**411 SIGN REGULATION**

**411.1 Intent**

This article provides content-neutral sign standards that allow legitimate signage for agricultural, residential, professional office, business, and industrial activities while promoting signs that:

Reduce intrusions and protect property values;

Minimize undue distractions to the motoring public;

Protect the tourist industry by promoting a pleasing community image; and

Enhance and strengthen ­­­­­­­­­­­economic stability.

**411.2 Scope**

These provisions apply to the display, construction, erection, alteration, location, and maintenance of all new and existing signs within the corporate limits of Berea.

**411.3 Exempt Signs**

 The following signs are exempt from the provisions of this Article and are, therefore, exempt from

 the requirement to obtain a sign permit:

1. Signs not visible beyond the boundaries of the property upon which they are located.
2. Government signs that are placed by government officers in the performance of their professional/elected duties.
3. Temporary or permanent signs erected by public utility companies or construction companies in the performance of their professional duties.
4. Vehicle signage when painted directly on a vehicle or attached magnetically, unless the vehicle is parked in the same place for more than 6 days within a 60 day period.
5. Temporary signage of 32 square feet or smaller placed on or after April 15 and removed by the last day of May. Temporary signage of 32 square feet or smaller placed on or after the first day of October and removed by November 15. Temporary signs shall not be placed in the rights-of-way and the sight triangles of all intersections.
6. Temporary signs for a new business for up to 30 consecutive days from the first day of business. Exempt signage shall only be displayed on the property where the new business is located.
7. Signage placed by realtors in the performance of their professional duties.
8. Window signage.
9. Incidental signs including directional signage.
10. Historic markers.
11. Change of copy on any sign where the framework or other structural elements are not altered.

**411.4 Permit Requirements**

1. No sign regulated by this ordinance (except those specifically exempted in Section 411.3) shall be displayed, erected, relocated, or altered unless all necessary permits have been issued by the City of Berea Codes Department. Applicants shall submit an application form to the department before any permit may be issued. Signs shall only be erected or constructed in compliance with the approved permit.
2. Applicants shall obtain a building permit for the foundation of freestanding and monument signs with engineered design at the discretion of the building official. Applicants shall also obtain an electrical permit for signs that require electrical service. Final inspections for building permits and electrical permits require a minimum notice of 24 hours to the City’s building inspector and/or electrical inspector.
3. Signs permitted as an accessory to a legal, nonconforming use shall be subject to the regulations of the zone in which the nonconforming use is located.

**411.5 Nonconforming Signs**

A legal, nonconforming sign may continue in existence as long as it is properly maintained in good condition.

These provisions shall not prevent the repair or restoration to a safe condition of any sign, but a nonconforming sign shall not be:

1. Changed to another nonconforming sign except where only the face or copy is changed;
2. Structurally altered so as to increase the degree of nonconformity of the sign;
3. Expanded or enlarged;
4. Reestablished after its removal; or
5. Moved to a new location on the building or lot.

**411.6 Illegal Signs**

All illegal signs shall be subject to immediate enforcement action as outlined in Article 305 of the Land Management and Development Ordinance.

**411.7 General Requirements**

All signs in all zones shall meet the following requirements:

1. Illuminated signs shall be located in a fashion which prevents all direct rays of light from shining beyond the property lines of the lot on which the sign is located.
2. No light, sign, or other advertising device shall be designed or erected to imitate or resemble any official traffic sign, signal, or device or use any words, phrases, symbols, or characters implying the existence of danger, or the need to stop or maneuver the vehicle.
3. No sign shall be attached to or painted on the surface of any tree, utility pole, or street light.
4. Projecting signs shall have at least 7' of clearance above a sidewalk.
5. Neon or other lighted tubing signs shall not be permitted except where such lighting is used behind solid lettering to produce a “halo” effect, or where it is used indirectly. *Neon lighting to be used to outline buildings, structures, or ornamental features shall first receive a conditional use from the Board of Adjustment.*
6. No sign, except for government signs, shall be located within the sight triangle of any intersection. (Reference §408 J)
7. No sign shall be placed in or project into the public or private street right-of-way, except as specifically permitted herein.
8. Freestanding, monument, and projecting face sign area shall be computed as follows:
	1. Double-faced signs shall have only one face counted in calculating the area.
	2. Sign with more than two faces shall have the area calculated by summing the area of all sign faces and dividing by two (2).
	3. The area enclosing the perimeter of each cabinet shall be calculated to determine the area.
	4. The perimeter of the measurable area shall not include embellishments (e.g., pole covers, framing, or decorative roofing) provided there is no written copy on such embellishments.
	5. Maximum height shall be measured from the finished grade at the center of the sign and shall include the sign’s base.
9. Every sign, including those for which a permit is not required, shall be maintained in good condition at all times.

