

TITLE XVI

SIGN REGULATIONS

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CHAPTER 16.01 GENERAL PROVISIONS

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Section 16.01.01 **Purpose**

The purpose of this title is to provide minimum standards to safeguard life, health, property, public welfare and community aesthetics, by regulating and controlling the location, design and maintenance of signs visible to the public.

Section 16.01.02 **Administration**

The requirements of this title shall be administered by the Mayor of Berryville, and/or the Mayor's designated representative, the Berryville Building Inspector. The Berryville Planning Commission shall provide assistance in the review and oversight of the sign permit application process.

Section 16.01.03 **Definitions**

- A. Illumination, Direct: Illumination that is so arranged that the light is directed into the eyes of the viewer from the light source.
- B. Illumination, Indirect: Illumination that is so arranged that the light is reflected from the sign to the eyes of the viewer.
- C. Illumination, Spot Light: Illumination that comes from lamps, lenses or devices designed to focus or concentrate the light rays of the source.

- D. Sign: The term “sign” shall mean and include every device, structure, fixture, display, placard, frame, letter, figure, graphic, character, mark, plane, point, design, picture, stroke, stripe, trademark, symbol, or communicative message which is used (or intended to be used) to attract attention or convey information, when placed outdoors in view of the general public. In addition, any of the above, whether placed outdoors or not, but which is illuminated with artificial or reflected light placed near the inside surface of a window in such a way as to be in view of the general public and used (or intended to be used) to attract attention or convey information to motorists.
- E. Sign, Abandoned: Any sign advertising a business that no longer exists.
- F. Sign, Area Identification: A sign to identify a common area containing a group of structures, or a single structure on a minimum site of five (5) acres (such as a residential subdivision, apartment complex, industrial park, manufactured home park or shopping center) located at the entrance or entrances of the area, and consisting of a fence, wall, archway or ground-mounted sign with letters or symbols affixed thereto.
- G. Sign, Banner-Style: Any sign printed or displayed upon any flexible material with no enclosing framework.
- H. Sign, Billboard: An off-premise, free-standing sign.
- I. Sign, Building Marker: Any sign indicating the name of a building, date of construction, and/or incidental information about its construction, and which is cut into a masonry surface or made of bronze or other permanent material.
- J. Sign, Bulletin Board: A sign portraying a non-commercial message for the purpose of announcing an event to be held on the same premises upon which the sign is placed.
- K. Sign, Flashing: An illuminated sign on which artificial or reflected light is not maintained stationary and/or constant in intensity and color at all times when in use.
- L. Sign, Free-Standing: A sign that is attached to, or a part of, a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or other structure whether portable or stationary.
- M. Sign, Identification: A sign that serves as identification for a person or business operating on the premises where the sign is located. Such sign may name the person, organization or business, but shall not portray any other commercial or non-commercial message.
- N. Sign, Illuminated: Any sign that has characters, letters, figures, designs or the outline illuminated by electric lights or luminous tubes as part of the sign proper.
- O. Sign, Incidental: A sign, generally informational, that has a secondary purpose to the use of the zone lot on which it is located (such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives).

- P. Sign, Joint Identification: A sign which serves as common or collective identification for a group of persons or businesses operating on the same zone lot (e.g. shopping center, office complex, etc.) and shall include a sign which identifies architects, engineers, contractors and other individuals or firms involved with the construction of the premises. Such sign may name the persons, organizations or businesses included but shall not portray any other commercial or non-commercial message.
- Q. Sign, Non-Conforming: A sign existing prior to the effective date of this code, which does not comply with the provisions of this code.
- R. Sign, Portable: Any sign that is moveable, portable, or capable of and/or intended to be moveable or portable. Also, a sign which is not permanently secured in or on the surface upon which it rests or a sign erected on a frame, platform, trailer or other portable or moveable structure. Includes signs that are non-illuminated, illuminated or capable of being illuminated.
- S. Sign, Projecting: Any sign that shall be affixed at an angle or perpendicular to the wall of any building in such a manner as to read perpendicular or at an angle to the wall on which it is mounted. For the purpose of this code, any sign which projects above the roofline of a building shall also be considered a projecting sign.
- T. Sign, Public: A sign erected by, or on behalf of, a governmental body to post a legal notice, identify public property, convey public information, or to direct or regulate pedestrian or vehicular traffic.
- U. Sign, Real Estate: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
- V. Sign, Temporary: Any sign that is used only temporarily (not to exceed a period of thirty (30) days) and which is not permanently mounted.
- W. Sign, Traffic Hazard: Any sign determined by the Building Inspector which hinders the normal flow of pedestrian traffic, or which interferes with or obstructs the motoring public's safe line of vision along public ways.
- X. Sign, Unsafe: Any sign determined by the Building Inspector to be unsafe, insecure or hazardous to the public safety.
- Y. Sign, Wall: Any sign that shall be affixed parallel to a wall or printed on a wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this code, any sign display surface that is affixed to the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning or a building canopy shall be considered a wall sign. Also, any sign that is affixed to an accessory fence or wall, whether or not said fence/wall is attached to the building, shall be considered a wall sign.

