

## **411 SIGN REGULATIONS**

### **411.1 PURPOSE**

These standards are designed to protect and promote the public health, safety, and welfare of citizens and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness, and flexibility in the design and use of such devices without creating detriment to the general public.

### **411.2 SCOPE**

The provisions of this article shall apply to the display, construction, erection, alteration, use, location, and maintenance of all signs within the City of Berea. It shall be unlawful to display, construct, erect, alter, use, or maintain any sign (to include signs erected or constructed prior to enactment of this article) except in conformance with the provisions of this article. This section authorizes the use of signs provided they are:

1. Compatible with their surroundings, pursuant to the objectives of proper design and land use amenities;
2. Designed, installed and maintained to meet the sign user's need while at the same time promoting the amenable environment desired by the general public;
3. Designed, constructed, installed and maintained in such a manner that they do not endanger public health and safety, or traffic safety.
4. Legible, readable and visible in the circumstances in which they are used;
5. Respectful of the reasonable rights of other advertisers whose messages are displayed.

Except as specifically provided, the following shall be exempt from the provisions of this article:

1. Signs which are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way.
2. Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger. Identification or bulletin board signs accessory to governmental buildings or other facilities shall not be exempt from the provisions of this article.
3. The flag, pennant, or insignia of any nation, organization of nations, state, county, or city; any religious, civic or fraternal organizations, or any educational institution, except when such are used in connection with a commercial promotion or as an advertising device.
4. Works of fine art which in no way depict, identify, or advertise a product or business.
5. Temporary decorations or displays, when such are clearly incidental to

and are customarily and commonly associated with any national, local, or religious holiday or celebration.

6. Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, or other similar devices.
7. Merchandise, pictures, or models of products or services which are incorporated as an integral part of a window display.
8. Signs displayed on trucks, buses, trailers, or other vehicles which are being operated in the normal course of a business, such as signs indicating the name of the owner or business which are affixed or painted onto moving vans, delivery trucks, contractor's vehicles and equipment, rental trucks

and trailers, and the like, provided that such signs are clearly incidental to the use of the vehicle in conjunction with a bona fide business and are not for the purpose of display of signs; and provided that they are parked or stored in areas appropriate to their use as vehicles, and in such a manner and location on the lot so as to minimize their visibility from any street to the greatest extent feasible.

### **411.3 GENERAL PROVISIONS**

#### **411.31 Permit Requirements**

- A. Permit required. Except as otherwise provided in this subchapter, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the city or county, or cause the same to be done, without first obtaining a sign permit for such sign from the Codes Administrator as required by this section. These directives shall not be construed to require any permit for a change of copy on any sign, nor for repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or structure is not modified in any way. No new permit is required for signs which conform with the requirements of this section on the date of its adoption unless and until the sign is altered or relocated.
- B. Application for permit. Applications for a permit shall be made to the Administrative Officer and shall include but shall not be limited to the following:
  1. A completed application form.
  2. A site plan and/or building elevation drawing showing the location of the proposed sign(s) on the lot and/or building, including setbacks.
  3. Detailed sign information including type of construction, method of illumination, dimensions, copy, method of mounting and/or erecting and other similar information.

4. The written consent of the owner of the underlying real property or authorized agent.
5. A permit fee.
6. All new signs from the date of enactment of this ordinance shall have the permit number painted on the sign in the lower right hand corner, readable by the Codes Administrator while standing on the ground. If the sign shall be a high rise, the number shall be placed on the base.
7. Temporary signs requiring a permit shall include in writing the purpose and the length of time for signs to remain in place. This includes streamers, banners, flags, and balloons for a special event and limited as to time period. Unless otherwise noted the maximum time shall be thirty (30) days for two separate occasions in the period of one (1) year.

#### **411.32 Maintenance of Signs**

If an outdoor advertising structure or surface is not maintained , the Codes Administrator shall notify in writing the owner, agent, or person having the beneficial use of the building, structure, or lot upon which the sign may be found, to alter such sign so as to comply with this ordinance within thirty (30) days. Upon failure to comply with this ordinance within the specified time period, the Codes Administrator is hereby authorized to cause removal of such sign, and any expenses incident thereto shall be paid by the owner of the structure or lot to which the sign is attached, and same shall constitute a lien against the property in the same manner as city ad valorem taxes.

