

CHAPTER 3 BUILDING REGULATIONS

ARTICLE 3.1000 SIGN REGULATIONS*

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Sec. 3.1001 Short Title

This article shall hereafter be known and cited as the “sign regulations.” (Ordinance 1998-14 adopted 10/7/14)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1002 Purpose

Signs use private land and the sight lines created by the public rights-of-way to inform and persuade the general public by publishing a message. This article provides standards for the erection and maintenance of private signs. All private signs not exempted as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience, and enjoyment of the public, and, in part to achieve the following:

- (1) Safety. To promote the safety to persons and property by providing that signs:
 - (A) Do not create a hazard due to collapse, fire, collision, decay, or abandonment;
 - (B) Do not obstruct fire fighting or police surveillance; and
 - (C) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

- (2) Communications Efficiency. To promote the efficient transfer of information in sign messages by providing that:
 - (A) Those signs which provide messages and information most needed and sought by the public are given priorities;
 - (B) Businesses and services may identify themselves;
 - (C) Customers and other persons may locate a business or service;

(D) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and

(E) Person exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

(3) Landscape Quality and Preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:

(A) Do not interfere with scenic views;

(B) Do not create a nuisance to person using the public rights-of-way;

(C) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;

(D) Are not detrimental to land or property values; and areas or districts within the city, helping the observer to understand the city and orient himself within it.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1002)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1003 Definitions

As used in this article, unless the context otherwise indicates:

Building Official shall mean the officer or other person within the City of DeSoto charged with the administration and enforcement of the sign regulations.

Erect shall mean to build, construct, attach, hang place, suspend, or affix, and shall also include the painting of signs on the exterior surface of a building or structure.

Facing or Surface shall mean the surface of the sign, upon, against, or through which the message is displayed or illustrated on the sign.

Gross Surface Area of Sign shall mean the entire area within a single continuous perimeter enclosing the extreme limits of each sign. In the event two (2) or more signs share a single structure, each sign or panel may be considered separately for square footage purposes, provided that each sign or panel has no relationship to the others, except that the combined footage of such signs cannot exceed the total square footage allowed for the sign.

Highway Control Zone shall mean all zoned and unzoned commercial and industrial areas within six hundred sixty feet (660') of the nearest edge of the right-of-way of all portions of the interstate or primary highway systems within the State of Texas as further defined in the Highway Beautification Act.

Illuminated Sign shall mean any sign which has characters, letters, figures, designs, or outline illuminated by electric lights, luminous tubes, or other means.

Incombustible Material shall mean any material which will not ignite at or below a temperature of 1200° Fahrenheit and will not continue to burn or glow at that temperature.

On-Site Directional Sign shall mean a sign designed to direct traffic on premises which does not contain advertising.

Permittee shall mean the person, persons, firm, corporation, or association filing an application for, paying fees, and receiving a sign erection permit.

Person shall mean and include any person, firm, corporation, partnership, association, company, or organization of any kind.

Political Sign shall mean a sign relating to the election of a person to public office, relating to a political party, or relating to a matter to be voted upon at an election called by a public body.

Portable Sign shall mean a freestanding sign, including A-frame signs and sandwich boards, designed and constructed to be easily moved from one location to another frequently, but not necessarily displaying changeable copy. Cigarette signs and gas pricing signs at service stations shall be defined as portable signs.

Sign shall mean and include every sign, name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light, or insignia and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land, which directs attention to an object, product, service, place, activity, person, institution, organization, or business.

Special Purpose Sign shall mean a sign temporarily supplementing the permanent signs on a premise.

Structural Trim shall mean the molding, battens, cappings, nailing strips, laticing and platforms which are attached to the sign structure.

Under Canopy Sign shall mean a sign suspended from a building and which is located under a permanent canopy projecting from a building.

Zoning District Classifications

Residential Districts:

- | | |
|------|--|
| A | Agricultural District |
| SF-E | Single-Family Dwelling District - Estate |
| SF-1 | Single-Family Dwelling District - 1 |

SF-2 Single-Family Dwelling District - 2

SF-3 Single-Family Dwelling District - 3

2F Two-Family Dwelling District

Multi-Family Districts:

SF-A Single-Family Attached Dwelling District

MF-1 Multiple-Family Dwelling District - 1

MF-2 Multiple-Family Dwelling District - 2

MH Mobile Home District

CON Condominium

Business Districts:

P Parking District

O Office District

NS Neighborhood Service District

GR General Retail District

C Commercial District

CC	Central Commercial District
I	Industrial District
IP	Industrial Park District
PD	Planned Development District
FP Prefix	Flood Plain Prefix

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1003)

Mixed Use Districts:

MU-1	Mixed Use-1 District
MU-2	Mixed Use-2 District
MU-R	Mixed Use-R District

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1004 Permit Required

It shall be unlawful for any person to erect, repair, alter, or relocate within the city any sign as defined in this article without first obtaining a sign permit from the building official and making payment of the fee required by [Section 3.1008](#) hereof. All illuminated signs shall, in addition, be subject to the provisions of the electrical code, and the permit fees required hereunder. All signs located within the “Highway Control Zone” shall be subject to the provisions of the Texas Highway Beautification Act- Outdoor Advertising Signs and a Highway Department License shall be required.