- Z. Signage Area: The aggregate square footage of the space enclosed within a sign, measured along a line including the outer extremities of all letters, figures, characters and delineations, or along a line including the outer extremities of the framework or border of the sign, whichever line includes the larger area. The supporting structure of the sign, whether it is columns, a pylon, or a building or part thereof, shall not be included in the signage area.

CROSS REFERENCE: Ordinance 909; Section 1; September 21, 2010

CHAPTER 16.02
PERMIT PROCEDURE

- SECTIONS:** **16.02.01 Permit Requirement**
 16.02.02 Permit Fee
 16.02.03 Permit Exemptions
 16.02.04 Penalty for Violations

Section 16.02.01 Permit Requirement

No sign shall be erected, relocated or structurally altered within the City unless a permit has been issued by the Building Inspector. A separate permit shall be required for each sign.

- A. **PERMIT APPLICATIONS:** Application for a sign permit shall be made on forms provided by the Building Inspector's office. Information shall include, but is not limited to, street address of location, names and mailing addresses of owner(s) and sign contractor(s), scaled drawing of the sign showing the exact placement location on the lot and the construction/lighting design.
- B. **PERMIT REVIEW & ISSUANCE PROCEDURE:** The Building Inspector, or other designated representative, shall review all sign permit applications based upon the provisions of this code and other applicable regulations. The Building Inspector shall have twenty (20) business days from receipt of the application to review the sign permit application and render a decision. If the Building Inspector fails to render a decision on an application within twenty (20) business days, and it appears to meet the provisions of this code and other applicable regulations, the applicant shall be issued a permit for the sign immediately. A written explanation of denial shall be provided, upon the request of the applicant, for any denied permit application. All decisions rendered by the Building Inspector concerning sign permit applications may be appealed to the Berryville Planning Commission by the applicant.
- C. **PERMIT EXPIRATION POLICY:** The permit for any sign not constructed and/or erected within six (6) months of the date of issuance shall be null and void. If a permit is allowed to expire, the applicant may resubmit another permit application; however, said application shall be subject to an additional permit fee as prescribed herein.

Section 16.02.02 Permit Fee

Upon approval of a permit application and prior to the issuance of a permit, every applicant shall submit the required permit fee for each sign regulated by this code, according to the following fee schedule:

- A. Banners: A minimum permit fee equal to five dollars (\$5.00) shall be charged for each permit issued for a banner-style sign. If a penalty, as prescribed herein, has been assessed due to non-compliance, both the penalty and the normal permit fee must be paid before a permit will be issued.
Exception: Any banner which advertises a charitable or religious event or a non-profit fundraising event shall be exempt from the permit fee, but shall submit a permit application and obtain a permit.
- B. All other signs: A permit fee equal to ten dollars (\$10.00) plus twenty-five cents (\$0.25) per square foot of the signage area. If a penalty, as prescribed herein, has been assessed due to non-compliance, both the penalty and the normal permit fee must be paid before a permit will be issued.

Section 16.02.03 Permit Exemptions

The following signs are exempted from the sign permit requirement, but must comply with all other requirements of this title:

- A. Memorial signs and building markers.
- B. Election campaign signs.
- C. Signs that are painted on or affixed to glass surfaces of windows or doors, and that pertain to the lawful business of the persons located within the building.
- D. Signs advertising the sale of real property.
- E. Signs specifically authorized by the Berryville City Council to promote the City of Berryville and/or inform the general public.

