for message changes authorized by this code, no Nonconforming Sign shall be altered unless a building permit to do so is issued and the sign is brought into conformance with the requirements of this code at the time of alteration.
4. Signs Approved by Master Sign Plan. Except for message changes, no sign included in a master sign plan shall be altered except as prescribed in its approved Master Sign Plan.

D. Flags and Banners.

1. Off-premises flags shall only be permitted as Class-IV signs when approved as a part of a master sign plan, or when included in a civic project approved by the City Council. Except as otherwise provided in this ordinance, a single flag of the United States of America or the State of Nevada, or both, each not exceeding 100 square feet in area or forty feet in height shall be permitted as a permanent patriotic display on the premises of any business without a sign permit, provided however, that a permit must be obtained and appropriate inspections performed as required by the Building Official for the flag pole. This permit waiver applies only to the two flags referred to above in this section. Additional flags may be allowed if part of an approved master sign plan, or when included in a civic project approved by the City Council. The flag of the United States of America and flags of other nations, states and governments, where allowed, must be displayed in accordance with the protocol set forth in United States Code, Title 36, Chapter 10 - PATRIOTIC CUSTOMS, the pertinent portions of which are contained in the book, Our Flag, published by the Joint Committee on Printing, United States Congress, and available for review in the office of the Henderson City Clerk.
2. Off-premises banners are prohibited except when installed and maintained for the purpose of civic events by the City of Henderson, the Henderson Chamber of Commerce or any other organization authorized to do so by the City Council.

E. Painted-on Wall Signs.

Except for temporary promotional signs painted on and covering less than 40 percent of the surface of each window, no sign shall be painted on the exterior wall of a building which is viewable from a public right-of-way unless and until such sign has been approved in a Master Sign Plan which was recommended by the Planning Commission and approved by the City Council. Painted-on wall signs which can be viewed from a public right-of-way shall count against any size, area or other restrictions applicable to the premises for all other exterior signs.

F. Removal of Abandoned, Unsafe, Unpermitted and Unmaintained Signs.

1. Abandoned On-Premises Signs.

Forty-five days following abandonment, all abandoned signs shall be removed. Except for vehicle signs, an on-premises sign shall be deemed abandoned which no longer directs, advertises or identifies a licensed business establishment, legal product or activity. Upon determination by the Building Official that a sign has been abandoned for forty-five days the Building Official shall notify the property owner of such condition and shall allow the property owner no less than ten, but no more than 30 calendar days to either:

- a. Remove the abandoned sign;
- b. Re-occupy the premises with a business requiring the same sign message, and make any changes to the sign needed to bring it into conformance with the building, electrical, neon and all other applicable codes adopted by the City Council at the time of re-occupancy;
- c. Replace the former business message with the message of a public service organization, and make any changes to the sign needed to bring it into conformance with the building, electrical, neon and all other applicable codes adopted by the City Council. For the purposes of this section, naming the sign's leasing agent shall not be considered a qualified message.
- d. Apply to the Planning Director for an extension of time up to an additional forty-five days to re-occupy the premises with a licensed business. This request must be accompanied by a signed lease for occupancy of the

premises by a user allowed under the terms of the Development Code, and the applicant must make any changes to the sign needed to bring it into conformance with this sign code, the building, electrical, neon and other applicable codes adopted by the City Council.

- e. Appeal of the Planning Director's decision or any request for an extension beyond that granted by the Planning Director shall require review and recommendation by the Planning Commission and final determination by the City Council. An applicant appealing the Director's decision or seeking an extension beyond that granted by the Director must make any changes to the sign needed to bring it into conformance with this sign code, the building, electrical, neon and other applicable codes adopted by the City Council.

Failure of the property owner to comply with one of the five above options within the time specified by the Building Official or within any extension of time granted by the Planning Director or City Council shall cause the Building Official to initiate proceedings as specified below.

2. Unsafe, Unpermitted and Unmaintained Signs.

Unpermitted Weekend Directional Signs shall be impounded immediately. Uninspected off-premises signs shall be considered unsafe and shall be impounded immediately. All signs blocking public sidewalks or other required pedestrian walkways or exit corridors shall be impounded immediately. With the exception of signs blocking sidewalks and other required pedestrian walkways or exit corridors, upon determination by the Building Official that a sign was properly permitted, that a sign does not comply with the approved plans or other requirements of this ordinance, or that such sign, through lack of maintenance or other damaging cause, has come into such disrepair that it must be renovated or removed, the Building Official shall notify the property owner of such condition and shall allow the property owner no less than ten, but no more than 30 calendar days to make the necessary repairs. Failure of the property owner to remedy all deficiencies within the time specified by the Building Official shall cause the Building Official to initiate removal proceedings as follows:

3. Removal Proceedings.

- a. For all signs except vehicle signs, the Building Official shall, where an imminent threat to public safety exists, take any necessary actions to prevent public exposure to the danger, including demolition if necessary, until the sign is removed. Any costs incurred for such preventive measures or removal shall be reimbursed by the property owner. The Building Official shall impound the removed sign for a period of 30 days, or until the removal expenses are reimbursed to the City, whichever is sooner. If at the end of the 30-day impound period the property owner or his authorized agent has not reimbursed the City for the removal expenses and claimed the sign, the sign shall be disposed of at the discretion of the Building Official. The removal expense to be reimbursed for each sign shall be the cost for labor and materials as determined by the City Finance Director or ten dollars per sign, whichever is greater. The Building Official shall place a lien against the parcel from which the sign was removed for any un-reimbursed expenses.
- b. For Class-I signs, the Building Official shall initiate removal proceedings. Where an imminent threat to public safety exists the Building Official shall immediately take any necessary actions to prevent public exposure to the danger, including demolition if necessary, until the sign is removed. Any costs incurred for such preventive measures or removal shall be reimbursed by the property owner. The Building Official shall place a lien against the parcel from which the sign was removed for any un-reimbursed expenses.
- c. For Class-II, Class-III and Class-IV signs, the Building Official shall, at the property owner's expense, remove or cause to have removed the subject sign. Where an imminent threat to public safety exists the Building Official shall immediately take any necessary actions to prevent public exposure to the danger, including demolition if necessary, until the sign can be removed. The Building Official shall also impound the removed sign for a period of 30 days, or until the removal expenses are reimbursed to the City, whichever is sooner. If at the end of the 30-day impound period the property owner or his authorized agent has not reimbursed the City for the removal expenses and

claimed the sign, the sign shall be disposed of at the discretion of the Building Official. Except for Weekend Directional Signs, the removal expense to be reimbursed for each sign shall be the cost for labor and materials as determined by the City Finance Director or ten dollars per sign, whichever is greater.

- d. No Weekend Directional Signs for any development found in violation shall be installed until all impounded signs are recovered. Any Weekend Directional Sign installed without permit or which was placed or left remaining in violation of the terms of this ordinance shall be impounded without notice and shall be recovered only after payment of the following fees.

For unpermitted signs during any calendar year:

1st violation \$10.00 per sign if unpermitted. The \$10.00 fee shall be waived if the owner obtains the proper sign permits.

In the event of subsequent placement by the same developer of one or more Weekend Directional Signs prior to recovery of impounded Weekend Directional Signs, or prior to issuance of the required Weekend Directional Sign permit, the newly placed signs shall be confiscated, the developer shall be subject to citation by the Building Official and each violation shall be punishable as a misdemeanor. Following court disposition of any citations issued, a fee of \$20.00 per sign shall be collected for any signs to be recovered.

For permitted signs during any calendar year:

1st violation Warning only, if the signs were permitted

2nd violation \$10.00 per sign.

2nd warning issued.

3rd violation \$15.00 per sign. Subject to misdemeanor citation.

The fourth violation and any violation thereafter shall be subject to citation by the Building Official and punishable as misdemeanors. Upon the occurrence of such fourth violation all permits for the violating development shall be revoked. Revocation of permits may be appealed as prescribed in HMC Chapter 19.94, using the procedure set forth for appealing decisions of the Planning Director. Following court disposition of any citations issued, a fee of \$20.00 per sign shall be collected for any signs to be recovered.

Any Weekend Directional Sign not claimed within ten days of notice of impoundment shall become the property of and be disposed of at the discretion of the City.

- e. For regulations regarding removal of Class-V signs, refer to HMC 19.58.010 H.4.
- f. For vehicle signs, the Building Official shall, where an imminent threat to public safety exists, take any necessary actions to prevent public exposure to the danger, including causing its removal and impoundment if on private property, or notification of the Police Department if on public right-of-way. If an imminent threat to public safety does not exist the Building Official shall issue a misdemeanor citation for each day in which the violation occurs. At such time as the Building Official determines that the vehicle or vehicle-mounted sign has been abandoned he shall cause it to be removed and shall dispose of it in the same manner as any other abandoned vehicle.

G. Exempt Signs. Signs exempt from the regulations of this chapter include:

- 1. Official notices of any court, public body or officer.
- 2. Notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person giving due legal notice.
- 3. Street address numbers.