#### **411.33 Violations**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this ordinance, the Codes Administrator shall notify in writing the owner, agent, or person having the beneficial use of the building, structure, or lot upon which the sign may be found to alter such signs so as to comply with this ordinance within thirty (30) days. Upon failure to comply with this notice within the specified time, the Codes Administrator is hereby authorized to cause removal of such sign, and any expense incident to removal as well as a fine of not less than \$10.00 nor more than \$25.00 shall be paid by the owner of the structure or lot to which the sign is attached, and same shall constitute a lien against the property in the same manner as city ad valorem taxes.

#### **411.34 Prohibited Signs**

The following prohibitions shall apply to signs in all districts, except as permitted elsewhere in this ordinance. Prohibited signs shall be removed upon enactment of this ordinance.

1. Streamers, pennants, banners, balloons, and flag signs or similar signs or devices except where permitted as a temporary sign as stated in Section 411.31, 7.
2. No spot light, flood light, luminous tubes or lighted signs shall be installed in so as to permit the direct rays of such light to penetrate into any residential building, or create a traffic safety hazard.
3. No advertising device, of which all or part is set in motion by movement of the atmosphere, including fluttering or rotating, except as permitted as a temporary sign as stated in Section 411.2
4. No sign, whether illuminated or not, shall project into the line of vision of a motorist or an official traffic sign at a street or railroad intersection within one hundred fifty (150) feet of such signal and no sign visible from the street shall contain the word “danger” or “stop” with the intent of simulating street, traffic, or other signs.
5. No wall sign shall be attached to or obstruct any window, door, stairway, fire escape, or other opening intended for egress or ingress of for needed ventilation and light.
6. No sign shall be attached to any tree, fence, or utility pole.
7. No flashing signs shall be permitted.
8. No mobile signs shall be permitted

#### **411.35 Signs Allowed in All Districts and Not Requiring a Permit**

The following signs may be erected in any land use district without obtaining a permit:

1. A sign advertising the sale, lease, or rental, of the premises upon which the sign is located. Such sign shall not exceed six (6) square feet in area in all residential districts and twelve (12) feet in all other districts.
2. Professional name plates, not to exceed four (4) square feet in area.
3. Signs denoting the name and address of the occupant of the premises, not to exceed two (2) square feet in area.
4. Temporary signs not exceeding thirty-two (32) square feet in surface area, denoting architectural, engineering, construction, or related firms engaged in the work on a construction site. The sign shall be removed not more than ten (10) days after construction is completed.
5. Temporary signs announcing or relating to a campaign, drive, or event of a civic, philanthropic, educational, or religious organization. Signs are not to be installed more than thirty (30) days prior to the activity, and must be removed no more than five (5) days after its completion.
6. Temporary signs announcing or relating to a political campaign, not to exceed three (3) by four (4) square feet in area are permitted in all districts provided, 1) the candidate shall obtain a permit from the codes enforcement officer, 2) the sign not be placed on a public right-of-way or private property without permission from the land owner,

- 3) the sign shall not be displayed more than thirty (30) days prior to and election and no longer than five (5) days after, and 4) no penalty shall be assessed provided that any candidate who violates the ordinance shall pay the cost of removing the sign Berea City Code 06-03.
7. Identification sign containing the name of a community and the names of various civic organizations.
  8. One non-illuminated or directly illuminated sign or bulletin board customarily incidental to places of worship, libraries, museums, schools, or other public institutions with sign or bulletin board shall not exceed twelve (12) square feet in area and which shall be located on the premises of such institution.
  9. Any sign now or hereafter existing, which no longer advertises a bona fide business conducted, product sold, or activity being conducted, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or lot upon which such sign may be found, within ten (10) days after written notification by the Codes Administrator within the time specified in such order. Upon failure to comply with such notice within the time specified in such order, the Codes Administrator is authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or lot to which such sign is attached.
  10. Any sign painted directly on the surface of any wall shall be repainted as needed, and a permit shall be required for such repainting. If the repainted sign should result in exceeding the total surface sign area allowable in the respective business or industrial district for such sign, said sign shall be painted out, otherwise removed or reduced in surface area to conform to such limitations.
  11. Gooseneck and thin line reflectors and lighting shall be permitted on indirectly illuminated signs provided such reflectors and lights do not extend more than six (6) feet beyond the sign structure to which attached and such illumination is directed upon the face of the sign to reduce the possibility of direct light rays shining into adjoining property or public way.
  12. No light, sign, or other advertising structure shall be erected in such a manner or location as to be confused by reason of position, shape, or color with any authorized sign, signal, or device.
  13. Off-premise or non-accessory signs shall be limited to the B-2 Business District where no more than one (1) such sign shall be permitted per lot. Such signs must fall within overall number and total area restrictions.