Section 16.02.04 Penalty for Violations

Any person, firm or corporation who fails to obtain a sign permit shall, upon conviction, be fined not more than one hundred dollars (\$100.00) for each offense. Each day that such violation continues shall constitute a separate offense.

CROSS REFERENCE: Ordinance 909; Section 1; September 21, 2010

CHAPTER 16.03
STANDARDS OF CONSTRUCTION

- SECTIONS: 16.03.01 Placement & Construction Standards**
16.03.02 Prohibited Signs
16.03.03 Exemptions

Section 16.03.01 Placement & Construction Standards

Unless otherwise provided for in this code, the following regulations shall apply to all types of signs within the Berryville city limits:

- A. **SETBACKS:** When determining setback requirements, the leading edge of the sign nearest the curb or edge of street shall be the point from which the setback is determined.
- B. **OBSTRUCTION OF VISION:** No sign shall be placed in any position or in such a manner as to obstruct the vision of the motoring or pedestrian public, as determined by the Building Inspector. Signs located on corner lots shall be subject to additional review to insure adequate line of sight.
- C. **MAXIMUM HEIGHT:** When determining maximum height of a sign, the road surface nearest the sign or the average level of terrain adjacent to the sign (whichever is highest) and the uppermost portion of the sign shall be the reference points from which the maximum height is determined.
- D. **MAXIMUM SURFACE AREA:** When determining the maximum surface area upon which a sign may be displayed or illustrated, the square footage of only one side of a single-faced sign or a double-faced sign shall be used; however, the total square footage of all sides of a triple-faced sign or other multi-faced sign shall be used to calculate area. Several small signs that are supported by the same structure shall be considered to be one sign for the purpose of calculating signage area.
- E. **UTILITIES INTERFERENCE:** No sign shall interfere with the safe operation of any utility by being placed within five (5) feet of a utility easement or designated utility safety zone.
- F. **PREVENTION OF ACCESS:** No sign shall be erected in a manner which prevents free ingress and egress from any driveway, parking lot, entry/exit door, building window or fire escape. Also, no sign shall be attached to any part of a fire escape or building standpipe.
- G. **OTHER CONSTRUCTION STANDARDS:** All signs and sign structures shall conform to the applicable building standards adopted by the City of Berryville. All electrified sign installers and maintenance operators shall be required to submit proof of licensure pursuant to Arkansas State Law.

Section 16.03.02 Prohibited Signs

The following signs are prohibited within the city limits:

- A. Unsafe signs.
- B. Traffic hazard signs.
- C. Abandoned signs.
- D. Portable signs (except those classified as Temporary Signs).
- E. Signs within the public right-of-way.
- F. No signs may be painted on or attached to trees, rocks or other natural formations, fence posts, or utility poles.
- G. No signs may be placed on public property, except as authorized by the City of Berryville or other applicable governmental institution.

Section 16.03.03 Exemptions

The following items are exempted from these sign regulations:

- A. The message and content of signs.
- B. Product dispensers.
- C. Scoreboards and other signs acknowledging sponsors on athletic fields.
- D. Flags of any nation, government or non-commercial organization.
- E. Gravestones.
- F. Barber poles.
- G. Religious symbols.
- H. Display of street address numbers.
- I. Any display or construction not defined as a sign.
- J. Signs in the nature of decorations which are seasonal and/or clearly incidental and customarily associated with any national, local or religious observance.
- K. Utility location/identification signs.