**411.8 Prohibited Signs in All Zones**

The following signs and/or sign features shall be prohibited in all zones:

1. Mobile signs;
2. Roof signs that extend higher than the top of the roof;
3. Rotating or moving signs;
4. Abandoned signs;
5. Streamers, pennants, and tag signs or similar signs or devices except when attached to a permitted temporary sign;
6. Any sign which emits any noise or odor;
7. Freestanding signs which overhang any part of a building;
8. Flashing or blinking signs that obstruct driver’s vision;
9. All Interstate billboards including those with an electronic message display system;
10. Signs in a public right-of-way; and
11. Handbills.

**411.9 Signs Requiring a Conditional Use Permit in All Zones**

 Only the Board of Adjustment shall have the authority to approve sign variances or conditional use

 permits for signs unless the request is made to the Planning Commission in conjunction with a

 Development Plan. Applications for these signs shall be submitted and processed as outlined in

 Article 403 of the City of Berea Land Management and Development Ordinance.

**411.10 Signs Permitted by Specific Zone**

 Any sign not specifically permitted shall be prohibited.

**411.10.1 Agricultural Zone (A)**

1. **Residence** - One nameplate wall sign not exceeding one (1) square foot in area and one wall sign not exceeding one (1) square foot in area (incidental – do not require a permit).
2. **Farm**
	1. Two signs per entrance if incorporated into a fence or wall feature, or one freestanding sign per entrance. Signs shall not exceed 32 square feet in area each.
	2. Incidental signs - which shall not exceed two (2) square feet in area nor require sign permits.
3. **Permitted and Conditional Uses**
	1. One freestanding sign not exceeding 32 square feet in area and ten (10) feet in height;
	2. One bulletin board, not exceeding 12 square feet in area and ten (10) feet in height;
	3. One wall sign per building not exceeding 32 square feet in area; and
	4. Incidental signs which shall not exceed two (2) square feet in area each and do not require sign permits.

**411.10.2 Mobile Home (MP) Zone**

1. One freestanding sign per park entrance. Sign shall not exceed 32 square feet in area, ten (10) feet in height, and shall have a minimum setback of ten (10) feet from the property line; and
2. One nameplate wall sign per mobile home that shall not exceed one (1) square foot in area (incidental – do not require a permit).
	* 1. **Low-Density Residential Zones (R-1, R-1A, R-1T, R-2)**
3. **Residence** - One nameplate wall sign not exceeding one (1) square foot in area and one wall sign not exceeding one (1) square foot in area (incidental – do not require a permit).
4. **Home Occupation** - One wall sign not exceeding six (6) square feet in area.
5. **Subdivision** - One freestanding sign per entrance into the subdivision not to exceed 32 square feet in area and eight (8) feet in height.
6. **Buildings Used for Religious or Educational Activities**
	1. One freestanding sign that shall not exceed 32 square feet in area and ten (10) feet in height;
	2. One wall sign that shall not exceed 12 square feet in area;
	3. One bulletin board that shall not exceed 12 square feet in area and ten (10) feet in height; and
	4. Incidental signs which shall not exceed two (2) square feet each in area nor require sign permits.
7. **All other Permitted and Conditional Uses**
	1. One wall sign that shall not exceed 12 square feet in area; and
	2. Incidental signs which shall not exceed two (2) square feet each in area nor require sign permits.