4. Public information, directional, warning and special event signs, scoreboards and in-park advertising panels on playing field walls, backboards and scoreboards erected by a public agency or other organization authorized to do so by the City Council.
5. Brass, marble or similar plaques containing names of buildings, dates of erection, monumental citations, commemorative tablets and the like which are made an integral part of the structure.
6. On-premise parking and other directional signs, not exceeding one two-faced sign per entrance, and not exceeding eight square feet in area or 32-inches in height.
7. Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial or public or semipublic use, including telephone booths, vending machines, automated teller machines, and gasoline pumps.
8. Signs within a building not visible from a public street, with regard to size only.
9. Holiday lights and displays not advertising a product or sale, erected no sooner than 45 days before the holiday and removed within 14 days following the holiday.
10. Non-illuminated wall signs not over one square foot in area, displaying the name and profession of the occupant of the premises, consistent with Section 19.50.016 (Home Occupations in R Districts).
11. On-site real estate signs offering a parcel "for sale" or "for lease", not exceeding 32 sq.ft. each, and provided further that the maximum number of signs per site shall not exceed one sign per 250 linear feet of frontage along a public right-of-way.

H. Prohibited Signs.

Unless otherwise provided in this ordinance the following signs are prohibited:

1. Abandoned Signs.
2. Banners, pennants, festoons, search lights.

3. Signs imitating or resembling official traffic or government signs or signals.
4. Snipe signs or signs attached to trees, telephone poles, public benches, street lights, or placed on any public property or public right-of-way.
5. Vehicle signs and portable signs.

The City Council finds that the structural and aesthetic qualities of portable signs placed in on-premises and off-premises locations and signs mounted or painted on driven or towed vehicles parked on the premises of businesses or along roadsides or other off-premises locations are unreasonably difficult to control, and that the resultant potential for unsafe and unsightly vehicle-mounted signs is in conflict with the welfare of the general public. Equally difficult to control are the distance requirements between fixed and mobile signs, as well as size restrictions and all other regulations of this ordinance as they apply to on-premises and off-premises signs.

Except as otherwise provided, signs and other advertising devices painted on or otherwise affixed to stationary cars, trucks, trailers or other similar vehicles and portable signs, any of which can be viewed from a public right-of-way, are prohibited. For the purposes of this section, a car, truck, trailer or other similar vehicle shall be considered stationary upon remaining parked in the same location for two hours. A vehicle which is moved at intervals of two hours or less, yet remains on the same property or in virtually the same location or proximity shall be considered stationary and in violation of this ordinance.

Exceptions: The following vehicles shall not be required to comply with the two hour limitation specified above:

- a. Vehicles owned or operated by agencies of cities, counties, states, or national governments;
- b. Vehicles of companies delivering services to the general public which are regulated by the Public Service Commission;
- c. Vehicles displaying signs not exceeding six square feet of area affixed to not more than one door on each side of the vehicle;

- d. Vehicles of building trades contractors while on a construction site for which a valid building or grading permit has been issued which requires that contractor's presence.
 - e. Delivery vehicles parked on the premises of a licensed business when that business is closed.
 - f. Delivery vehicles staged at industrially zoned manufacturing, warehousing and distributions sites while awaiting loading and dispatching.
 - g. Vehicles displaying signs which cannot be readily viewed from a public right-of-way.
 - h. "U-Haul/Ryder" type trucks and trailers displaying the insignia of the rental company, while parked a minimum of fifteen feet behind the street curb on the rental agency's premises.
- 6. Unpermitted signs.
 - 7. Unmaintained signs.
 - 8. Illegal signs.
 - 9. Painted-on wall signs, except:
 - a. Temporary promotional signs painted on the surfaces of windows; and,
 - b. Signs painted on exterior walls of buildings which are included in a Master Sign Plan reviewed by the Planning Commission and approved by the City Council.
- I. Maintenance/Biennial Certification Required.
 - a. All signs must be maintained in like-new condition. Any damage, including weathering, resulting from wind or any other natural or artificial cause must be repaired immediately.
 - b. Two years following issuance of a Class-I, Class-II or Class-IV sign permit, and every two years thereafter, permittees shall provide the Building Official with a certificate of compliance for each Class-I, Class-II and Class-IV sign. Failure to provide such certificate shall be evidence of abandonment and shall cause the Building Official to initiate proceedings to remove the abandoned sign. For Class-I signs the certificate must be prepared and signed by a Nevada Registered Professional Engineer authorized to perform such evaluation under the provisions of NRS Chapter 625 and the

Nevada State Board of Registered Professional Engineers and Land Surveyors. For Class-II and Class-IV signs the certificate must be prepared and signed by a Nevada Registered Professional Engineer, architect or other person approved by the Building Official to perform such evaluation. The preparer must certify that:

- (1) The sign structure remains in compliance with the plans approved by the Building Official for the permit issued for construction of the sign; and that,
- (2) No condition exists in or on the sign which would compromise the structural integrity of the sign.

J. Non-Conforming Signs.

1. Determination of Legal Non-Conformity.

Existing signs which do not conform to the specific provisions of this Code may be eligible for the designation of "legal non-conforming" and may be permitted to remain provided that:

- a. The Planning Director determines that such signs are properly maintained and do not in any way endanger the public.
- b. The sign was installed in conformance with any required permit, and complied with all laws on the date of adoption of this ordinance.

2. Loss of Legal Non-Conforming Status.

A legal non-conforming sign may lose its designation and must be removed or otherwise brought into conformance with this code if:

- a. The sign is relocated or replaced.
- b. The structure or size of sign is altered in any way except toward compliance with this ordinance. This does not refer to normal maintenance or changes of copy otherwise allowed by this ordinance.
- c. The sign suffers more than 50 percent damage or deterioration as determined by the Planning Director.
- d. A non-conforming Class-I signs fails to meet the requirements of HMC. 19.58.008.D.7.d.

19.58.008 Off-Premises Signs.Sections:

- A. Sign Map adopted; Zones identified; Amendments.
- B. Lease Agreement; Use of public lands and rights-of-way; Restricted use of Boulder Highway.
- C. Regulations for Class-I off-premises signs.
 - 1. Location of Class-I off-premises signs.
 - 2. Distance between Class-I off-premises signs.
 - 3. Height of Class-I off-premises signs.
 - 4. Size of Class-I off-premises signs.
 - 5. Setbacks for Class-I off-premises signs.
 - 6. Time period; removal; reissuance of permit.
 - 7. Permit number and address.
 - 8. Face, frame, reverse side treatment of sign.
 - 9. Signs prohibited over other structures.
 - 10. Conversion to Class-I permit.
- D. Regulations for Class-II Co-op Signs.
 - 1. Location of Class-II Co-op signs.
 - 2. Size of Class-II Co-op signs.
 - 3. Setbacks for Class-II Co-op signs.
 - 4. Time period; removal; reissuance of permit.
 - 5. Permit number and address.
 - 6. Reverse side of sign treatment.
 - 7. Conversion to Class-II permit.
- E. Regulations for Class-III signs.
 - 1. Number of signs allowed.
 - 2. Size and form of signs allowed.
 - 3. Maximum height of signs.
 - 4. Location of Class-III signs.
 - 5. Time period; removal; reissuance of permit.
 - 6. Reverse side of sign treatment.
 - 7. Permit number and address.
- F. Regulations for Class-IV Master Development Signs.
 - 1. Master Sign Plan Required.
 - 2. Number of Class-IV signs allowed.
 - 3. Size of Class-IV signs allowed.
 - 4. Maximum height of Class-IV signs.
 - 5. Location of Class-IV signs.
 - 6. Time period; removal; extensions of time.
 - 7. Reverse side of sign treatment.
 - 8. Permit number and address.
 - 9. Conversion to Class-IV permit.

- G. Regulations for Class-V Temporary Election Signs.
 - 1. Permit required.
 - 2. Size of election signs.
 - 3. Location of Class-V signs.
 - 4. Time period; removal of Class-V signs.
 - H. Temporary Off-Premises Special Event Signs.
-

A. Sign Map adopted; sign zones identified; Sign Map amendments.

- 1. The map entitled, City of Henderson Sign Map, dated September 1, 1993, and as amended from time to time, is adopted herewith.
- 2. The "Class-I Off-Premises Sign Zone" is that area designated as such on the City of Henderson Sign Map.
- 3. Amendments to the City of Henderson Sign Map shall be applied for and processed in the same manner as amendments to the Zoning Map, as specified in HMC 19.90.004 A., with the following conditions:
 - a. Class-I Off-Premises and Special (study area) Off-Premises Sign Zones shall only be placed adjacent to streets listed on the Henderson Master Streets & Highways Plan.
 - b. Class-I Off-Premises and Special Off-Premises Sign Zones must apply to both sides of the street. Class-I Off-Premises and Special Off-Premises Sign Zones are intended to be corridors, and therefore, are not contemplated to overlay only one side of a street.
 - c. New Class-I Off-Premises Sign Zones must be extensions of and contiguous with an existing Class-I Off-Premises Sign Zone.
 - d. No Class-I Off-Premises or Special Off-Premises Sign Zone shall be placed on land zoned for residential use ("R" prefix) on the Henderson Zoning Map.