CROSS REFERENCE: Ordinance 909; Section 1; September 21, 2010

CHAPTER 16.04
ZONING RESTRICTIONS

- SECTIONS:** **16.04.01** **General Provisions**
 16.04.02 **Central Business District (C-1)**
 16.04.03 **Highway Commercial Zone (C-2)**
 16.04.04 **Industrial Zone (I-1)**
 16.04.05 **Residential-Office Zone (R-O)**
 16.04.06 **Residential Zones (R-1, R-2, R-3, R-4, RMH, MHP)**

Section 16.04.01 **General Provisions**

- A. Banners shall be allowed within any zone designation when used to announce a specific event, promotion or product sale, provided that they are not placed more than 30 days prior to the ending date of the advertised event, promotion or sale, and that they are removed within 72 hours following the event, promotion or sale. Said banners shall be limited to eight (8) 30-day permits per year, and shall be subject to the applicable permit fee found in Section 16.02.02 (A). A minimum of fourteen (14) days shall elapse before a new 30-day permit may be issued. Banners used to announce a charitable or religious event or a non-profit fundraising event shall also be allowed within any zone designation. Said banners shall be issued a permit as described in Section 16.02.02 (A) and said permit shall be valid for thirty (30) days from the time the permit is issued for any specific event, or for a total of sixty (60) days in a calendar year for events which occur on a recurring basis (such as weekly or monthly).
- B. Construction Signs: One sign per construction site denoting a new construction project or development, and featuring the name of the development or construction company shall be allowed. Such signs shall not exceed forty (40) square feet in signage area and sixteen (16) feet in height, must be placed outside of all public right-of-ways, and shall be subject to a permit fee. Such signs shall be removed once construction of the site is complete.

Section 16.04.02 **Central Business District (C-1)**

- A. Wall Signs:
- a. Area: A wall sign shall not exceed 30% of the total square footage of the wall on which the sign is placed.
1. The maximum size for a wall sign on a single occupancy structure shall be 100 square feet. The maximum total square footage for all signs on a single occupancy structure shall be 100 square feet per wall.

2. The maximum size for a wall sign on a multiple occupancy structure shall be 100 square feet. The maximum total square footage for all wall signs on a multiple occupancy structure shall be 100 square feet per each occupant unit, or 30% of the total square footage of the exterior wall of the occupant's space, whichever is less.

b. Height: The maximum height for wall signs shall be 35 feet.

B. Projecting Signs:

a. Number Allowed: One projecting sign is allowed per business.

b. Area: The maximum size for a projecting sign is 20 square feet. The sign shall not project more than 6 feet from the building façade.

c. Height: The projecting sign must have at least 8 feet of ground clearance.

C. Free-Standing Signs:

a. Number Allowed: A maximum of one free-standing sign shall be allowed for each commercial building, excluding directional signs of less than four (4) square feet in size and less than four (4) feet in height.

b. Area: The maximum size for a free-standing sign for a single occupancy structure shall be 125 square feet. The maximum size for a multiple occupancy structure shall be 240 square feet, of which the signage area for the complex shall be limited to 100 square feet, and the signage area for each occupant unit shall be limited to 20 square feet.

c. Height: The maximum height for all free-standing signs shall be 35 feet.

d. Setbacks: All free-standing signs shall be setback at least 15 feet from the curb or edge of street, or 10 feet from the edge of the public right-of-way, whichever is greater. Signs located on corner lots may be subject to additional setbacks to insure adequate line-of-sight.

D. Flashing Signs:

a. Number Allowed: One flashing, illuminated sign is allowed per business location. Flashing signs are limited to wall-mounted, projecting or free-standing signs, or may be made a component thereof.

b. Area: The maximum signage area for any flashing, illuminated sign shall be 30 square feet. A flashing sign may be a component of a larger wall, projecting or free-standing sign, however, the total signage area and maximum height requirement shall comply with the applicable maximum allowance of the respective wall or free-standing sign. Applicable setback requirements shall also be observed.

E. Temporary Signs:

- a. Number Allowed: One temporary sign is allowed per business location with a 30 day permit, renewable for a total of 60 days per year.
- b. Area: Maximum signage area is 55 square feet.
- c. Height: The maximum height for any temporary sign is 25 feet.

F. Prohibited Signs:

Billboards are prohibited within the C-1 Central Business District.

Section 16.04.03 Highway Commercial Zone (C-2)

A. Wall Signs:

- a. Area: A wall sign shall not exceed 30% of the total square footage of the wall on which the sign is placed.
 1. The maximum size for a wall sign on a single occupancy structure shall be 100 square feet. The maximum total square footage for all signs on a single occupancy structure shall be 100 square feet per wall.
 2. The maximum size for a wall sign on a multiple occupancy structure shall be 100 square feet. The maximum total square footage for all wall signs on a multiple occupancy structure shall be 100 square feet per each occupant unit, or 30% of the total square footage of the exterior wall of the occupant's space, whichever is less.
- b. Height: The maximum height for wall signs shall be 35 feet.