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1005 Application for Permit

Application for permits shall be made upon sign permit applications provided by the building official, and shall contain or have attached thereto the following information:

(Ordinance 1874-10 adopted 12/7/10)

- (1) Name, address, and telephone number of the applicant.
- (2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- (3) Two (2) sets of plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks.
- (4) Two (2) blueprints or ink drawings of the plans and specifications showing method of construction, and attachment to the building or ground, size, type, height, construction materials, and such other information as the building official may require.
- (5) Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the city. Plans shall include a registered engineer's seal for roof mounted signs or freestanding signs of fifty (50) square feet or larger and ten (10) feet or more in height.
- (6) Name of person, firm, corporation, or association erecting structure.
- (7) Written consent of the owner of the building, structure, or land to which or on which the structure is to be erected.
- (8) Any electrical permit required and issued for said sign.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1005)

- (9) Insurance policy or bond as required by [Section 3.1017](#). (Ordinance 1874-10 adopted 12/7/10)
- (10) Zoning classification carried by the property.
- (11) Such other information as the building official shall require to show full compliance with this and all other laws and ordinances of the city.
- (12) The building official may require plans to be prepared by a registered professional engineer or architect.
- (13) Highway Department License for all signs located within the "Highway Control Zone." (Texas Highway Beautification Act-Outdoor Advertising Signs)

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1005)

- (14) Signs located in zoning districts mixed use-1 (MU-1), mixed use-2 (MU-2) and mixed use-R (MU-R), as defined and regulated in the adopted city's zoning ordinance, Sections 33A, 33B and 33C respectively, shall provide the location, type, size and look of signs in accordance with this article as part of the Section 33D, Detailed Site Plan of the city's zoning ordinance. (Ordinance 1874-10 adopted 12/7/10)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1006 Illuminated Signs: Approval Required

(a) The application for a permit for erection of a sign in which electrical wiring and connections are to be used shall be submitted to the electrical inspector. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the electrical code of the City of DeSoto. In addition, all illuminated signs shall bear the Underwriters' Laboratory label or be built to comply with Underwriters' requirements. The electrical inspector shall approve said permit if the same plans and specifications comply with these requirements or disapprove the application if noncompliance is found. This said action of the electrical inspector shall be taken prior to submission of the application to the building official for final approval or disapproval of the erection permit.

(b) All electrical service to freestanding signs shall be underground.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1006)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1007 Permit Issued if Application In Order

It shall be the duty of the building official, upon the filing of an application for an erection permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign; and if it shall appear that the proposed structure is in compliance with all the requirements of this article, the building code, and all other laws and ordinances of the City of DeSoto, he shall then issue the erection permit. If the work authorized under an erection permit has not been completed within sixty (60) days after issuance, the said permit shall become null and void.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1007)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1008 Permit Fees

Every applicant, before being granted a permit hereunder, shall pay to the City of DeSoto the appropriate permit fee as set forth in the fee schedule found in the appendix of this code. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1008)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1009 Inspection

The building official shall be notified by the permittee when erection of the sign is complete, and he shall make an inspection to determine if the sign conforms to city ordinances and codes. The building official shall inspect annually, or at such other times as he deems necessary, each sign regulated by this article for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose and whether it is in need of removal or repair. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1009)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1010 Permit Revocable at Any Time

All rights and privileges acquired under the provisions of this article and any ordinance or any amendment thereto are mere licenses revocable at any time by the DeSoto city council, and all such permits shall contain this provision. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1010)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1011 Unsafe and Unlawful Signs

If the building official shall find any sign regulated herein that no longer meets the provisions of this article or any other city codes, is unsafe or insecure, or is a menace to the public, he shall give written notice to the permittee thereof. If the permittee fails to remove or repair the structure within ten (10) days after such notice, such sign may be removed by the building official at the expense of the permittee or owner of the property upon which it is located. The building official shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The building official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1011)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1012 Number, Date and Voltage to be on Sign

Every sign or other advertising structure hereafter erected shall have painted in a conspicuous place thereon, in letters not less than one inch (1") high in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1012)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1013 Maintenance Required

The permittee of any sign as defined in this article shall maintain all parts and support of said sign in good condition to prevent deterioration, oxidation, rust, and other unsightly conditions. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1013)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1014 Wind Pressure and Dead Load Requirements

(a) All signs shall be designed and constructed to withstand a wind pressure of not less than thirty pounds (30#) per square foot of area; and shall be constructed to receive dead loads as required in the building code or other ordinances of the City of DeSoto.

(b) Plans shall be sealed by a registered engineer on all roof mounted signs and on all freestanding signs of fifty (50) square feet or larger and ten (10) feet or more in height.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1014)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1015 Removal of Certain Signs

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification to the owner, agent, or person having the beneficial use of the land, building, or structure from the building official; and, upon failure to comply with such notice within the time specified in such order, the building official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the land, building, or structure to which such sign is attached or upon which it is erected. Any sign located in public right-of-way may be immediately removed by the building inspector without notice to the owner. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1015)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1016 Exemptions

The provisions and regulations of this article shall not apply to the following signs; provided, however, said signs shall not obstruct visibility as determined by the building official and shall be subject to the provisions of Section 3.1011, Unsafe and Unlawful Signs:

(1) Signs not exceeding eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are located only, except in MU-1, MU-2 and MU-R districts.

(2) Signs not exceeding thirty-two (32) square feet which advertise the sale of residential tracts larger than five (5) acres; or commercial tracts which advertise the sale, rental, or lease of the premises upon which said signs are located only, except in MU-1, MU-2 and MU-R districts.

(Ordinance 1874-10 adopted 12/7/10)

(3) Name plates not exceeding one (1) square foot in area. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1016)

(4) Bulletin boards not over twenty-five (25) square feet in area, for public, charitable, or religious institutions when the same are located on the premises of said institutions, except in MU-1, MU-2 and MU-R districts where such signs are prohibited. (Ordinance 1874-10 adopted 12/7/10)

(5) One temporary construction sign denoting the architect, engineer, or contractor when placed upon work under construction, and not exceeding sixteen (16) square feet in area.

(6) Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building and not exceeding two (2) square feet in area.

(7) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

(8) Flags, emblems and insignia of any governmental body, decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such.