- B. Lease Agreement; Use of public lands and rights-of-way; Restricted use of Boulder Highway.
1. Unless otherwise approved by the Planning Director, a land-lease agreement, proof of ownership, or other suitable land use agreement for the specific site where a Class I, II, III, IV or V off-premises sign is to be installed shall be submitted to the City prior to issuance of a building permit for construction of each sign.
 2. Class-III Weekend Directional Signs, only, may be placed on any City owned unimproved land which is not street right-of-way, and except for Boulder Highway, within the public right-of-way of any street included on the Henderson Master Streets and Highways Plan, provided however, that no Weekend Directional Sign shall block or overhang any sidewalk or other established pedestrian walkway, and further provided that no sign shall be placed in any right-of-way within 25 feet of a street intersection or driveway. Rights-of-way for streets not included on the Master Streets and Highways Plan may not be used for signs unless a revocable permit has been issued by the City Council for each specific sign. In instances where a right-of-way is owned by the State of Nevada or the federal government, the permittee must abide by that owner's regulations in addition to the provisions of this title. Improved City owned lands, including parks, may not be used without specific permission from the City Council. Other publicly owned lands (those owned by the Clark County School District, the federal government, etc.) are not to be used for Weekend Directional Signs unless proof of permission for such use is submitted to the City. If any sign is placed in any public right-of-way or on publicly owned land under the terms of this ordinance the permittee shall assume full responsibility for any damages or injuries to persons or property resulting either wholly, or in part, from the placement of the sign and shall agree to defend and indemnify the City and hold the City harmless from all liability for such damages or injuries.
 3. No sign shall be placed in the Boulder Highway right-of-way unless specifically authorized by the City Council. Further, the City Council shall not authorize any sign to be placed within the boundaries of the Boulder Highway Beautification Project until the sign has been reviewed by the Citizens Advisory Committee, or

such other advisory body as specified by the City Council, and a recommendation thereon has been forwarded to the City Council. Unless a longer time is mutually agreed upon by the applicant and the Committee, failure by the Citizens Advisory Committee to make such recommendation within 90 days of the date of the request shall be deemed a recommendation for approval.

C. Regulations for Class-I off-premises signs.

A "Class-I Off-Premises Sign" (Class-I sign) is any sign which advertises products or services which are not sold on the premises upon which the sign is constructed. This definition does not include temporary election signs, temporary directional or master development signs, as defined below.

1. Location of Class-I off-premises signs.

No Class-I sign shall be located in the City of Henderson except within an Off-Premises Sign Zone, as designated on the City of Henderson Sign Map. The entire sign must lie on or above the Class-I Off-Premises Sign Zone and no part may lie on or overhang any lands not so designated. No Class-I sign shall be permitted within 100 feet of a residence.

2. Distance between Class-I off-premises signs.

No new Class-I sign shall be constructed within 750 feet of any existing Class-I sign. For the purposes of this section, a sign for which a Class-I permit has been issued shall be considered an existing sign. The minimum required distance shall be measured between points on the centerline of the adjacent street, and those points shall reflect each sign's perpendicular relationship to that street's centerline. In no instance, however, because of a change in street direction or other measurement peculiarity, shall the distance between signs be less than 1,500 feet when measured in a straight line.

3. Height of Class-I off-premises signs.

No Class-I sign may exceed 50 feet in height, excluding allowable embellishments. Each sign shall be elevated a minimum of nine feet above the ground and shall have maximum of two supports.

4. Size of Class-I off-premises signs.

No Class-I sign shall have a display surface greater than 672 square feet, except for an embellishment, which shall not be higher than five feet or exceed 128 square feet of additional surface. For the purposes of this standard, only one side of a back-to-back off-premises sign shall be counted, however, two opposing faces shall not exceed 45 degrees from parallel.

5. Setbacks for Class-I off-premises signs.

No portion of a Class-I sign shall be closer than 25 feet to any existing or future public right-of-way.

6. Time period allowed for Class-I sign permit; removal of sign; reissuance of permit.

A Class-I sign permit shall have an initial life of ten years. Unless the Class-I permit is reissued, the off-premises sign for which it was issued shall be removed at the owners expense upon expiration of its permit. The Class-I permit for an off-premises sign may be reissued for succeeding periods not to exceed five years from the date of reissuance if the following conditions exist:

- a. The expiring permit must be at least nine years and nine months old for the first reissuance and four years and nine months old for each succeeding reissuance.
- b. The permit applicant must be an appropriately licensed sign contractor and must present all exhibits and fees required for a new Class-I permit.
- c. The subject off-premises sign must have been in the permitted location and must have been maintained in accordance with the requirements of this code during the entire life of the expiring permit.
- d. The subject off-premises sign must meet all of the requirements of this code and all other applicable sign regulations for a new sign in the subject location. If any condition exists which would prohibit a new Class-I off-premises sign from being permitted at the subject location, the expiring Class-I permit shall not be reissued.

Exception: The single exception to this requirement is that an existing Class-I sign which meets, without modification to the sign, all current code requirements except for the minimum distance between Class-I signs, may be treated as though the distance requirement, too, has been met.

7. Permit number and address.

The permit number, permit issuance and expiration dates, permittee's name and telephone number, and the sign's address as assigned by the City shall be indicated on a 4-inch by 6-inch plate, or other approved substitute, installed so as to be readily accessible and readable, approximately six feet above the adjacent ground surface, on every Class-I sign erected in accordance with the provisions of this section. The display shall also identify the sign's owner.

8. Face, frame and reverse side treatment of sign.

- a. The City Council finds that abandoned signs or signs which appear to be abandoned because of missing or disoriented panels are a detriment to the health, safety and welfare of the community. Therefore, the face of each permitted Class-I sign shall contain a discernable message or graphic at all times. A Class-I sign which stands as a skeletal structure without message panels, or which has all blank panels or panels removed or arranged in such a manner as to make the message unreadable shall be considered in disrepair and not in compliance with the maintenance requirements of this code. Each Class-I sign which does not contain the message of a commercial subscriber shall display the message of a public service organization. For the purposes of this section the sign's leasing agent shall not be considered a qualified commercial subscriber.
- b. The structural members of all Class-I signs and the reverse side of each single-faced sign shall be painted to be compatible with the background surrounding it. Unless otherwise approved by the Planning Director, for the purposes of this section tan and light brown colored paints shall be considered compatible. Any Class-I off-premises sign which does not meet this requirement upon adoption of this ordinance, must comply within 180 days, or it shall be considered in violation of this code and shall be removed.

9. Signs prohibited over other structures.

No off-premises sign shall be erected over structures or mobile homes, and following construction of the sign, no building or mobile home shall be constructed or placed beneath any part of an off-premises sign.

10. Conversion of existing off-premises sign permit to Class-I permit.

Each existing off-premises sign which meets the definition of a Class-I sign and which was properly permitted, constructed, inspected and maintained in the City of Henderson prior to adoption of this ordinance shall be issued a Class-I permit, and shall be allowed to remain in place for the life of the Class-I permit, provided that it is maintained in accordance with the provisions of this code. For the purposes of this section, regardless of the actual date of issuance of the Class-I permit for each such previously existing, legally permitted and legally constructed sign, the effective date of its Class-I permit shall be November 21, 1991. Upon issuance of the Class-I permit, all previous permits shall expire. Following the granting of a Class-I permit by way of this conversion process, all signs shall comply with all provisions of this code. Any sign which did not at the time of conversion meet the locational or size requirements of this code may not be altered unless it is brought into complete conformance with this code.

D. Regulations for Class-II Co-op Signs.

A "Class-II Temporary Cooperative Off-Premises Development Directional Sign" (Class-II Co-op sign) is a sign which directs potential buyers or renters to more than one real estate project offering lots, buildings or dwellings for sale or rent. A Class-II Co-op sign is intended to serve multiple developments for a period of time longer than would be needed for a single project, with the names and directional symbols changed from time to time during the life of the sign. A Class-II Co-op sign is different from a Class-IV Master Development Sign in that a Class-II sign is a temporary marketing sign, whereas a Class-IV sign is a permanent display of a name or emblem.

1. Location of Class-II Co-op signs.

- a. No Class-II Co-op sign shall be located closer than 150 feet to the center of any signalized street intersection.

- b. No Class-II Co-op sign may be located on a lot within a residential subdivision, located within 50 feet of any other Class-II Co-op, located within 100 feet of any Class-III off-premises sign or located within 100 feet of any Class-X through Class-XXI on-premises sign. For the purposes of this section, a residential subdivision lot is one which is less than one acre. A residentially zoned parcel larger than one acre may contain a Class-II sign, and that sign may remain on the lot following the recording of a subsequent subdivision map which creates lots smaller than one acre until occupancy of the first lot of that subsequent subdivision. That first occupied lot need not be the specific lot on which the sign is constructed.

2. Size of Class-II Co-op signs.

No Class-II Co-op sign may exceed 22 feet in height, nor shall any Class-II Co-op sign have a horizontal dimension greater than four feet in any direction. Each sign shall maintain a clear area from a point 32 inches to a point 108 inches above the nearest street curb. That clear area may be occupied only by sign supports. Class-II Co-op signs shall have maximum of two supports, each support having a horizontal dimension of twelve inches or less. Multiple display surfaces must be opposing and parallel or must form a closed equilateral triangle around the supports.

3. Setbacks for Class-II Co-op signs.

Except where a revocable permit has been authorized by the City Council for a sign to occupy space within a public right-of-way, Class-II signs shall be set back a minimum of 3 feet from all existing and future street rights-of-way.