#### **411.36 Signs Permitted, By Districts**

##### **411.361. Residential Districts**

The following signs shall be permitted in all residential districts with the

securing of a valid permit:

1. One (1) non-illuminated or indirectly illuminated temporary tract sign not exceeding thirty-two (32) square feet in area in subdivisions, setback from every street line the distance required for a principal in such district.
2. One (1) non-illuminated or indirectly illuminated temporary tract sign or real estate sign for each additional arterial or collector street adjacent to such tract or property, provided the total number of such signs does not exceed four (4).
3. One (1) non-illuminated or indirectly illuminated subdivision sign not exceeding thirty-two (32) square feet, provided that it is of permanent construction.

**411.362 R-3 Districts**

1. One (1) non-illuminated or indirectly illuminated sign indicating only the name of the building/business not exceeding sixteen (16) square feet in area, mounted on the face of the building.
2. Non-illuminated or indirectly illuminated directional signs indicating entrance, exit, or location of parking area accessory to the principal use, not exceeding six (6) square feet in area and three (3) feet in height, and not extending over the traveled portion of the street.

**411.363 B-1 Business Districts**

1. Signs as permitted in the residential districts.
2. The total number of business signs on a lot shall not exceed three (3).
3. The total surface area of all business signs shall not exceed the sum of two (2) square feet of area for each lineal foot of street or building frontage (whichever is greater). Each street frontage is considered separately.
4. No wall sign shall project above the roof or parapet line more than thirty-six (36) inches, nor extend more than twelve (12) inches from the wall to which it is attached. No projecting signs shall be permitted.
5. A new sign shall not unreasonably block the line of sight from the public right-of-way to an existing sign.

**411.364 B-2 Business Districts**

1. Signs as permitted in B-1 districts.
2. The total number of business signs on a lot shall not exceed four (4).
3. The total surface area of all business signs may be thirty-two (32) square feet for any lot width, but may not exceed three (3) square feet for each lineal foot of street frontage of the lot. Each building

frontage is to be considered separately.

4. Only one (1) projecting business sign shall be permitted for each separate street frontage of a business occupancy, in no event to exceed a total combined surface area of one hundred (100) square feet.
5. The bottom of projecting business signs shall be at least ten (10) feet but not more than twelve (12) feet above ground level. The sign shall be set back from the curb or traveled portion of the street at least four (4) feet.
6. Roof signs are permitted, but no sign erected upon the roof of a building shall extend higher than twenty-five (25) feet above the roof at the point of mounting. No roof sign shall exceed three hundred (300) square feet in surface area. No more than one (1) roof sign per building shall be permitted. Superstructure of sign must meet the current building code requirements for wind load.
7. No flat wall sign shall project above the roof or parapet line more than forty-eight (48) inches.
8. A new sign shall not unreasonably block the line of sight from a public right-of-way to an existing sign.
9. Free-standing signs are permitted as permitted in the B-1 Business District except that a single free-standing sign may exceed one hundred (100) square feet in surface area in which case only one (1) sign shall be permitted per facing, and no such structure shall exceed one hundred (100) square feet of surface area or thirty (30) feet in height.
10. Off-premises or non-accessory signs shall be limited to the B-2 District where no more than one (1) such sign shall be permitted per lot. Such sign must fall within overall number and total area restrictions.