B. Projecting Signs:

- a. Number Allowed: One projecting sign is allowed per business.
- b. Area: The maximum size for a projecting sign is 20 square feet. The sign shall not project more than 6 feet from the building façade.
- c. Height: The projecting sign must have at least 8 feet of ground clearance.

C. Free-Standing Signs:

- a. Number Allowed: A maximum of one free-standing sign shall be allowed for each commercial building, excluding directional signs of less than four (4) square feet in size and less than four (4) feet in height.

- b. Area: The maximum size for a free-standing sign for a single occupancy structure shall be 125 square feet. The maximum size for a multiple occupancy structure shall be 240 square feet, of which the signage area for the complex shall be limited to 100 square feet, and the signage area for each occupant unit shall be limited to 20 square feet.
- c. Height: The maximum height for all free-standing signs shall be 35 feet.
- d. Setbacks: All free-standing signs shall be setback at least 15 feet from the curb or edge of street, or 10 feet from the edge of the public right-of-way, whichever is greater. Signs located on corner lots may be subject to additional setbacks to insure adequate line-of-sight.

D. Flashing Signs:

- a. Number Allowed: One flashing, illuminated sign is allowed per business location. Flashing signs are limited to wall-mounted, projecting or free-standing signs, or may be made a component thereof.
- b. Area: The maximum signage area for any flashing, illuminated sign shall be 30 square feet. A flashing sign may be a component of a larger wall, projecting or free-standing sign, however, the total signage area and maximum height requirement shall comply with the applicable maximum allowance of the respective wall or free-standing sign. Applicable setback requirements shall also be observed.

E. Temporary Signs:

- a. Number Allowed: One temporary sign is allowed per business location with a 30 day permit, renewable for a total of 60 days per year.
- b. Area: Maximum signage area is 55 square feet.
- c. Height: The maximum height for any temporary sign is 25 feet.

F. Billboards:

- a. Area: The maximum size for a billboard shall be 200 square feet, including frame and/or border.
- b. Height: The maximum height for any billboard shall be 35 feet.
- c. Setbacks: All billboards shall be setback at least 15 feet from the curb or edge of street, or 10 feet from the edge of the public right-of-way, or meet the minimum setback requirements of the Arkansas Highway & Transportation Department, whichever is greater. Billboards located on corner lots may be subject to additional setbacks to insure adequate line-of-sight. There shall also be a minimum distance separation of 150 feet between the closest edge of any

billboard and the nearest property line of any lot zoned for residential use, as well as a minimum distance separation of 300 feet (measured from any direction) between billboards.

Section 16.04.04 Industrial Zone (I-1)

A. Wall Signs:

- a. Area: A wall sign shall not exceed 30% of the total square footage of the wall on which the sign is placed.
 1. The maximum size for a wall sign on a single occupancy structure shall be 100 square feet. The maximum total square footage for all signs on a single occupancy structure shall be 100 square feet per wall.
 2. The maximum size for a wall sign on a multiple occupancy structure shall be 100 square feet. The maximum total square footage for all wall signs on a multiple occupancy structure shall be 100 square feet per each occupant unit, or 30% of the total square footage of the exterior wall of the occupant's space, whichever is less.
- b. Height: The maximum height for wall signs shall be 35 feet.

B. Projecting Signs:

- a. Number Allowed: One projecting sign is allowed per business.
- b. Area: The maximum size for a projecting sign is 20 square feet. The sign shall not project more than 6 feet from the building façade.
- c. Height: The projecting sign must have at least 8 feet of ground clearance.

C. Free-Standing Signs:

- a. Number Allowed: A maximum of one free-standing sign shall be allowed for each commercial building, excluding directional signs of less than four (4) square feet in size and less than four (4) feet in height.
- b. Area: The maximum size for a free-standing sign for a single occupancy structure shall be 125 square feet. The maximum size for a multiple occupancy structure shall be 240 square feet, of which the signage area for the complex shall be limited to 100 square feet, and the signage area for each occupant unit shall be limited to 20 square feet.
- c. Height: The maximum height for all free-standing signs shall be 35 feet.