4. Time period allowed for Class-II sign permit; removal of sign; reissuance of permit.

A Class-II sign permit shall have a life of five years. Unless the Class-II permit is reissued, the off-premises sign for which it was issued shall be removed five years from the date of issuance of its Class-II permit. The Class-II permit for an off-premises sign may be reissued for succeeding periods not to exceed five years if the following conditions exist:

- a. The expiring permit must be at least four years and nine months old at the time of application for each reissuance.

- b. The permit applicant must be an appropriately licensed sign contractor and must present all exhibits and fees required for a new Class-II permit.
- c. The subject off-premises sign must have been in the permitted location and must have been maintained in accordance with the requirements of this code during the entire life of the expiring permit.
- d. The subject off-premises sign must meet all of the requirements of this code and all other applicable sign regulations for a new sign in the subject location. If any condition exists which would prohibit a new Class-II Co-op sign from being permitted at the subject location, the expiring Class-II permit shall not be reissued.

5. Permit number and address.

The permit number, permit issuance and expiration dates, permittee's name and telephone number, and the sign's address as assigned by the City shall be indicated on a 4-inch by 6-inch plate, or other approved substitute, installed so as to be readily accessible and readable, approximately six feet above the adjacent ground surface, on every Class-II off-premises sign erected in accordance with the provisions of this section. The display shall also identify the sign's owner.

6. Reverse side of sign treatment.

The structural members of all Class-II signs and the reverse side of each single-faced sign shall be painted to be compatible with the background surrounding it. Unless otherwise approved by the Planning Director, for the purposes of this section tan and light brown colored paints shall be considered compatible. Any Class-II off-premises sign which does not meet this requirement upon adoption of this ordinance, must comply within 180 days, or it shall be considered in violation of this code and shall be removed.

7. Conversion of existing off-premises sign permit to Class-II permit.

Each existing off-premises sign which meets the definition of a Class-II Co-op sign and which was properly permitted, constructed and maintained in the City of Henderson prior to adoption of this ordinance shall be issued a Class-II permit, and shall be allowed to remain in place for the life of the Class-II permit, provided that it is maintained in accordance with the provisions of this code.

Upon issuance of the Class-II permit, all previous permits shall expire. Following the granting of a Class-II permit by way of this conversion process, all signs shall comply with all provisions of this code. Any sign which did not at the time of conversion meet the locational or size requirements of this code may not be altered unless it is brought into complete conformance with this code.

E. Regulations for Class-III Temporary Directional signs.

A "Class-III Temporary Individual Off-Premises Development Directional Sign" (Class-III Temporary Directional sign) is intended to serve only the short term customer directing needs of its respective development, and is not envisioned to be a semi-permanent directional sign post for a greater number of projects. Included in this definition is the original message and graphics on the face of the sign. Removing, adding to or altering the message or graphics of the sign shall be considered as removing, adding to or altering the sign itself. This is distinguished from Class-I signs and Class-II Co-ops, which are contemplated by this ordinance to employ changeable messages and graphics. Also included in this definition are angle iron mounted and similarly constructed Weekend Directional Signs, which are typically placed along roadsides. Such Weekend Directional Signs shall be used to direct traffic to residential projects only, and shall not be employed for non-residential purposes of any kind.

1. Number of signs allowed.

- a. Except for Weekend Directional Signs, a maximum of six Class-III Temporary Directional signs may be permitted for each separately identified project offering either lots, buildings or dwellings for sale or lease. Where two or more developments are advertised on a single sign structure, that sign shall count as one sign against the six allowable signs for each development. A sign structure may have multiple faces, however, a single sign structure shall count as only one sign against the six allowable signs for each development, regardless of the number of faces advertising the same developments on that sign structure.
- b. A maximum of sixty Weekend Directional Signs may be permitted, provided however, that no such sign shall be installed unless it has been approved as a part of a master Weekend Directional Sign plan.

2. Size and form of signs allowed.

- a. Except for Weekend Directional Signs, the maximum size of any Class-III Temporary Directional sign shall be 64 square feet. The measurement of the size of a sign shall include all surfaces and faces containing messages, arrows and graphics, including the structural framework if it contains messages or graphics.
- b. The maximum size of Weekend Directional Signs shall be three square feet. Such signs shall be made of plastic or shall be of some other weather resistant material approved by the Planning Director, and shall be attached to a single metal stake. Signs mounted on wooden stakes are prohibited.

3. Maximum height of signs.

- a. Except for Weekend Directional Signs, the maximum height of any Class-III Temporary Directional sign shall be 20 feet.
- b. The maximum height of Weekend Directional Signs shall be 48 inches above the nearest street curb, except that within 50 feet of any street intersection or driveway opening the maximum height shall be 32 inches above the nearest street curb. Where no curb exists, the maximum height of Weekend Directional Signs shall be measured from the edge of the adjacent travelled way.

4. Location of Class-III Temporary Directional signs.

- a. Except for Weekend Directional Signs, no part of any Class-III Temporary Directional sign may be placed within, or overhang any area closer than 15 feet to any curb. Where no curb exists, the street right-of-way line shall be identified as required by the Building Official, and except for Weekend Directional Signs, no portion of the sign may be placed within, or overhang any area closer than ten feet to the right-of-way.
- b. Except for Weekend Directional Signs, no Class-III Temporary Directional sign may be located on a lot within a residential subdivision, within 100 feet of any residence, or within 100 feet of any other Class-III Temporary Directional sign, Class-I, Class-II, Class-IV off-premises

sign or on-premises sign. For the purposes of this section, a residential subdivision lot is one which is less than one acre. A residentially zoned parcel larger than one acre may contain a Class-III sign, and that sign may remain on the lot following the recording of a subsequent subdivision map which creates lots smaller than one acre until occupancy of the first lot of that subsequent subdivision. That first occupied lot need not be the specific lot on which the sign is constructed.

- c. Except for Weekend Directional Signs, within 200 feet of any Freeway-Limited Access, Controlled Access Arterial or Primary Arterial as defined on the Henderson Master Streets and Highways Plan, the minimum distance between Class-III signs and all other off-premises and on-premises signs, except Class-V Temporary Election signs, shall be 300 feet.
 - d. The maximum distance for placement of any Weekend Directional Sign from its respective project shall be 1.5 miles. Such 1.5 mile distance shall be measured along a radial line whose axis shall be located at a single point on the subject property, such point to be determined by the permit applicant. The minimum spacing between Weekend Directional Signs for any one project shall be 300 feet, except that two signs may be installed side-by-side for each required turning movement at each intersection or driveway where traffic is being directed to turn.
5. Time period allowed for Class-III sign permit; removal of sign; reissuance of permit.

A Class-III permit for a sign advertising buildings or apartments for lease shall expire 180 days following issuance of the final lease unit certificate of occupancy for the project, or two years after issuance of the Class-III permit, whichever is sooner. A Class-III permit for a sign advertising buildings or apartments for sale shall expire ten days following closure of the project sales office, or two years after issuance of the Class-III permit, whichever is sooner. Unless the Class-III sign permit is reissued, an off-premises development directional sign shall be removed upon expiration of its Class-III permit. The Class-III Temporary Directional sign permit for an off-premises development directional sign may be reissued if the following conditions exist:

- a. The permit applicant must be an appropriately licensed sign

contractor and must present all exhibits and fees required for a new Class-III permit.

- b. The subject off-premises sign must have remained unaltered in the permitted location and must have been maintained in accordance with the requirements of this code during the entire life of the expiring permit.
- c. The subject off-premises sign must meet all of the requirements of this code and all other applicable sign regulations for a new sign in the subject location. If, at the time of application for reissuance, any condition exists which would prohibit a new Class-III Temporary Directional sign from being permitted at the subject location, or if the existing sign has not been maintained in like-new condition, the expiring Class-III permit shall not be reissued.

No Weekend Directional Sign shall be installed before 6:00 PM on Friday, and all such signs shall be removed by 6:00 AM on Monday (6:00 AM Tuesday when Henderson City Hall is closed on Monday due to a holiday).

6. Reverse side of sign treatment.

Except for Weekend Directional Signs, the structural members of all Class-III signs and the reverse side of each single-faced sign shall be painted to be compatible with the background surrounding it. Unless otherwise approved by the Planning Director, for the purposes of this section tan and light brown colored paints shall be considered compatible. Any Class-III off-premises sign which does not meet this requirement upon adoption of this ordinance, must comply within 180 days, or it shall be considered in violation of this code and shall be removed.

7. Permit number and address.

The permit number, permit issuance and expiration dates, permittee's name and telephone number, and the sign's address as assigned by the City shall be indicated on a 4-inch by 6-inch plate, or other approved substitute, installed so as to be readily accessible and readable, approximately six feet above the adjacent ground surface, on every Class-III off-premises sign erected in accordance with the provisions of this section. The display shall also identify the sign's owner. Weekend Directional Signs are exempt from this requirement.

F. Regulations for Class-IV Master Development Signs.

A "Class-IV Off-Premises Master Development Sign" (Class-IV Master Development Sign) is a sign which identifies, embellishes or directs visitors to a planned community or large aggregate body of developments. A Class-IV Master Development Sign is generally a permanent project emblem or identity sign, whereas a Class-II sign is a marketing sign of a more temporary nature.