**411.10.4 High-Density Residential Zones (R-3,)**

1. **Single Family Residence, Home Occupation, and Subdivision** – Signage as allowed in §411.10.3 above.
2. **Multi-Family Residence**
	1. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height and shall have a front yard setback of ten (10) feet;
	2. One wall sign that shall not exceed 12 square feet in area; and
	3. Incidental signs which shall not exceed two (2) square feet each in area nor require sign permits.
3. **Buildings Used for Religious or Educational Activities**
	1. One freestanding sign that shall not exceed 32 square feet in area and ten (10) feet in height;
	2. One wall sign that shall not exceed 12 square feet in area;
	3. One bulletin board that shall not exceed 12 square feet in area and ten(10) feet in height; and
	4. Incidental signs which shall not exceed two (2) square feet each in area nor require sign permits.
4. **All other Permitted and Conditional Uses**
	1. One freestanding sign that shall not exceed 32 square feet in area and eight (8) feet in height and shall have a front yard setback of ten (10) feet;
	2. One wall sign that shall not exceed 12 square feet in area; and
	3. Incidental signs which shall not exceed two (2) square feet each in area nor require sign permits.

**411.10.5 Standard Signage Permitted in all Professional, Commercial and Industrial**

 **Zones** (P-1, B-1, B-2, B-3, PSF, I-1, and I-2)

1. One freestanding or monument sign per street frontage with a maximum of five (5) signs per lot.
	1. Freestanding signs shall not exceed 100 square feet in area, 30 feet in height, and shall have a minimum setback of ten (10) feet. Where a lot has two (2) street frontages, two (2) free standing signs shall be allowed or combined into one free standing sign. For buildings with more than one occupying business this freestanding sign may list all businesses within the building.
	2. Monument signs shall not exceed 60 square feet in area, eight (8) feet in height, and shall have a minimum setback of ten (10) feet.
2. A wall sign, canopy sign or awning sign per street frontage with a maximum of two (2) signs per building. The maximum allowed area for all signage in this category is 32 square feet or three (3) square feet per lineal feet of street frontage whichever is greater. Awnings shall have at least seven (7) feet of clearance above grade when fully extended. When a building contains two or more separate businesses, these requirements shall be applied separately to the lineal frontage of the portion of the building occupied by the individual business.
3. One wall sign per tenant or lessee not exceeding two (2) square feet in area.
4. One attraction board either attached to the wall or attached to the permitted freestanding sign not to exceed 32 square feet in area and eight (8) feet in height.
5. One menu board for every property that includes a drive-thru lane, walk-up window or drive-up curbside. Menu boards shall not exceed 55 square feet in area and shall have a maximum height of eight (8) feet.
6. One marquee per theatre. A marquee shall not exceed 32 square feet in area, shall not project more than eight (8) feet from the building face to which it is attached, and shall have a minimum clearance of eight (8) feet.
7. Incidental signs – which shall not exceed two (2) square feet each in area nor require sign permits.
8. Buildings Used for Religious or Educational Activities
	1. In addition to signage permitted above, one bulletin board, not exceeding 32 square feet in area and eight (8) feet in height.

**411.10.6 Additional Signage Permitted in Specific Commercial and Industrial Zones**

In Addition to signs as permitted in 411.10.5 above, the following signs shall be permitted in B-4, I-1, and I-2 zones.

* 1. Total of 7 signs per lot frontage.
	2. Total surface area of all signs not to exceed 7 square feet per lineal feet of street frontage.
	3. One interstate sign for those businesses which lie within a 2,200-foot radius of the center point of an interstate interchange overpass. These businesses may have the following signs: 1-interstate sign, freestanding signs, and wall signs. Interstate signs shall be subject to the following restrictions:
	4. Shall not have an electronic message display system.
	5. The Interstate sign shall not exceed 400 square feet in area.
	6. Height (from the base to the top of the sign) shall not exceed 90 feet.
	7. The sign’s base shall be at least 90 feet from any residential zoned property.
	8. In addition to a sign permit, a building permit shall be obtained prior to installation.
		1. **Electronic Signs / Electronic Message Display Systems**
1. Electronic signs are prohibited in the P-1 (Professional Office) and B-1 (Neighborhood Business) districts and all overlays and historic areas.
2. Electronic message display systems may be incorporated into one freestanding or wall sign for each property located within B-2, B-3, B-4, I-1, I-2, and PSF zones.
3. Churches that have been conditionally permitted for zoning must also have a Conditional Permit from the Board of Adjustment for signage.
4. Signs shall be sized for square footage and height to meet requirements of the zone in which it is located, but shall not exceed 12 square feet. Electronic signs may only advertise the premise on which the sign is located.
5. Messages must change in no less than two (2) seconds and shall remain static for no less than ten (10) seconds and shall have static images only. Flashing signs, scrolling message signs, audible messages, or any form of animated images are prohibited.
6. No signs that resemble any regulatory or warning traffic control device or sign as found in the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways shall be permitted.
7. Vehicle or trailer mounted electronic sign displays of any type, including parked or moving vehicles, are prohibited.
8. Automated light intensity and dimming controls for electronic signs shall be required. Surface luminosity limits shall be 5000 nits maximum during daylight hours and 150 nits maximum during nighttime hours.