- d. Setbacks: All free-standing signs shall be setback at least 15 feet from the curb or edge of street, or 10 feet from the edge of the public right-of-way, whichever is greater. Signs located on corner lots may be subject to additional setbacks to insure adequate line-of-sight.

D. Flashing Signs:

- a. Number Allowed: One flashing, illuminated sign is allowed per business location. Flashing signs are limited to wall-mounted, projecting or free-standing signs, or may be made a component thereof.
- b. Area: The maximum signage area for any flashing, illuminated sign shall be 30 square feet. A flashing sign may be a component of a larger wall, projecting or free-standing sign, however, the total signage area and maximum height requirement shall comply with the applicable maximum allowance of the respective wall or free-standing sign. Applicable setback requirements shall also be observed.

E. Temporary Signs:

- a. Number Allowed: One temporary sign is allowed per business location with a 30 day permit, renewable for a total of 60 days per year.
- b. Area: Maximum signage area is 55 square feet.
- c. Height: The maximum height for any temporary sign is 25 feet.

F. Billboards:

- a. Area: The maximum size for a billboard shall be 200 square feet, including frame and/or border.
- b. Height: The maximum height for any billboard shall be 35 feet.
- c. Setbacks: All billboards shall be setback at least 15 feet from the curb or edge of street, or 10 feet from the edge of the public right-of-way, or meet the minimum setback requirements of the Arkansas Highway & Transportation Department, whichever is greater. Billboards located on corner lots may be subject to additional setbacks to insure adequate line-of-sight. There shall also be a minimum distance separation of 150 feet between the closest edge of any billboard and the nearest property line of any lot zoned for residential use, as well as a minimum distance separation of 300 feet (measured from any direction) between billboards.

Section 16.04.05 Residential-Office Zone (R-O)

A. Wall Signs:

- a. Area: A wall sign shall not exceed 30% of the total square footage of the wall on which the sign is placed. The maximum size for each wall sign in an R-O zone shall be 40 square feet. The total area for all permitted wall signs at any one establishment shall not exceed 40 square feet.
- b. Height: The maximum height for wall signs shall be 20 feet.

B. Projecting Signs:

- a. Number Allowed: One projecting sign is allowed per business.
- b. Area: The maximum size for a projecting sign is 20 square feet. The sign shall not project more than 6 feet from the building façade.
- c. Height: The projecting sign must have at least 8 feet of ground clearance.

C. Free-Standing Signs:

- a. Number Allowed: A maximum of one free-standing sign shall be allowed for any establishment in an R-O zone.
- b. Area: The maximum size for a free-standing sign in an R-O zone shall be 40 square feet.
- c. Height: The maximum height for all free-standing signs shall be 20 feet.
- d. Setbacks: All free-standing signs shall be setback at least 15 feet from the curb or edge of street, or 10 feet from the edge of the public right-of-way, whichever is greater. Signs located on corner lots may be subject to additional setbacks to insure adequate line-of-sight.

D. Temporary Signs:

- a. Number Allowed: One temporary sign is allowed per business location with a 30 day permit, renewable for a total of 60 days per year.
- b. Area: Maximum signage area is 55 square feet.
- c. Height: The maximum height for any temporary sign is 20 feet.

E. Prohibited Signs:

Billboards and Flashing Signs are prohibited in R-O Residential-Office Zones.

Section 16.04.06 Residential Zones (R-1, R-2, R-3, R-4, RMH, MHP)

A. Wall Signs:

- a. Number Allowed: One wall sign is allowed per single-family dwelling.
- b. Area: The maximum size for a wall sign shall be 6 square feet, except for home occupation businesses and family day-cares, which are permitted signs not to exceed 12 square feet in size.
- c. Height: The maximum height for wall signs shall be 10 feet.