1. Master Sign Plan Required.

Class-IV Master Development signs are anticipated to include long-term development directional, and long-term neighborhood and community identification signs, which do not fall into either the Class-II or Class-III categories. No Class-IV sign shall be erected unless first approved by the City Council as a part of a Master Sign Plan, as specified in HMC 19.58.012.

2. Number of Class-IV signs allowed.

The number of signs allowed shall be as prescribed by the approved master sign plan.

3. Size of Class-IV signs allowed.

The size of signs allowed shall be as prescribed by the approved master sign plan.

4. Maximum height of Class-IV signs.

The maximum height of signs allowed shall be as prescribed by the approved master sign plan.

5. Location of Class-IV signs.

The location of all Class-IV signs shall be as prescribed by the approved master sign plan, except that no Class-IV sign shall be allowed to visually block any area from a height of 32 inches above the curb to 108 inches above the curb within a street right-of-way, or within the area 15 feet behind the street curb-line. Where no curb exists, the street right-of-way line shall be identified with markers placed there by a Nevada Professional Land Surveyor.

6. Time period allowed for Class-IV sign permit; removal of sign; extensions of time.

Unless otherwise specified in the approval of its master sign plan, a Class-IV sign permit shall have no time limit. If a time limit is imposed on any Class-IV sign as a part of the approval of its master sign plan, the subject sign shall be removed upon expiration of its permit. Extensions of time for expiring Class-IV permits may be granted administratively by the Planning Director, based upon the Director's determination that the sign does not present a nuisance or in any other way deter from the appearance of the neighborhood, and upon the owner's record of past maintenance and upkeep of the sign, or at the Director's option, the extension request may be treated as an amendment to the master sign plan and forwarded to the Planning Commission and City Council for review and final determination.

7. Reverse side of sign treatment.

The reverse side of a single-faced sign shall be finished as prescribed by the approved master sign plan. If not specified in the master sign plan the structural members of all Class-IV signs and the visible reverse side of each single-faced sign shall be painted to be compatible with the background surrounding it. Unless otherwise approved by the Planning Director, for the purposes of this section tan and light brown colored paints shall be considered compatible. Any Class-IV off-premises sign which does not meet this requirement upon adoption of this ordinance, must comply within 180 days, or it shall be considered in violation of this code and shall be removed.

8. Permit number and address.

Unless otherwise approved by the Building Official, the permit number, date of issuance and expiration, and address assigned by the City shall be indicated on a 4-inch by 6-inch plate, or other approved substitute, installed so as to be readily accessible and readable, approximately six feet above the adjacent ground surface, on every off-premises sign erected in accordance with the provisions of this section. The display shall also identify the sign's owner.

9. Conversion of existing off-premises sign permit to Class-IV permit.

Each existing off-premises sign which meets the definition of a Class-IV off-premises sign and which was properly permitted, constructed, inspected and maintained in the City of Henderson prior to adoption of this ordinance shall be issued a Class-IV permit, and shall be allowed to remain in place for the life of the

Class-IV permit, provided that it is maintained in accordance with the provisions of this code. Upon issuance of the Class-IV permit, all previous permits shall expire. Following the granting of a Class-IV permit by way of this conversion process, all signs shall comply with all provisions of this code. Any sign which did not at the time of conversion meet the locational or size requirements of this code may not be altered unless it is brought into complete conformance with this code.

G. Regulations for Class-V Temporary Election Signs.

A "Class-V Temporary Election Sign" is an off-premises sign which advertises, promotes, supports or opposes a candidate, issue or ballot question to be decided in a scheduled election. This definition includes city, county and other public elections as well as elections of clubs, labor unions and other organizations not conducted by the city, county or state.

1. Permit required.

Each candidate for political office and each organization or individual supporting a position on an issue or ballot question who places a Class-V Temporary Election sign within the Henderson city limits must first obtain a permit to do so from the Henderson Building Official. The fee for this permit shall be twenty-five dollars per candidate, issue or ballot question, regardless of the number of signs placed. The purpose of the permit is to provide the Building Official with the name and pertinent information about the campaign manager or party responsible for repair of damaged or hazardous signs, and to monitor and remove all unclaimed signs following the election. Signs placed in Henderson without benefit of the proper permit shall be removed and impounded until the proper permit is obtained.

2. Size of election signs.

The maximum size of a Class-V Temporary Election sign shall be 16 square feet in residential zones and 96 square feet in all other zones, except that the size restriction is waived if a candidate or group supporting a position on a ballot question employs the use of a Class-I off-premises sign.

3. Location of Class-V signs.

Placement in public rights-of-way is not prohibited, however, no Class-V sign shall visually block any area within a street right-of-way, or block the area within 15 feet behind any street curb from

a height of 32 inches above the curb to 108 inches above the curb. Where no curb exists, the 15-foot measurement shall be made from the edge of the street pavement. Where no pavement exists, measurement shall be made from the edge of the travelled way.

4. Time period allowed and removal of Class-V signs.

Class-V signs supporting a candidate for office may be installed only after the candidate officially registers for office. Class-V signs supporting a "write-in" candidate may be installed only after close of registration for candidacy for the subject office. Class-V signs supporting a non-office ballot question may be installed only after the question is officially accepted for placement on the ballot. Each Class-V Temporary Election sign must be removed by the permittee within five days of the election in which the office, issue or ballot question is decided. Any Class-V Temporary Election sign found to be in violation of the provisions of this code must be brought into conformance by the permittee upon notification by the Building Official. If the permittee fails to make appropriate corrections in a timely manner, the Building Official shall remove or cause to have removed any signs in violation and shall impound those signs until the permittee can make the necessary corrections. Following the election in which the subject office, issue or ballot question is decided, all unclaimed temporary election signs shall become the property of the City and shall be disposed of at the discretion of City.

H. Temporary Off-Premises Special Event Signs.

Off-premises Special Event Signs advertising or pertaining to a special event of general public interest taking place within the city may be authorized by the Planning Director upon determination that such signs will not conflict with the general purpose of this code. Such signs, when permitted, shall not be installed prior to 7 days before, and shall be removed within 24 hours after the event. Requests for permits shall include a description of the event including place and duration, a depiction of the signs, a depiction of sign placement in relation to pedestrian and vehicle traffic, and a map showing all proposed sign locations.

19.58.010 Regulations for On-Premise Signs.

Sections:

- A. Applicability.
- B. Class-X through Class-XXXI On-premises signs defined.
- C. Setbacks for on-premises signs.

- D. Regulations for Class-X Exterior Fixed On-Premises Signs.
 - 1. Separations for Freestanding Class-X Signs.
 - 2. Landscaped Barrier Required.
 - 3. Height Limitations for Freestanding Signs.
 - a. All C and I Districts Except CD and CN.
 - b. CD District.
 - c. CN District.
 - d. All Other Districts.
 - 4. Size of Class-X on-premises signs.
 - a. Policy Statement.
 - b. Frontage Calculation.
 - c. The maximum area of signage
 - d. Maximum display surface.
 - 5. Time period allowed for Class-X sign permit; removal of sign; reissuance of permit.
 - 6. Address Exhibition Required.
- E. Regulations for Class-XI Interior Fixed On-Premises Signs.
- F. Regulations for Class-XX Exterior Fabric On-Premises Signs.
- G. Regulations for Class-XXI Interior Fabric On-Premises Signs.
- H. Regulations for Class-XXX Temporary Exterior On-Premises Signs.
 - 1. Merchants' 90 Day Initial Promotion.
 - 2. Merchants' Temporary Promotions.
 - 3. Temporary Promotional Signs for Sales or Leases of Newly Constructed Improved Residential, Commercial and Industrial Property.
 - 4. Temporary Promotional Signs for Residential, Commercial and Industrial "Land-Only" Sales or Leases, or Pre-Leases of Unconstructed Improvements.
 - 5. Temporary Promotional Signs for Sales or Leases of Existing Improved Commercial and Industrial Property.
- I. Regulations for Class-XXXI Temporary Interior On-Premises Signs.
- A. Applicability.

The following regulations apply to all non-exempt On-Premises Signs. The standards for individual signs may be modified by a Master Sign Plan or Variance as prescribed in Section 19.58.012.

B. On-premises signs defined.

- 1. Class-X Exterior Fixed On-Premises Sign.

A "Class-X Exterior Fixed On-Premises Sign" is any sign which is constructed, painted, hung or otherwise permanently affixed outside a building, or which is affixed inside a building, but is viewable from a public right-of-way, and draws attention to or

identifies a business, product or service available on the premises. This definition does not include fabric signs, flags, banners or signs which are temporary in nature such as signs advertising occasional sales or promotions.

2. Class-XI Interior Fixed On-Premises Sign.

A "Class-XI Fixed Interior On-Premises Sign" is any sign which is constructed, painted, hung or otherwise permanently affixed within a building and not viewable from a public right-of-way, and which draws attention to or identifies a business, product or service available on the premises. This definition does not include fabric signs, flags, banners or signs which are temporary in nature such as signs advertising occasional sales or promotions.