**411.10.8 Institutional (INS)** Projecting or free standing signs shall require a permit and sizing shall be based on B-2 allowances in §411.10.5 above.

**411.10.9 Planned Unit Development (PUD) Overlay**

A permitted sign’s height, size, location, and design features shall be determined by the sign requirements set forth in the zone in which the proposed or existing use is first permitted.

* 1. **Temporary Signs**

Shall include banners, streamers, tethered balloons, and inflatable signs and objects. One temporary sign per street frontage shall be allowed subject to the following conditions:

a. Temporary signs require a permit for each occasion they are displayed.

* 1. Shall not exceed 50 square feet per sign where non-rigid materials are used.
	2. Shall not exceed 32 square feet per sign where rigid materials, such as wallboard or plywood, are used.
	3. Shall comply with the applicable regulations for the zone in which they are located.
	4. Shall not remain in place for a period of more than thirty (30) continuous days on two (2) separate occasions within a one (1) year period.
	5. Shall not be placed within the public right-of-way or the sight triangle at intersections.

**411.12 Maintenance Standards**

Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times.

**411.13 Penalties for Violation**

Violation of the provisions of these sign regulations shall constitute a misdemeanor which shall be subject to the fines and penalties as set forth in Section 305 for violation of City of Berea Land Management and Development Ordinance.

**411.14 Substitution Clause**

The owner of any sign which is otherwise allowed by this chapter may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision prevails over any more specific provision to the contrary.

**411.15 Severability Clause**

In the event any word or sentence in this ordinance, or provision or portion of this ordinance, or rules adopted by this ordinance is invalidated by any court of competent jurisdiction, the remaining words and/or sentences, provisions, or portions thereof shall not be affected and shall continue in full force and effect.

**411.16 Definitions**

The definitions contained in this section shall be applied in the interpretation of all sections within Article 411 of this ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future tense, singular number shall include the plural, and plural include the singular.