B. Area Identification Signs:

- a. Number Allowed: A maximum of two area identification signs are allowed per multi-family housing development or residential subdivision.
- b. Area: The maximum size for an area identification sign shall be 40 square feet.
- c. Height: The maximum height for an area identification sign shall be 10 feet.
Exception: The maximum height for an archway shall be 20 feet.
- d. Setbacks: All area identification signs shall be setback at least 15 feet from the curb or edge of street, or 10 feet from the edge of the public right-of-way, whichever is greater. If located on a corner lot, additional setbacks may be required to insure adequate line-of-sight.
- e. Illumination: Area Identification Signs may be illuminated, but not flashing.

C. Prohibited Signs:

Free-standing signs, flashing signs, illuminated signs (except area identification signs), temporary signs and billboards are prohibited in R-1, R-2, R-3, R-4, RMH and MHP zones.

D. Exceptions:

Public Places of Assembly and Governmental Facilities located in Residential Zones shall be governed by the restrictions found in Section 16.04.05 R-O Residential/Office Zones.

CROSS REFERENCE: Ordinance 909; Section 1; September 21, 2010

CHAPTER 16.05
ADMINISTRATION & ENFORCEMENT

- SECTIONS:** **16.05.01 Non-Conforming Sign Regulations**
 16.05.02 Enforcement Procedures
 16.05.03 Administration

Section 16.05.01 **Non-Conforming Sign Regulations**

Every non-conforming sign, as defined herein, lawfully in existence prior to the effective date of this code shall be allowed to continue in existence, with the following exceptions:

- A. All existing signs that are traffic hazards, unsafe or abandoned (as defined herein) shall be subject to immediate removal.
- B. Non-conforming signs may not be enlarged, altered or changed to another use or location, unless the alteration or change brings the sign into compliance with the provisions of this code. Regular maintenance of non-conforming signs (including structural maintenance, re-facing, repainting, frame repair, etc.) is allowable, so long as the signage area is not enlarged.
- C. If any non-conforming sign is damaged to the extent to which it becomes a public nuisance or hazard, as determined by the Berryville Building Inspector, it shall not be reconstructed except into conformity with the provisions of this code. However, a written appeal to this provision may be made to the Berryville Planning Commission for any non-conforming sign that is damaged or destroyed to the extent that reconstruction is necessary, and that would otherwise be prohibited by the provisions of this code within the zone designation for which it was located.
- D. Existing portable signs are allowed to continue only on a temporary basis with a 30 day permit, which is renewable for a total of 60 days per year.

Section 16.05.02 **Enforcement Procedures**

- A. **NOTICE**: If the Building Inspector determines that any sign or advertisement is in violation of this code, he/she shall give written notice to the sign owner to remove the sign, or to bring it into compliance within 30 days after receipt of the notice. The Inspector may also cause any sign which is an immediate safety hazard to persons or property to be removed summarily and without notice. Subsequent written notices shall be given to the sign owner as soon as possible.
- B. **REMOVAL AUTHORITY**: If the sign owner shall fail to remove the offending sign, or to bring it into compliance with this ordinance within 30 days, the Building Inspector shall have the sign removed.

- C. **REIMBURSEMENT OF COSTS:** The cost of removing a sign under this section shall be paid by the sign owner. The City may, if necessary, bring suit in the appropriate court to collect the amount expended to remove the offending sign.

Section 16.05.03 Administration

A. Appeals Process:

- a. Appeals from the decision of the Building Inspector may be made to the Berryville Planning Commission, provided that a written statement explaining why the petitioner feels the decision is in error is filed with the Commission within 30 days after notice of the Building Inspector's decision.
- b. Appeals from the decision of the Berryville Planning Commission may be made to the Berryville City Council, provided that a written appeal is filed with the Council within 30 days after notice of the Planning Commission's decision. Decisions made by the Berryville City Council may only be appealed to the appropriate court.

B. Variance Process:

- a. The Berryville Board of Zoning Adjustment may hear requests for variances from the literal provisions of this code in instances where strict enforcement would cause undue hardship due to circumstances unique to the individual property under consideration. The Board may grant such variance only when it is demonstrated that their decision is in keeping with the spirit and intent of this code.
- b. The Board of Zoning Adjustment may impose conditions in granting a variance to ensure compliance and to protect adjacent property.

CROSS REFERENCE: Ordinance 909; Section 1; September 21, 2010