3. Class-XX Exterior Fabric On-Premises Sign.

A "Class-XX Exterior Fabric On-Premises Sign" is any sign, flag or banner which is constructed, hung or otherwise permanently affixed outside a building, or which is affixed inside a building, but is viewable from a public right-of-way, and draws attention to or identifies a business, product or service available on the premises. This definition includes flags, signs and banners primary comprised of fabric or a similar material whose notable attribute is motion or flexibility, and which are flown or are suspended between supports. This definition does not include flags, banners or signs which are temporary in nature such as signs advertising occasional sales or promotions.

4. Class-XXI Interior Fabric On-Premises Sign.

A "Class-XXI Interior Fabric On-Premises Sign" is any fabric sign, flag or banner which is constructed, hung or otherwise permanently affixed within a building and not viewable from a public right-of-way, and which draws attention to or identifies a business, product or service available on the premises. This definition includes signs and banners primary comprised of fabric or a similar material, whose notable attribute is motion or flexibility, and which are flown or are suspended between supports. This definition does not include flags, banners or signs which are temporary in nature such as signs advertising occasional sales or promotions.

5. Class-XXX Temporary Exterior On-Premises Sign.

A "Class-XXX Temporary Exterior On-premises Sign" is any sign, flag or banner which is temporarily constructed, hung, placed or otherwise affixed outside a building and which draws attention to or identifies a business, product or service available on the premises. This definition includes all signs, flags and banners which are temporary in nature such as signs advertising occasional sales or promotions and which are not permitted for permanent placement or have the functional effect of permanently placed signs.

6. Class-XXXI Temporary Interior On-Premises Sign.

A "Class-XXXI Temporary Interior On-premises Sign" is any sign, flag or banner which is temporarily constructed, hung, placed or otherwise affixed within a building and which draws attention to or identifies a business, product or service available on the premises. This definition includes all signs, flags and banners which are temporary in nature such as signs advertising occasional sales or promotions. Such signs must not require fasteners or electrical connections of a permanent nature, must not require permits for permanent placement, and must not have the functional effect of a permanent sign.

C. Setbacks for on-premises signs.

No portion of any on-premises sign shall project over any existing or future public right-of-way unless the projection is approved in a Master Sign Plan and the property owner obtains a revocable encroachment permit from the jurisdiction governing the right-of-way. Except for Blade Signs over pedestrian walkways, no sign taller than 32 inches shall be installed within 15 feet of a street or driveway curb. If no curb exists, the distance shall be measured from the edge of pavement for private drives and parking areas, and from the right-of-way line for a public street. Blade Signs over pedestrian walkways must maintain 80 inches of vertical clearance.

Except for Directional/Informational Signs or as otherwise approved in a Master Sign Plan, no on-premises sign shall be installed within 5 feet of a side or rear property line. A sign may be approved for placement within 5 feet of a side or rear property line through a Master Sign Plan if it serves adjacent properties.

D. Regulations for Class-X Exterior Fixed On-Premises Signs.

1. Separations for Freestanding Class-X Signs; Maximum Number.

- a. No freestanding Class-X on-premises sign shall be constructed within 100 feet of any existing freestanding Class-X on-premises sign on the same site, or within 40 feet of any freestanding sign on a neighboring site. For the purposes of this section, a sign for which a permit has been issued shall be considered an existing sign. The minimum required distance shall be measured in a straight line without regard to intervening structures, streets or other physical features.
- b. No freestanding Class-X sign shall occupy the same frontage as a projecting sign.
- c. In C and I districts one free-standing Class-X sign not exceeding 100 square feet shall be permitted on each frontage, as follows:

Frontage in Feet	Number of Class-X Free-standing Signs
Less than 250	One sign
250 or more	One per 250 feet

Unless otherwise approved by Master Sign Plan, in all other districts one free-standing Class-X sign not exceeding 100 square feet shall be permitted per frontage.

2. Landscaped Barrier Required.

Unless an alternate method of providing traffic and pedestrian safety is approved through Master Sign Plan, each freestanding sign shall be placed within a landscaped area extending a minimum of four feet from the sign in each direction. Such measurement shall begin at the sign base or at the edge of any overhang within 20 feet of the ground, whichever requires the greater barrier.

3. Height Limitations for Freestanding Signs.

For height purposes only, setbacks for freestanding Class-X signs shall be measured from the back of curb, not property lines.

Where no curb exists the measurement shall be made from the edge of pavement or travelled way. On Boulder Highway, Lake Mead Drive and the I-515 freeway the measurement shall be from the paved edge of the primary thoroughfare. Frontage roads may lie within the setback. Height shall be measured from sign base, provided that if the ground at the base is augmented in a manner which adds height to the sign and not the surrounding buildings the height shall be measured from the nearest paved travel way.

a. All C and I Districts Except CD and CN.

Unless otherwise approved by Master Sign Plan, no free-standing Class-X sign may exceed 32 inches in height within 15 feet of a street curb. Beginning at the 15-foot setback behind the curb a free-standing sign may be 15 feet high and may increase one foot in height for each additional foot of setback to a maximum of 40 feet.

Freestanding Class-X center identification signs in commercial centers containing an excess of one million sq.ft. of leased building floor area may exceed 40 feet, subject to approval of a Master Sign Plan and subject to the 1:1 height-to-setback requirements of this chapter, provided however that no sign shall exceed 100 feet in height.

b. CD District.

Unless otherwise approved by Master Sign Plan, no free-standing Class-X sign may exceed 32 inches in height within 15 feet of a street curb. Beginning at the 15-foot setback behind the curb a free-standing sign may be 15 feet high and may increase one foot in height for each additional foot of setback to a maximum of 20 feet.

Center identification signs in commercial centers containing an excess of one million sq.ft. of leased building floor area may exceed 20 feet, subject to approval of a Master Sign Plan and subject to the 1:1 height-to-setback requirements of this chapter, provided however that no sign shall exceed 100 feet in height.

c. CN District.

Unless otherwise approved by Master Sign Plan, no freestanding Class-X sign may exceed 32 inches in height

within 15 feet of a street curb. Beginning at the 15-foot setback behind the curb a freestanding Class-X sign may be 15 feet high and may increase one foot in height for each additional foot of setback to a maximum of 20 feet.

d. All Other Districts.

To preserve public safety and the non-commercial character of certain neighborhoods not zoned with a C or I prefix, it is the intention of this ordinance to allow freestanding signs for project identification only when the City Council finds that other sign types and advertising media cannot adequately aid passersby in safely entering projects from adjacent thoroughfares. One freestanding Class-X sign shall be permitted per project entrance and that sign shall be no larger than needed to provide adequate safe entrance identification. In areas not zoned with a C or I prefix all freestanding signs must be included in a Master Sign Plan reviewed by the Planning Commission and approved by the City Council. Unless otherwise approved by Master Sign Plan, no free-standing sign may exceed 32 inches in height within 15 feet of a street curb. Beginning at the 15-foot setback behind the curb a free-standing sign may not exceed 10 feet in height.

4. Size of Class-X On-Premises Signs.

a. Policy Statement.

To preserve public safety and character of certain non-commercial neighborhoods, it is the intention of this ordinance to allow freestanding Class-X signs for project identification only when the City Council finds that other sign types and advertising media cannot adequately aid passersby to safely enter projects from adjacent thoroughfares. One freestanding Class-X sign shall be permitted per project entrance and that sign shall be no larger than needed to provide adequate safe entrance identification. In areas not zoned with a C or I prefix all freestanding Class-X signs must be included in a Master Sign Plan reviewed by the Planning Commission and approved by the City Council.

b. Frontage Calculation.

- (1) Where a parcel abuts only one street, the full length of the street frontage shall be calculated;

- (2) Where a parcel abuts more than one street, neither of which is 80 feet or greater in width, only the side with longest frontage shall be calculated.
- (3) Where a parcel abuts multiple streets, only one of which is an 80-foot or wider arterial, only the frontage along 80-foot or wider arterial shall be calculated;
- (4) Where a parcel abuts multiple streets, more than one of which is and 80-foot or wider arterial, the total frontages along those 80-foot or larger arterials only shall be calculated.

c. The maximum area of signage per site shall be as follows:

C districts, Except Limited and Non-Restricted Gaming:

3 sq.ft. total sign area per lineal foot of frontage, of which no more than one-third may be used for freestanding Class-X signs.

Limited & Non-Restricted Gaming:

8 sq.ft. total sign area per lineal foot of frontage, of which no more than one-third may be used for freestanding signs. All casinos require Master Sign Plan.

I zones:

1 sq.ft. total sign area per lineal foot of frontage, of which no more than one-third may be used for freestanding signs.

UR, PS & OS Zones:

As specified by Master Sign Plan, subject to the policy statement in subsection a., above.

R districts:

1 sq.ft. total sign area per each five lineal feet of frontage, subject to the policy statement in subsection a., above.

d. Unless otherwise approved by Master Sign Plan, no freestanding Class-X sign shall have a display surface greater than 100 square feet, except for an embellishment which shall not extend beyond the primary message surface more than 2 feet or exceed 10 square feet of

additional surface. Regardless of an applicant's request for Master Sign Plan, except for limited gaming and non-restricted gaming establishments the aggregate total area of all freestanding signs for a business or project shall not exceed 1 sq.ft. per lineal foot of site frontage. The ratio of freestanding to all other Class-X signs for limited and non-restricted gaming establishments shall be as specified in an approved Master Sign Plan.