(9) On-site directional signs not exceeding two (2) square feet, provided such directional signs do not contain advertising and are not used as such. Placement of such directional signs must have the approval of the building official and conform to visibility standards.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1016)

(10) On-site directional signs in MU-1, MU-2 and MU-R districts may be pole signs, monument signs, or wall-mounted signs, but may not exceed six (6) feet in height, if pole or monument type, and shall not exceed nine (9) square surface feet. Only one directional sign is permitted per MU-1, MU-2 and MU-R building.

- (11) Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such emergency, temporary or nonadvertising signs as may be approved by the city manager, or his authorized representative.

(Ordinance 1874-10 adopted 12/7/10)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1017 Bond Requirements

Every applicant for a permit referred to herein shall, before the permit is granted, file with the building official, a continuing bond in the penal sum of five thousand dollars (\$5,000.00), executed by the applicant and an approved surety company, and conditioned for the faithful observance of the provisions of this article, and all amendments thereto, and of all laws and ordinances relating to signs which shall indemnify and save harmless the City of DeSoto from any and all damages, judgments, costs or expenses which the said city may incur or suffer by reason of the granting of said permit. A liability insurance policy issued by an approved insurance company authorized to do business in the State of Texas conforming to this subsection may be permitted in lieu of a bond. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1017)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1018 Obstructions to Doors, Windows or Fire Escapes

No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1018)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1019 Signs not to Constitute Traffic Hazard

In order to obtain and secure reasonable traffic safety, it shall be unlawful for any person to erect or maintain any fluttering, undulating, swinging, rotating, or otherwise moving sign, or any flashing sign. No sign shall be erected or maintained in such a manner as to obstruct free and clear vision; or at any location where by reason of position, shape, color, degree, manner, or intensity of illumination, it may interfere with vehicular or pedestrian traffic. Pursuant to the foregoing, no sign shall be erected or maintained in such manner as to be likely to interfere with, obstruct the view of or be confused with any authorized traffic sign, signal, or device. Accordingly, no sign shall make use of the words, "stop", "go", "look", "slow", "danger", or any other similar word, phrase, symbol, or character or employ any red, yellow, orange, green, or other colored lamp or light in such a manner as to interfere

with, mislead, or confuse traffic. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1019)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1020 Lighting

Goose neck reflectors and lights shall be permitted on ground signs and wall signs; provided, however, the reflectors shall be provided with proper shielding or lenses to concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. Any spotlight or other illumination of a sign shall be so directed or shielded that the light source is not directly visible from any street, sidewalk, or adjacent property. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1020)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1021 Prohibited Signs

(a) It shall be unlawful for any person to display upon any sign any obscene, indecent, or immoral matter. (Ordinance 1998-14 adopted 10/7/14)

(b) No persons shall erect, maintain, or permit the erection of any balloon or other floating device anchored to the ground or to any structure.

(c) No person shall attach any sign, paper, or other material or paint, stencil, or write any name, number (except house numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure unless authorized by this article or by the city council or its delegated representative.

(d) No sign shall be illuminated to an intensity greater than two hundred (200) footlamberts. The restrictions of luminance in this subsection shall be determined from any other premises or from any public right-of-way other than an alley.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1021)

(e) Beacons, revolving or similarly constructed signs shall not be allowed. Electronic message centers, intermittently lighted, are allowed. (Ordinance 1998-14 adopted 10/7/14)

(f) No person shall place on, or suspend from any building, pole, structure, sidewalk, parkway, driveway, or parking area, any goods, wares, merchandise, or other advertising object or structure for the purpose of advertising such items, other than a sign as defined, regulated, and prescribed in this article except as otherwise allowed by ordinance. Items normally placed on service station pump islands shall not be prohibited by this subsection.

(g) No cloth, paper, banner, flag, device, or other similar advertising matter shall be permitted to be attached, suspended from or allowed to hang loose from any sign, building or structure, except as allowed by other provisions of this article. Such advertising matter shall be a violation of this section and shall be removed immediately upon notice by the building official.

(h) No portion of any sign all be erected upon or over public property unless authorized by the city council and under such terms and conditions that the city may impose.

(i) No advertising sign of any type shall be erected within fifty feet (50') of an adjoining residential district except by special permit of the city council, subject to appropriate conditions and safeguards.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1021)

(j) No sign shall be allowed unless it is permanently affixed to the premises except as allowed under [Section 3.1022](#), Permitted Signs. (Ordinance 1874-10 adopted 12/7/10)

(k) No temporary directional signs for the exclusive purpose of directing traffic to residential sections of the city shall be erected.

(l) No signs attached to a motorized vehicle, where the primary use of such vehicle is for sign purposes will be permitted. Signs attached to or upon any motorized vehicle shall be prohibited where-any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of using the vehicle and signs for the purpose of advertising. Vehicles operating under a city franchise shall be excluded from this provision. This provision does not restrict the identification signing on vehicles used for delivery service, interstate commerce, or any bona fide transportation activity.

(m) Any sign constructed of or containing material capable of reflecting light, images, or sound waves; producing glare or mirrored images, is strictly prohibited.

(n) No banners or flags shall be allowed except as permitted under [Section 3.1022](#), Permitted Signs.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1021)

(o) Billboard signs, portable signs, signs with exposed neon, border lighting, including neon and LED border tube and pole signs are prohibited within the MU-1, MU-2 and MU-R districts.

(p) Signs containing the use of fluorescent paint and fluorescent colors are prohibited within MU-1, MU-2 and MU-R districts.