1. **Abandoned Sign:** Signage that has been neglected and fallen into disrepair.
2. **Attraction Board:** Copy is changed manually or electronically on a regular basis.
3. **Awning Sign:** Applied directly to the surface of an awning; defined as a shelter supported entirely on a wall and made of non-rigid material supported by a frame.
4. **Banner Sign:** Made of non-rigid material with no enclosing framework.
5. **Billboard:** Signage intended for lease to a variety of businesses, organizations, and/or individuals. In such case, the sign itself shall be the income generator and the primary commercial use of the property.
6. **Bulletin Board:** Allows the manual or electronic change of copy and is used to notify the public of noncommercial events or occurrences such as church services, political rallies, civic meetings, or similar events.
7. **Canopy Sign:** Applied directly to the surface of a canopy; defined as a permanently roofed shelter covering a sidewalk, driveway, or similar area. Canopies may be supported by a building, columns, poles, braces, or a combination of both.
8. **Double-Faced Sign:** Two (2) faces either set parallel or up to a 45 degree angle. Any two sign faces set at an angle greater than 45 degrees shall be considered two (2) separate signs.
9. **Electronic Sign / Electronic Message Display System:** Copy which uses rotating reflective discs, direct illumination, rotating veins, light emitting diodes (LEDs), liquid crystal diodes (LCDs), or other digital devices and is changed by a central computer.
10. **Farm:** A tract of at least 5 contiguous acres used for the production of agricultural or horticultural crops. Agricultural and horticultural crops shall be defined as, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, ornamental plants, vineyards, and wineries.
11. **Flashing or Blinking:** Intermittent or sequential illumination for the purpose of attracting attention to the sign.
12. **Freestanding Sign:** Attached to the ground by columns, poles, braces, or other means and not attached to any building.
13. **Government Sign:** Temporary or permanent, erected by government employees or officers in the performance of their professional/elected duties.
14. **Handbill:** Printed or written material, circular, leaflet, pamphlet, or booklet designed for distribution on vehicles or other property, excluding postal distribution, which advertises merchandise, commodities, or services.
15. **Illegal Sign:** Does not meet the requirements of this zoning ordinance and has not been identified as a legal, nonconforming sign.
16. **Illuminated Sign:** Emits or reflects artificial light from any source.
	1. **Directly illuminated:** Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer’s eye.
	2. **Indirectly illuminated**: Light source projects light onto the exterior of the sign surface or onto the building where the sign is located.
	3. **Internally illuminated:** Light source is within the sign, with a transparent or translucent background or cover which silhouettes letters or designs.
17. **Incidental Sign:** Not exceeding two (2) square feet in area.
18. **Interstate Sign:** Sign that is designed to be seen from an interstate highway.
19. **Marquee Sign:**  Used in conjunction with a theatre, is attached to the building, and projects from the building.
20. **Menu Board:** Freestanding signs placed at properties where there is a drive-thru lane, walk-up window or drive-up curbside.
21. **Mobile Sign:** Affixed to a frame having wheels or capable of being moved. Mobile signs do not have a permanent foundation and cannot withstand the wind-load stress requirements of the adopted building code as they are designed to stand free from a building. The removal of wheels from such a sign or temporarily securing a sign of this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle.
22. **Monument Sign:** Attached to a permanent foundation or decorative base and not attached to or dependent for support from any building, pole, post, or similar upright.
23. **Nonconforming Sign:** Legally erected but does not comply with the current regulations for the zone in which it is located.
24. **Non-Illuminated Sign:** Does not emit or reflect artificial light from any source.
25. **Portable Sign:** Small sign, easily transported by hand, placed outside during business hours and brought into the business after hours, usually tent style or A-frame.
26. **Projecting Sign:** Attached to a building, extends more than 24 inches.
27. **Roof Sign:** Projects above the cornice of a flat roof or the ridgeline of a gabled or hipped roof. In determining the top edge of the roof, calculation shall not include cupolas, pylons, chimneys, or other projections above the roofline.
28. **Rotating or Moving Sign:** Any portion of which moves by mechanical means or the wind; does not refer to changing copy with an electronic message display system.
29. **Sign:** Any copy, including material used to differentiate the copy from the background, which is applied to a surface as a means of identifying, advertising, announcing, or illustrating products, services, and/or events.
30. **Sign Clearance:** The vertical distance between the lowest point of any sign and the grade at the base of the sign.
31. **Sign Copy:** Any word, figure, number, symbol, or emblem affixed to a sign.
32. **Sign Height:** The vertical distance measured from the highest point of the sign, including the frame and any embellishments, to the bottom of the base of the sign.
33. **Sign Setback:** The horizontal distance between a property line and a sign. The measurement shall be taken at the closest point between the property line and any part of the sign.
34. **Sign Surface:** That part of the sign on which the message is displayed.
35. **Square Foot:** A unit of area equal to one foot by one foot square.
36. **Street Frontage:** Property line that lies adjacent to the street right-of-way.
37. **Temporary Sign:** A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended to be displayed for a limited period of time. They are intended to be displayed for not more than 30 continuous days or more than two (2) times per calendar year.
38. **Vehicle Signage:** Signage painted directly on a vehicle or attached magnetically.
39. **Wall Sign:** Attached directly to a building; includes mansards, canopies, awnings, and signs attached to a roof which do not project above the roofline.
40. **Window Display:** Merchandise or other objects placed inside a building to be viewed from outside the building.
41. **Window Sign:** Attached to or located within three (3) feet of the interior of a window and which can be seen through the window from the exterior of the structure.