5. Time period allowed for Class-X sign permit; removal of sign; reissuance of permit.

A Class-X sign permit shall have an initial life of twenty years. Unless the Class-X permit is reissued, the sign for which it was issued shall be removed at the owners expense upon expiration of its permit. The Class-X permit for an on-premises sign may be reissued for succeeding periods not to exceed ten years from the date of reissuance if the following conditions exist:

- a. The expiring permit must be at least nineteen years old for the first reissuance and nine years old for each succeeding reissuance.
- b. The permit applicant must be an appropriately licensed sign contractor and must present all exhibits and fees required by the Building Official.
- c. The subject sign must have been in the permitted location and must have been maintained in accordance with the requirements of this code during the life of the expiring permit.
- d. The subject sign must meet all requirements of this code and all other applicable sign regulations for a new sign in the subject location. If any condition exists which would prohibit a new Class-X sign from being permitted at the subject location, the expiring Class-X permit shall not be reissued.

6. Address Exhibition Required.

Each freestanding Class-X sign shall exhibit the address of its subject business or commercial center. The address shall be painted or otherwise affixed, either on the message board, or on the supporting structure in a manner which can readily be seen and interpreted by drivers on the adjacent street at the posted

speed. Unless otherwise approved by Master Sign Plan, freestanding signs within 50 feet of the street curb shall employ minimum 6-inch high letters with a 1.25-inch stroke. This requirement is intended to reduce safety hazards caused when drivers slow in traffic to search for destinations. Address posting on all other freestanding signs, or any alternate exhibition methods which achieve equal or greater driver safety shall be as approved by Master Sign Plan.

E. Regulations for Class-XI Interior Fixed On-Premises Signs.

1. Class-XI Interior Fixed On-Premises Signs which are incidental product or promotional displays, or which cannot be viewed from a public right-of-way, are exempt from the requirements of this code except that prior to installation their specifications shall be submitted for Building Department review and all required permits must be obtained.
2. Class-XI Interior Fixed On-Premises Signs which identify the occupant in a manner similar to an exterior sign, and which can be viewed from a public right-of-way, shall be considered exterior signs and shall be subject to all restrictions applicable to Class-X Exterior Fixed On-Premises signs.

F. Regulations for Class-XX Exterior Fabric On-Premises Signs.

All Class-XX Exterior Fabric On-Premises signs shall comply with the approved Architectural Review for the property on which they are installed. If there is no approved Architectural Review or if the approved Architectural Review does not include the proposed fabric signs a Master Sign Plan shall be submitted and all Class-XX signs shall comply with the approved Master Sign Plan.

G. Regulations for Class-XXI Interior Fabric On-Premises Signs.

1. Class-XXI Interior Fabric On-Premises Signs which are incidental product or promotional displays are exempt from the requirements of this code, except that prior to installation their specifications shall be submitted for Fire Department review and shall meet the requirements of the Henderson Fire Marshall.

2. Class-XXI Interior Fabric On-Premises Signs which identify the occupant in a manner similar to an exterior sign, and which can be viewed from a public right-of-way shall count against any size, area or other restrictions applicable to the premises for all other exterior signs.

H. Regulations for Class-XXX Temporary Exterior On-Premises Signs.

Temporary Exterior On-Premises Signs are prohibited, except as follows (Master Sign Plan is not required for Class-XXX signs as specified in this section):

1. Merchants' 90 Day Initial Promotion.

Upon issuance of a the initial business license for sales of products or for the provision of a service to the public, a proprietor may, without purchasing a sign permit, install temporary signs and banners for 90 days to announce the opening of the new business on the premises. This 90 day promotional sign period is a one time opportunity for product and service businesses and is not intended for use by residential or commercial rental agents or owners to market their available residential units or commercial or industrial lease space. Merchants seeking to take advantage of this 90 day initial promotional sign allowance may do so without obtaining a sign permit, provided however, that the type and mounting methods of any proposed temporary signs must be reviewed and approved by the Building Official, and further provided that no such sign or banner shall be constructed or employed on the premises which presents a hazard to traffic or pedestrian safety.

2. Merchants' Temporary Promotions.

After the 90 day period following issuance of the initial business license, except for window displays covering less than 40 percent of each window, proprietors licensed for sales of products or for the provision of a service to the public must obtain City Council approval prior to installation, placement or other use of Class-XXX Temporary Exterior On-Premises Signs. The request for City Council approval shall specify the type of signs to be used, their location on the premises, installation date and date of removal. Applicants gaining City Council approval must then submit plans and specifications and obtain sign permits as required by the Building Official. Window displays covering less than 40 percent of each window are exempt from the permit, size and area

restrictions of this Code. This section is not intended for use in selling or leasing residential units or commercial or industrial space.

3. Temporary Promotional Signs for Sales or Leases of Newly Constructed Improved Residential, Commercial and Industrial Property.

A developer may employ temporary on-site promotional signs, in excess of permanent signs approved by Master Sign Plan, to advertise the sale or lease of an improved residential, commercial or industrial project, as follows:

One 32 square foot or smaller sign per project shall be exempt from permit requirements, provided it is constructed a minimum of 15 feet behind the curb, or 15 feet behind the travelled way where no curb exists. Additionally, one 16 square foot or smaller sign directing construction traffic shall be allowed per construction entrance and shall be exempted from permit requirements provided it is erected a minimum of 15 feet behind the curb, or 15 feet behind the travelled way where no curb exists.

For signs greater than 32 square feet, temporary promotional signs may consist of one or more wall or freestanding signs not to exceed a total aggregate area of 400 square feet or 16 square feet per acre, whichever is the lesser, one non-governmental flag per acre not larger than 15 square feet per flag, two banners per project not larger than 48 square feet per banner, and one A-frame sign per project not larger than 32 square feet per side.

The temporary promotional sign period shall begin upon the City's acceptance of street and utility public improvement bonds required for the project, and shall continue for a period not to exceed 180 days after issuance of the last Certificate of Occupancy for permitted structures. Following this temporary promotional sign period, all signs for residential projects not approved by Master Sign Plan shall be removed. For non-residential projects, following this temporary promotional sign period all signs except those approved by master sign plan or authorized by subsection 4. below shall be removed. Permits for all structures offered for sale or lease must be kept current. Permits for common buildings, fences, pools or other accessory structures shall not extend the temporary promotional sign period.

In addition to the signs listed above, during the temporary promotional sign period a developer may increase signage by 50% from 6 PM Friday to 6 AM Monday (6 AM Tuesday when Monday is a state holiday).

All other on-premises temporary promotional signs for improved residential, commercial and industrial properties offered for sale or lease shall be as approved by Master Sign Plan.

4. Residential, Commercial and Industrial "Land-Only" Sales or Leases, or Pre-Leases of Unconstructed Improvements.

A developer may employ temporary on-site promotional signs to advertise the sale or lease an unimproved parcel of residential, commercial or industrial land, or to pre-lease unconstructed improvements as follows:

One 16 square foot or smaller sign for each parcel one gross acre or smaller shall be exempt from permit requirements, provided it is constructed a minimum of 15 feet behind the curb, or 15 feet behind the travelled way where no curb exists. One 32 square foot or smaller sign per parcel larger than one gross acre shall be exempt from permit requirements, provided it is constructed a minimum of 15 feet behind the curb, or 15 feet behind the travelled way where no curb exists.

For signs greater than the exempted 16 and 32 square feet specified above, the temporary promotional sign permit shall be valid for one year and shall be renewable subject to the sign meeting all structural, size and locational requirements applicable to new signs at the time of renewal. The maximum size of each such sign shall be 96 square feet. One such sign shall be permitted for each 250 linear feet of frontage, up to a maximum of four signs per frontage. No sign shall be placed within 15 feet of a street curb, or within 15 feet of the travelled way where no curb exists.

All other on-premises temporary promotional signs for improved properties offered for sale or lease shall be as approved by Master Sign Plan.

5. Temporary Promotional Signs for Sales or Leases of Existing Improved Commercial and Industrial Property.

A developer may employ temporary on-site promotional signs to advertise the sale or lease of an existing improved commercial or industrial project, including newly constructed projects beyond 180 days after issuance of the last Certificate of Occupancy as specified in subsection 3. above, as follows:

One 32 square foot or smaller sign per project shall be exempt from permit requirements, provided it is constructed a minimum of 15 feet behind the curb, or 15 feet behind the travelled way where no curb exists.

For signs greater than 32 square feet the temporary promotional sign permit shall be valid for one year and shall be renewable subject to the sign meeting all structural, size and locational requirements applicable to new signs at the time of renewal. Permitted signs may consist of wall or freestanding signs not to exceed 400 square feet or 1 square foot per lineal foot of improved store front, whichever is the lesser. Where a building fronts on more than one street only the longer side shall be used to determine sign size. Where an available lease area consists of only a portion of a building, only that area available for lease shall be counted in determining the length of the store frontage.

In addition to the signs listed above, during the temporary promotional sign period a developer may increase signage by 50% from 6 PM Friday to 6 AM Monday (6 AM Tuesday when Monday is a state holiday).