(Ordinance 1874-10 adopted 12/7/10)

(q) Signs described in [Section 3.1023](#), off-premises pole [detached] signs, are prohibited within MU-1, MU-2 and MU-R districts. (Ordinance 1998-14 adopted 10/7/14)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1022 Permitted Signs

Signs advertising each legally zoned activity within any district shall be allowed subject to the following conditions and regulations:

- (1) Signs shall pertain only to the identification of a building, business, or products and services manufactured, sold, or offered on the premises where the sign is located, except as otherwise provided.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1022)

- (2) Except as otherwise provided, all signs shall conform to the following requirements relative to type of sign allowed, maximum area, surfaces, heights, location, setback, and other provisions as set forth below by zoning district:

(A) Residential Districts (A, SF-E, SF-1, SF-2, SF-3, and 2F). No signs shall be permitted in residential districts except:

- (i) Those allowed under [Section 3.1016](#), exemptions.
- (ii) Such temporary signs that may be allowed by [Section 3.1024](#), temporary signs.

(B) Nonresidential Uses (church, school or park) located in Residential Districts (A, SF-E, SF-1, SF-2, SF-3 and 2F). No signs shall be permitted in those areas except:

- (i) Those allowed under [Section 3.1016](#), exemptions.
- (ii) One attached or detached sign subject to the following restrictions:
 - (aa) Construction design and material shall match main building.
 - (bb) Entire sign must be located inside private property.
- (iii) Such temporary signs that may be allowed by [Section 3.1024](#), temporary signs.
- (iv) As a condition of release of a new certificate of occupancy, existing pole signs are required to be removed and replaced with freestanding monument signs; all new freestanding identification signage associated with a new certificate of occupancy shall be a freestanding monument sign. Freestanding monument signs shall be subject to the following restrictions:
 - (aa) A freestanding monument sign is a sign that is permanently attached to the ground and is the same width and solid from the ground up. Any pole(s) or supports shall be concealed. The monument base shall be made of stone, concrete, metal, or similar materials. The advertising section of the monument sign may be a metal sign cabinet with plastic

faces, individual letters, cast stone, metal, composite panels or similar material. Fabric faces are prohibited.

(bb) Signs may be internally illuminated, halo lit, with reverse channel letter, down or uplighted.

(cc) One (1) sign per building site shall be allowed within the development, or one (1) sign per four hundred fifty (450) lineal feet along frontage street, as long as it does not conflict with other provisions of this article. Where more than one (1) sign is allowed, there shall be a minimum of one hundred feet (100') between signs.

(dd) Size regulations shall be: one square foot (1') per one and one-half (1-1/2) lineal feet of property frontage up to a maximum of fifty square feet (50'), located five feet (5') from the property line; and up to a maximum of seventy square feet (70'), located fifteen feet (15') from the property line. Minimum size shall be twenty-five square feet (25'). Maximum height shall be seven feet (7') in overall height from grade.

(ee) Both sides of a two-sided monument sign shall be identical in design and content.

(ff) There shall be only one (1) monument sign per main entrance to the project.

(gg) Monument signs shall not exceed ten feet (10') in overall height from grade for a multi-tenant monument sign for larger properties at the main entrance.

(hh) No guys, braces, attachments, banners, flags, or similar devices shall be attached to any sign.

(ii) Electronic message centers shall be allowed in accordance with this article.

(C) Multiple-Family Districts (SF-A, MF-1, MF-2, and MH). No signs shall be permitted in these areas except:

(i) Those allowed under [Section 3.1016](#), exemptions.

(Ordinance 1998-14 adopted 10/7/14)

(ii) Such temporary signs that may be allowed by [Section 3.1024](#), Temporary Signs.

(iii) One sign per street front subject to the following instructions:

(aa) Sign may be attached to the building or set back one-half (1/2) the distance from the building line to the property line.

(bb) Sign shall not exceed forty (40) square feet.

- (cc) Height shall not exceed twelve (12) feet.
- (dd) Construction design and material shall match main building.
- (ee) Entire sign must be located inside private property.
- (ff) Such sign shall not constitute a visual hazard as determined by the building official.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1022)

(iv) As a condition of release of a new certificate of occupancy, existing pole signs are required to be removed and replaced with freestanding monument signs; all new freestanding identification signage associated with a new certificate of occupancy shall be a freestanding monument sign. Freestanding monument signs shall be subject to the following restrictions:

(aa) A freestanding monument sign is a sign that is permanently attached to the ground and is the same width and solid from the ground up. Any pole(s) or supports shall be concealed. The monument base shall be made of stone, concrete, metal, or similar materials. The advertising section of the monument sign may be a metal sign cabinet with plastic faces, individual letters, cast stone, metal, composite panels or similar material. Fabric faces are prohibited.

(bb) Signs may be internally illuminated, halo lit, with reverse channel letter, down or uplighted.

(cc) One (1) sign per building site shall be allowed within the development, or one (1) sign per four hundred fifty (450) lineal feet along frontage along street, as long as it does not conflict with other provisions of this article. Where more than one (1) sign is allowed, there shall be a minimum of one hundred feet (100') between signs.

(dd) Size regulations shall be: One square foot (1') per one and one-half (1-1/2) lineal feet of property frontage up to a maximum [fifty] square feet (50'), located five feet (5') from the property line; and up to a maximum of seventy square feet (70'), located fifteen feet (15') from the property line. Minimum size shall be twenty-five square feet (25'). Maximum height shall be seven feet (7') in overall height from grade.

(ee) Both sides of a two-sided monument sign shall be identical in design and content.

(ff) There shall be only one monument sign per main entrance to the project.

(gg) Monument signs shall not exceed ten feet (10') in overall height from grade for a multi-tenant monument sign for larger properties at the main entrance.

(hh) No guys, braces, attachments, banners, flags, or similar devices shall be attached to any sign.

(ii) Electronic message centers shall be allowed in accordance with this article.

(D) Business Districts (P, O, NS, GR, C, CC, and IP). No signs shall be permitted in the business district except:

(i) Those allowed under [Section 3.1016](#), exemptions.

(Ordinance 1998-14 adopted 10/7/14)

(ii) Such temporary signs that may be allowed by Section 3.1024, Temporary Signs.