#### **411.365 B-3 Business Districts**

1. All signs shall be wall signs, except that two (2) free-standing signs for shopping center identification shall be permitted provided there is a minimum setback of twenty-five (25) feet, and in no case shall the height of such signs exceed seventy (70) feet.
2. For regional shopping centers, each free-standing sign shall not exceed ten (10) square feet of surface area per acre in the shopping center with a maximum of five hundred (500) square feet of surface area.
3. For neighborhood or community shopping centers, each free-standing sign shall not exceed three hundred (300) square feet in surface area.
4. A permanent marquee or attraction board may be attached to the free-standing identification signs permitted above. The area of the attraction board shall be included when computing the total surface

area of the sign. This board may not be erected separate from the free-standing identification sign.

**411.366 B-4 Business Districts**

1. Signs as permitted in B-1 and B-2 districts
2. Total number of business signs shall not exceed seven (7). All signs shall be wall signs except two (2) free-standing signs shall be permitted per lot.
3. Total surface area of business signs shall not exceed seven (7) square feet for each lineal foot of street frontage of the lot. Only one (1) frontage is to be considered for this calculation.
4. Excluding directional signs, two (2) free-standing signs are permitted per lot, but only one (1) sign may exceed thirty (30) feet in height. Such interchange identification sign must be oriented to serve the interstate highway and may not exceed ninety (90) feet in height or four hundred (400) square feet in area. Free-standing signs shall be set back at least ten (10) feet from the nearest lot line.
5. New signs shall not unreasonably block the line of sight from a public right-of-way to an existing sign.
6. Off-premises or non-accessory signs shall be limited to not more than one (1) sign per lot. Such sign must fall within the overall number allowed and within total area restrictions.
7. Existing signs which do not conform with these regulations may be continued as non-conforming uses.

**411.367 Professional Districts, P-1**

1. Signs are permitted in residential districts.
2. One (1) identification sign for each individual building not to exceed thirty-two (32) square feet or five (5) percent of the wall area, whichever is greater, indicating only the name and address of the building and the name of the business. If free-standing, the same size limitations apply. Height shall not exceed fifteen (15) feet nor shall the sign obstruct traffic or official signs.

**411.368 Industrial Districts, I-1 and I-2**

1. Signs as permitted in business districts
2. Additionally, each industry shall be permitted one (1) flat or wall sign. Projection of wall signs shall not exceed two (2) feet as measured from the face of the main building.
3. The surface area of all permanent advertising signs for any single enterprise shall not exceed three hundred (300) square feet.
4. One (1) free-standing identification sign displaying only the name and address of the industry may be erected for each separate street

frontage, not to exceed one hundred (100) square feet in size. Such signs shall have a maximum height of twenty-five (25) feet.

5. Directional signs shall be permitted as necessary.

#### **411.369 Public and Semi Public Facilities Districts**

1. Signs for internal directional use shall not require permit.
2. On public right-of-way, signs shall require a permit and shall be subject to requirements of setback and size as deemed necessary by the Codes Administrator.

#### **411.370 Mobile/Manufactured Home Park/Community Districts**

1. For each mobile/manufactured home park/community, one (1) free-standing identification sign displaying only the name and address of the park/community may be erected for each separate street frontage, not to exceed twenty-five square feet in area. Such sign shall have a maximum height of ten (10) feet.

#### **411.37 Non-Conforming Signs**

1. A legal non-conforming sign may continue in existence and shall be properly maintained in good condition. These sign regulations shall not be construed to prevent the strengthening, repair, or restoration of any sign to a safe condition, but a non-conforming sign shall not be:
  - a. Changed to another non-conforming sign; except where only the faces or the messages are changed, or where the sign is reduced in height, size, or area.
  - b. Structurally altered (except to meet safety requirements) so as to prolong the life of the sign.
  - c. Altered so as to increase the degree of non-conformity of the sign.
  - d. Expanded or enlarged.
  - e. Re-established after its discontinuance.
  - f. Continued in use after creation or change of the business or activity to which the sign pertains.
  - g. Moved to a new location on the building or lot.

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