I. Regulations for Class-XXXI Temporary Interior On-Premises Signs.

1. Class-XXXI Temporary Interior On-Premises Signs which are incidental product or promotional displays, or which cannot be viewed from a public right-of-way are exempt from the requirements of this code except that prior to installation their specifications shall be submitted for Building Department review and shall meet all requirements of the Henderson Building Official and Fire Marshall.
2. Class-XXXI Temporary Interior On-Premises Signs which serve as business identification signs and can be viewed from a public right-of-way shall be considered exterior signs and shall be subject to all restrictions applicable to Class-XXX Temporary Exterior signs.

19.58.012 Master Sign Plans and Sign Variances.

A. Statement of Purpose.

The Master Sign Plan is the device employed by the Planning Commission and City Council to ensure an appropriate balance between building architecture, signage and neighborhood aesthetics. This ordinance assumes that strict compliance with preceding sections of this chapter provides effective signage for smaller projects and meets community goals for appearance and safety. As projects grow in size, however, opportunities for effective signage other than as specified in this Code increase. Larger sites and setbacks offer opportunities for better regulation of the number, size, proportion and balance of signs according to standards consistent with the types of establishments and their approved architecture. An effective Master Sign Plan should reduce visual screening of and by neighbors' signs and buildings. An effective Master Sign Plan should avoid clutter by providing an effective hierarchy of signage which encourages signs on buildings and utilizes central identification signage rather than multiple freestanding signs along roadsides. Master Sign Plans offer thematic design opportunities. By reducing clutter, effective Master Sign Plans allow consumers to more readily identify establishments offering goods and services to meet their needs, while addressing the community's need for attractive, unobtrusive architecture and commercial graphics.

B. Applicability.

1. A Master Sign Plan is required for each of the following uses:
 - a. Gaming establishments;
 - b. Commercial center having a single tenant with 50,000 or more square feet;
 - c. Two-and-one-half acre or larger non-residential development;
 - d. Developments with six or more nonresidential occupants;
 - e. Planned unit developments employing freestanding signs other than Directional/Informational signs greater than 32 sq.ft. each or wall signs in excess of 100 sq.ft. total;

- f. Apartment projects of 36 units or more employing freestanding signs other than Directional/Informational signs greater than 32 sq.ft. each or wall signs in excess of 100 sq.ft. total; and,
 - g. Any development whose signage requires, by City Council action, coordination with its surrounding area or coordination with an approved Architectural Review.
2. Variance: Any applicant whose site does not meet the Master Sign Plan applicability criteria stated above, but who wishes to employ a sign program other than the standard requirements of this Code must first obtain a Variance as provided in HMC 19.74.

B. Master Sign Plan Application

A completed Master Sign Plan application shall be submitted to the Planning Director and shall include exhibits, presented in the form prescribed by the Planning Director, as follows:

- 1. An application signed by the property owner or his authorized representative;
- 2. Application fee;
- 3. A copy of the deed to each subject property;
- 4. A sample of each material to be used;
- 5. Calculations for existing and proposed sign area;
- 6. An exhibit indicating the number, size and placement of signs which would be allowed by strict compliance with the Development Code compared to that which is being proposed in the Master Sign Plan;
- 7. A letter indicating compliance with the objectives of the Master Sign Plan Statement of Purpose. The justification letter should address number, size, proportion and balance of signs according to standards consistent with the types of establishments and their approved architecture. It should address thematic design and uniformity, reduction of visual screening of and by neighbors' signs

and buildings, avoidance of clutter due to an effective hierarchy of signs with placement of signs on and around buildings and utilization of central identification signage rather than multiple smaller freestanding signs along roadsides.

8. A site plan drawn to scale delineating the site of the proposed Master Sign Plan, including the location of all existing and proposed buildings, fences and landscaping in the Master Sign Plan area, all adjacent buildings, projecting and freestanding signs within 100 feet of the Master Sign Plan area, and all proposed freestanding signs within the Master Sign Plan area.
9. Elevations of all existing and proposed freestanding signs, including their height relationship to adjacent streets;
10. Drawings indicating the exterior surface details of all buildings on the site on which wall signs, projecting signs or directory signs are proposed, and typical signs to be employed;
11. Any other exhibits which may be necessary for clear understanding of the proposal.

D. Master Sign Plan Approval.

A Master Sign Plan shall be presented to the Planning Commission for recommendation and to the City Council for final determination. Amendments to an approved Master Sign Plan may be authorized by the Planning Director, or at the Planning Director's discretion, may be reviewed by the Planning Commission and City Council in the same manner as the original approval.

A Master Sign Plan shall be approved if:

1. Implementation of the Master Sign Plan will provide signage more compatible with the surrounding development than strict compliance with the Code.
2. Implementation of the Master Sign Plan will result in architecture and graphics of a scale appropriate for the surrounding neighborhood.
3. Implementation of the Master Sign Plan will provide signage consistent with the architecture and site plan characteristics of the proposed project.

4. Implementation of the Master Sign Plan will be materially beneficial in achieving the goals and objectives of the City's Comprehensive Plan which relate to community design and aesthetics.
5. Implementation of the Master Sign Plan will be materially beneficial in achieving the goals and objectives cited in the Master Sign Plan Statement of Purpose.
6. Implementation of the Master Sign Plan will result in a substantial reduction in the number and area of perimeter freestanding signs associated with the project as compared to strict compliance with this Code.

E. Changes to Signs Approved by Master Sign Plan.

Except for message changes, no sign included in a master sign plan shall be altered except as prescribed in its approved Master Sign Plan. Changes other than message changes shall require amendment to the approved Master Sign Plan.

F. Sign Variance Applications.

This ordinance acknowledges the need for site identification through signs and the role they play in the success of certain businesses and institutions. In recognition of potential conflicts created by over-use of any one type of sign, this ordinance provides for a large number of signage options, including type (pole, projecting, wall, canopy, etc.), height, setback, size and number. The right to identify a business is acknowledged, but no single type of sign is guaranteed to be effective for every site. Practical difficulties of one pole sign or projecting sign obscuring another are expected to be resolved by use of one of the many signage options provided for in this ordinance. Variances are intended to correct difficulties which cannot be resolved practically with alternative sign types or locations.

A completed sign Variance application shall be submitted to the Planning Director and shall include the same exhibits required for Master Sign Plan. A sign Variance application shall also include a justification letter specifying the manner in which each of the following findings apply to the applicant's site:

Findings Required for Granting of a Variance:

1. a. That a physical barrier such as an existing building or sign on a property not under control of the applicant substantially blocks view of the proposed sign if constructed in strict compliance with this Code; or,

b. That the placement of the proposed sign in strict compliance with this Code will become a physical barrier substantially blocking view of a sign on a neighboring site not under the control of the applicant;
2. That changing the height or setback within the limitations of the Code will not substantially correct the obscurity;
3. That an alternative type of signage authorized by this Code will not provide identification adequate to allow safe movement of vehicles and pedestrians to the site.

SECTION 3. Henderson Municipal Code Chapter 19.12.006, subsections A., O., T., Y., AC., AI., AQ., AS., AW., BD., BU., BV., BX., CB., CO., CP., CR., CU., CW., CX., DA., DC., DF., DI., DM., DN., DP., DQ. and DX., are hereby amended as follows:

19.12.006 Definitions.

- A. Reserved.
- O. Reserved.
- T. Reserved.
- Y. Reserved.
- AC. Reserved.
- AI. Reserved.
- AQ. Reserved.
- AS. Reserved.
- AW. Reserved.
- BD. Reserved.

BU. Reserved.

BV. Reserved.

BX. Reserved.

CB. Reserved.

CO. Reserved.

CP. Reserved.

CR. Reserved.

CU. Reserved.

CW. Reserved.

CX. Reserved.

DA. Reserved.

DC. Reserved.

DF. Sign: For the definition of Sign and all other sign related definitions see Chapter 19.58 SIGNS.

DI. Reserved.

DM. Reserved.

DN. Reserved.

DP. Reserved.

DQ. Reserved.

DX. Reserved.

SECTION 4. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

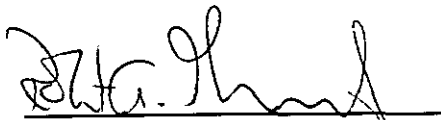
ORDINANCE NO. 1477
(Sign Ordinance)

PAGE 60

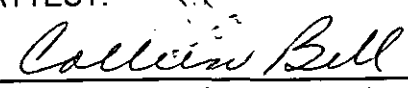
SECTION 5. All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed.

SECTION 6. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Henderson Home News, a newspaper having general circulation in the City of Henderson, at least one (1) week prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective.

PASSED AND ADOPTED this 5th day of April, 1994.


Robert A. Groesbeck, Mayor

ATTEST:


Colleen Bell, CMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on March 22, 1994, which was a Regular Meeting and referred to a Committee of the following Councilmen:

"COUNCIL AS A WHOLE"

Thereafter, said Committee reported favorably on the Ordinance on April 5, 1994, which was a Regular Meeting of the Henderson City Council, at which time the Ordinance was read in title and adopted by the following roll call vote:

Those Voting Aye:

Robert A. Groesbeck, Mayor
Councilmembers:
Arthur (Andy) Hafen
Paul Ruth
Larry Scheffler
Jack Clark

Those Voting Nay:
Those Absent:

None
None

ATTEST:


Colleen Bell, CMC, City Clerk


Robert A. Groesbeck, Mayor