(iii) Attached signs subject to the following restrictions:

(aa) Maximum size of sign shall be forty (40) square feet or the product of two (2) times the lineal footage of the building or store frontage for which such sign is intended, whichever is greater.

(bb) An attached sign located at a height of twenty-four (24) feet or less shall have a maximum vertical height of four (4) feet.

(cc) An attached sign located at a height above twenty-four (24) feet shall have a maximum vertical height of six (6) feet.

(dd) Sign(s) shall not exceed seventy-five (75) percent of the width of such building or store frontage.

(ee) Height shall not exceed the roof line or top of parapet wall and shall provided a minimum of ten (10) feet of vertical clearance from sidewalk or ground level.

EXCEPTION: On all buildings constructed prior to the effective date of this article, which have no appropriate surfaces on which to erect a sign in conformance to this paragraph, signs may be allowed to project above the roof line to a maximum of four (4) feet.

(ff) Such sign shall not project over eighteen (18) inches from face of building.

(gg) Attached signs shall be designed to transmit all dead and live loads throughout the structural frame of a building in such a manner as not to overstress any building element.

(iv) Under Canopy Signs subject to the following restrictions:

(aa) Maximum size of sign shall be two (2) square feet.

- (bb) Bottom of sign must be a minimum of nine (9) feet above walkway.
- (v) Freestanding Identification Signs subject to the following restrictions:
- (aa) One (1) sign per building site shall be allowed, or one (1) sign per four hundred-fifty (450) lineal feet of frontage along street. Where more than one (1) sign is allowed, there shall be a minimum of one hundred (100) feet between signs.
- (bb) Size regulations shall be: One (1) square foot per one and one-half (1-1/2) lineal feet of property frontage up to a maximum of one hundred-twenty (120) square feet. Minimum size shall be twenty-five (25) square feet.
- (cc) A freestanding identification sign with an effective area of fifty (50) feet or less may be located as near as five (5) feet to the public right-of-way or at the building line if this requires a lesser setback provided that said sign is a premises or directional sign, does not exceed twenty (20) feet in height, and does not occupy the space between two (2) feet and ten (10) feet above grade within fifteen (15) feet of the public right-of-way except for supports, which may not exceed a total cross section area of two (2) square feet.
- (dd) A Freestanding Identification Sign with an effective area of one hundred twenty (120) square feet or less may be located as near as fifteen feet (15') to the right-of-way provided that said sign is a premises or directional sign, and does not exceed thirty feet (30') in height.
- (ee) Any projecting or overhanging portion of sign must be a minimum of ten feet (10') above any walkway and fourteen feet (14') above driveways. Such sign(s) shall be located a minimum of thirty feet (30') from adjoining private property lines.
- (ff) Along major thoroughfares, minimum height of letters shall be six inches (6").
- (gg) Signs shall be constructed of materials that are noncombustible or slow burning.
- (hh) Sign supports in contact with the ground shall be pressure treated wood, protected steel or concrete.
- (ii) No advertising matter shall be displayed on or attached to any freestanding sign. No guys, braces, attachments, banners, flags, or similar devices shall be attached to any sign.
- (jj) Such signs shall be protected by wheel or bumper guards when required by the building official.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1022)

(vi) As a condition of release of a new certificate of occupancy, existing pole signs are required to be removed and replaced with freestanding monument signs; all new freestanding identification signage associated with a new certificate of occupancy shall be a freestanding monument sign. Freestanding monument signs shall be subject to the following restrictions:

(aa) A freestanding monument sign is a sign that is permanently attached to the ground and is the same width and solid from the ground up. Any pole(s) or supports shall be concealed. The monument base shall be made of stone, concrete, metal, or similar materials. The advertising section of the monument sign may be a metal sign cabinet with plastic faces, individual letters, cast stone, metal, composite panels or similar material. Fabric faces are prohibited.

(bb) Signs may be internally illuminated, halo lit, with reverse channel letter, down or uplighted.

(cc) One (1) sign per building site shall be allowed within the development, or one (1) sign per four hundred fifty (450) lineal feet along frontage along street, as long as it does not conflict with other provisions of this article. Where more than one (1) sign is allowed, there shall be a minimum of one hundred feet (100') between signs.

(dd) Size regulations shall be: one square foot (1') per one and one-half (1-1/2) lineal feet of property frontage up to a maximum [fifty] square feet (50'), located five feet (5') from the property line; and up to a maximum of seventy square feet (70'), located fifteen feet (15') from the property line. Minimum size shall be twenty-five square feet (25'). Maximum height shall be seven feet (7') in overall height from grade.

(ee) Both sides of a two-sided monument sign shall be identical in design and content.

(ff) There shall be only one (1) monument sign per main entrance to the project.

(gg) Monument signs shall not exceed ten feet (10') in overall height from grade for a multi-tenant monument sign for larger properties at the main entrance.

(hh) No guys, braces, attachments, banners, flags, or similar devices shall be attached to any sign.

(ii) Electronic message centers shall be allowed in accordance with this article.

(vii) Temporary promotional advertising banners, flags, or pennants promoting a grand opening of a retail or commercial establishment or center with a maximum single use period of fifteen (15) days with a minimum period

between permits of sixty (60) days and a maximum numbers of one (1) permit per year for each business.

(viii) Portable signs subject to the following regulations:

(aa) Prior to the use or placement of any portable sign, a permit must be obtained from the city manager or his designee.

(Ordinance 1998-14 adopted 10/7/14)

(bb) A maximum of two (2) portable sign permits per year may be issued for each business address.

(cc) No permit for the same business location shall be issued until a minimum of fifteen (15) days has elapsed since the previous permit expired. Said portable sign shall be physically removed from the referenced location upon expiration of the permit. A business location shall be defined as a shopping center or collection of businesses located upon one site or one platted tract of property.

(dd) Portable sign permits may be issued for a maximum of fifteen (15) days. Said portable sign shall be physically removed from the referenced location upon expiration of the permit.

(ee) There shall be a minimum distance of two hundred (200) feet between portable signs; measured along the street right-of-way. Each side of the street shall be counted separately.

(ff) Portable signs shall not exceed thirty-two (32) square feet in size.

(gg) Portable signs shall be set back a minimum of fifteen (15) feet from the curb or edge of pavement completely out of the city right-of-way.

(hh) Portable signs shall be set back a minimum of thirty (30) feet from side property lines. Further, said portable signs shall not be located within the intersection visibility triangle area and shall not obstruct visibility of motorists or pedestrians.

(ii) The owner of such portable sign shall be responsible for obtaining a sign permit, as required herein, and shall be responsible for any violations of this subsection. Upon obtaining a sign permit, the owner of the sign shall sign a statement identifying and holding the city harmless of any damages which may result from the placement of said sign; and such statement shall further give the city the right to impound such sign should it be placed in violation of these sign regulations.

(jj) Portable signs shall permanently display on the sign, in easily readable form, the name, address, city, zip code and telephone number of said sign.

(kk) Portable signs may be internally or indirectly lighted; however, such light or lights shall not be a flashing intermittent, moving or similarly lighted type. Any sign constructed of or containing material capable of reflecting light, images or sound waves; producing glare or mirrored images shall not be permitted.

(ll) Impoundment - the owner or occupant of any property upon which there is located a portable sign in violation of this subsection or the owner or lessee of any portable sign which is in violation of this subsection as herein defined shall be given notice by the code enforcement department, stating the nature of the violation and ordering that the violation be corrected or removed from said property within seventy-two (72) hours.

(mm) Notice by the code enforcement department of violation of this subsection shall be given by one of the following methods:

- The sign permit shall show the expiration date of the portable sign permit, or
- A notice shall be attached to the sign in violation of this subsection, or
- Verbal notification by telephone or in person shall be given to the owner or occupant of the property upon which there is located a portable sign in violation of this subsection, or the owner or lessee of the portable sign in violation of this subsection by code enforcement department of the City of DeSoto, or
- Written notice by the code enforcement department to the permittee.

(nn) If the owner, lessor, lessee, or the representative of the lessor of the portable sign fails to remove such sign within seventy-two (72) hours of the notification from the code enforcement department of the city, the portable sign may be removed by the city at the expense of the sign owner or the person erecting, leasing, using, or maintaining it.

(oo) Any portable sign so removed shall be subject to a fee of fifty dollars (\$50.00) for hauling the sign to the city storage area; plus a ten dollar (\$10.00) per day storage fee for each day the sign is stored by the city.

(pp) Any portable sign so removed from public or private property shall be stored or impounded by the city until all applicable charges have been paid, or until thirty (30) days have passed.

(qq) If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage costs are not paid within such thirty (30) day period, the city may destroy, sell, or otherwise dispose of the sign.

(rr) In calculating the length of the storage period and the storage fee, the first working day after the date of the impoundment shall be

considered day number one; thereafter, all days including weekends and holidays shall be counted.

(ss) The code enforcement department or any duly authorized agent may enter upon private property which is accessible to the public for the purposes specified in this subsection to examine signs or their location, obtain information as to the ownership of such signs and to remove or cause the removal of a sign declared to be a nuisance pursuant to this subsection

(tt) If the city determines that the owner or occupant of the property upon which there is located a portable sign in violation of this subsection, or if the owner or lessee of the portable sign in violation of this subsection has had three (3) sign violations without reasonable cause, the city shall withhold issuing further sign permits to such property owner, lessee, sign owner or sign lessee.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1022)

(ix) Such signs that may be allowed by [Section 3.1023](#), off-premises detached signs.

(E) Commercial and Industrial Districts (I and C) Freeway Frontage. On-premises pole signs are allowed adjacent to the I-35E corridor, for a maximum distance of five hundred feet (500') west from the I-35E rights-of-way along Daniieldale Rd., Centre Park Blvd., Wintergreen Rd., Pleasant Run Rd., Belt Line Rd. and Parkerville Rd. and shall be subject to the regulations of the Texas Highway Beautification Act- Outdoor Advertising Signs and this code.

(i) On-premises pole signs shall be subject to the following restrictions:

(aa) One (1) sign per building site shall be allowed, or one (1) sign per four hundred fifty (450) lineal feet of frontage along freeway. No on-premises pole sign shall exceed three hundred square feet (300') in effective area, except where more than one (1) sign would be allowed, the signs may be consolidated into one (1) sign with an increased area up to a maximum of six hundred square (600') feet.

(bb) Size regulations shall be: one (1) square foot per one and one-half (1/2) lineal foot of frontage.

(cc) An on-premises pole sign shall not exceed forty feet (40') in height, or to a point thirty feet (30') above the travel surface of the adjacent freeway and frontage road, whichever is higher, provided that the total height of sign does not exceed fifty feet (50').

(dd) An on-premises pole sign with an effective area of fifty square feet (50') or less may be located as near as five feet (5') to the public right-of-way or at the building line if this requires a lesser setback, provided that said sign is a premises or directional sign, does not exceed twenty feet

(20') in height, and does not occupy the space between two feet (2') and ten feet (10') above grade within fifteen feet (15') of the public right-of-way except for supports, which may not exceed a total cross-sectional area of two square feet (2').

(ee) An on-premises pole sign with an effective area of one hundred fifty square feet (150') or less may be located as near as fifteen feet (15') to the right-of-way, provided that said sign is a premises or directional sign, and does not exceed thirty feet (30') in height.

(ff) An on-premises pole sign with an effective area of six hundred square feet (600') or less may be located as near as twenty-five feet (25') to the right-of-way or as near as the building setback line specified by the comprehensive zoning ordinance, whichever is further, provided that it does not exceed a height of forty feet (40').

(gg) Where an off-premises pole sign is wholly within one hundred feet (100') of a freeway right-of-way, and is oriented to be visible from that freeway, the height of all characters shall be either greater than eighteen inches (18") or less than one inch (1").

(ii) Such signs that may be allowed by [Section 3.1023](#), off-premises pole [detached] signs.

(F) Office and Planned Development Districts (O-1 and PD-125) Freeway Frontage. On-premises pole signs are allowed adjacent to the Hwy. 67 corridor, for a maximum distance of five hundred feet (500') east from the Hwy. 67 rights-of-way and shall be subject to the regulations of this code.

(i) On-premises pole signs shall be subject to the following restrictions:

(aa) One (1) sign per building site shall be allowed, or one (1) sign per four hundred fifty (450) lineal feet of frontage along freeway. No on-premises pole sign shall exceed three hundred square feet (300') in effective area, except where more than one (1) sign would be allowed, the signs may be consolidated into one (1) sign with an increased area up to a maximum of six hundred square (600') feet.

(bb) Size regulations shall be: one (1) square foot per one and one-half (1/2) lineal foot of frontage.

(cc) An on-premises pole sign shall not exceed forty feet (40') in height, or to a point thirty feet (30') above the travel surface of the adjacent freeway and frontage road, whichever is higher, provided that the total height of sign does not exceed fifty feet (50').

(dd) An on-premises pole sign with an effective area of fifty square feet (50') or less may be located as near as five feet (5') to the public right-of-way or at the building line if this requires a lesser setback, provided that said sign is a premises or directional sign, does not exceed twenty feet

(20') in height, and does not occupy the space between two feet (2') and ten feet (10') above grade within fifteen feet (15') of the public right-of-way except for supports, which may not exceed a total cross-sectional area of two square feet (2').

(ee) An on-premises pole sign with an effective area of one hundred fifty square feet (150') or less may be located as near as fifteen feet (15') to the right-of-way, provided that said sign is a premises or directional sign, and does not exceed thirty feet (30') in height.

(ff) An on-premises pole sign with an effective area of six hundred square feet (600') or less may be located as near as twenty-five feet (25') to the right-of-way or as near as the building setback line specified by the comprehensive zoning ordinance, whichever is further, provided that it does not exceed a height of forty feet (40').

(gg) Where an off-premises pole sign is wholly within one hundred feet (100') of a freeway right-of-way, and is oriented to be visible from that freeway, the height of all characters shall be either greater than eighteen inches (18") or less than one inch (1").

(ii) Such signs that may be allowed by [Section 3.1023](#), off-premises pole [detached] signs.

(G) Mixed Use Districts (MU-1, MU-2, and MU-R). No signs shall be permitted in mixed use districts except:

(i) Those allowed under [Section 3.1016](#), exemptions.

(Ordinance 1998-14 adopted 10/7/14)

(ii) Such temporary signs that may be allowed by [Section 3.1024](#), Temporary Signs.

(iii) When possible, signs along a block face should be located at approximately the same height to create a unifying, horizontal pattern. Signs shall not project above the rooflines.

(iv) Letters and graphics are permitted on awnings and canopies provided that they do not exceed ten inches in individual letter height. The letters and graphics must relate to the use or business on which they are displayed.

(v) Signs must be located outside of city rights-of-way and not be in conflict with other provisions of this article.

(vi) Signs shall not constitute a visual hazard as determined by local ordinance.

(vii) Attached wall signs shall be subject to the following restrictions:

- (aa) For nonresidential uses - a total of one hundred (100) square feet of signage per facade per business or two square feet of wall sign for every linear foot of architectural elevation width of building front, per business, whichever is less. Only one wall sign is permitted per business, except for a business at a corner, which is allowed to have one sign on the front elevation and one on the exterior side elevation.
- (bb) An attached sign located at a height of twenty-four (24) feet or less shall have a maximum vertical height of four (4) feet.
- (cc) An attached sign located at a height above twenty-four (24) feet shall have a maximum vertical height of six (6) feet.
- (dd) Sign(s) shall not exceed seventy-five (75) percent of the width of such building or store frontage.
- (ee) Height shall not exceed the roofline or top of parapet wall and shall provide a minimum of ten (10) feet of vertical clearance from sidewalk or ground level.
- (ff) For residential uses, attached or wall signs are limited to promoting the name of the complex and shall not exceed a total of 100 square feet per facade.
- (gg) Shall not extend from the building surface more than twelve (12) inches.
- (hh) Individual letters may make up the sign.
- (viii) Projection signs shall be subject to the following restrictions:
 - (aa) Projection signs shall be located on the first story of the building.
 - (bb) They shall not extend more than 4 feet from the building facade.
 - (cc) All projecting signs shall be mounted and hung at a 90-degree angle from the building facade.
 - (dd) Projection signs shall provide a minimum of 10 feet of clearance above walking surface.
- (ix) Only one wall sign or one projection sign is permitted per business per facade and may be internally illuminated, halo lit, with reverse channel letter.
- (x) Banner signs shall be subject to the following restrictions:
 - (aa) Banner signs are permitted on light poles within the city's right-of-way and will be maintained and displayed by the city.
 - (bb) Banner signs within mixed use districts are permitted on poles or light poles but must be for graphics, art or promoting public events.

- (cc) Banner signs shall not be used to advertise and are subject to approval by the city.
- (dd) Banner signs shall not exceed 12 square feet.
- (ee) Banner signs shall not exceed 3 feet in width.
- (xi) Directory signs shall be subject to the following restrictions:
 - (aa) Directory signs are signs that are attached to walls that list tenants in a building and do not advertise.
 - (bb) One directory sign is permitted per building entrance and shall be located at a building entrance.
 - (cc) Shall not exceed 8 square feet.

(Ordinance 1874-10 adopted 12/7/10)

(xii) As a condition of release of a new certificate of occupancy, existing pole signs are required to be removed and replaced with freestanding monument signs; all new freestanding identification signage associated with a new certificate of occupancy shall be a freestanding monument sign. Freestanding monument signs shall be subject to the following restrictions:

(aa) A freestanding monument sign is a sign that is permanently attached to the ground and is the same width and solid from the ground up. Any pole(s) or supports shall be concealed. The monument base shall be made of stone, concrete, metal, or similar materials. The advertising section of the monument sign may be a metal sign cabinet with plastic faces, individual letters, cast stone, metal, composite panels or similar material. Fabric faces are prohibited.

(Ordinance 1998-14 adopted 10/7/14)

- (bb) Signs may be internally illuminated, halo lit, with reverse channel letter, down or uplighted.
- (cc) One (1) sign per building site shall be allowed within the development, or one (1) sign per four hundred fifty (450) lineal feet along frontage along street, as long as it does not conflict with other provisions of this article. Where more than one (1) sign is allowed, there shall be a minimum of one hundred (100) feet between signs.

(Ordinance 1874-10 adopted 12/7/10)

(dd) For Mixed Use Districts MU-1 and MU-2. Size regulations shall be: one square foot (1') per one and one-half (1-1/2) lineal feet of property frontage (for signs along street) or building frontage (for signs within the development) up to a maximum of fifty square feet (50'), located five feet (5') from the property line; and up to a maximum of seventy square feet

(70'), located fifteen feet (15') from the property line. Minimum size shall be twenty-five square feet (25').

(ee) Mixed Use District MU-R. Size regulations shall be: one square foot (1') per one and one-half (1-1/2) lineal feet of property frontage up to a maximum of fifty square feet (50'), located a minimum five feet (5') from the property line. Minimum size shall be twenty-five square feet (25'), located a minimum of five feet (5') from the property line.

(ff) Both sides of a two-sided monument sign shall be identical in design and content.

(gg) There shall be only one monument sign per main entrance to the project.

(hh) Monument signs shall not exceed ten feet (10') in overall height from grade, a maximum size of one hundred fifty square feet (150') and a minimum size of twenty-five square feet (25') for a multi-tenant monument sign for larger properties at the main entrance.

(Ordinance 1998-14 adopted 10/7/14)

(ii) No guys, braces, attachments, banners, flags, or similar devices shall be attached to any sign.

(jj) Electronic message centers shall be allowed in accordance with this article.

(Ordinance 1874-10 adopted 12/7/10)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1023 Off-Premises Detached Signs

(a) Class 1 (Billboards). Off-premises pole signs with a maximum area of each face of three hundred (300) square feet.

(b) Class 2 (Mini-Billboards). Off-premises pole signs with a maximum area of each face of one hundred (100) square feet.

(Ordinance 1998-14 adopted 10/7/14)

(1) Location:

Class 1 signs may be located in the commercial, industrial and industrial park districts (C, I and IP) Freeway Frontage Only. Freeway Frontage shall be described as being within one hundred (100) feet of the freeway right-of-way.

Class 2 signs may be located in the parking, office, neighborhood services, agriculture, general retail, commercial, industrial and industrial park districts outside the area bounded by Westmoreland Road, Wintergreen Road, Parkerville Road and a north/south line located two thousand (2,000) feet west of the Interstate Highway 35 right-of-way. All Off-Premises Signs shall be located a minimum of two hundred fifty (250) feet from any residential zoned area or two hundred fifty (250) feet from a residence in agriculture zones.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1023)

- (2) All off-premises signs shall be subject to the following stipulations:
- (A) Class 1 signs shall have a minimum front setback of twenty-five (25) feet from the right-of-way, or at the building setback line specified by the comprehensive zoning ordinance, whichever is further.
 - (B) Class 2 signs shall have a minimum front setback of fifteen feet (15') from all street right-of-way.
 - (C) All off-premises pole signs shall be located a minimum of thirty feet (30') from a side or rear property line.
 - (D) All off-premises pole signs shall provide a minimum distance of one thousand feet (1,000') between all detached advertising signs measured along the street right-of-way.

(Ordinance 1998-14 adopted 10/7/14)

- (E) Class 1 Signs shall be located a minimum of five hundred (500) feet from major intersections, and two hundred fifty (250) feet from any other intersection.
- (F) Class 2 Signs shall be located a minimum of two hundred fifty (250) feet from major intersections and one hundred (100) feet from any other intersection.
- (G) Class 1 Signs shall not exceed forty (40) feet in height.
- (H) Class 2 Signs shall not exceed fifteen (15) feet in height.
- (I) Class 1 Signs shall have a minimum character height of eighteen (18) inches.
- (J) Signs shall be limited to advertising only specific businesses and business locations and shall not be utilized for product or brand advertising not associated with such business or business location.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1023)

- (K) All off-premises pole signs shall be located only on those streets designated as major thoroughfares in the city's major thoroughfare plan and along Freeway Frontage. (Ordinance 1998-14 adopted 10/7/14)

(L) Spacing and location restrictions shall be maintained. Each side of the street shall be counted separately. Existing non-conforming signs shall be counted, as well as new signs.

(M) Signs shall be of all metal construction.

(N) Class 2 Signs shall not be illuminated.

(O) Sign facings may be removed, replaced, or painted; but, any sign which does not display a message during a one hundred eighty (180) day period will be considered abandoned and may be removed by the city.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1023)

(P) Applications for off-premises pole sign permits shall be accompanied by a copy of the lease agreement or a letter of authorization from the owner of the property on which the sign is to be located.

(Q) Off-premises pole sign applications must include a copy of lease agreement or agreement between property owner and sign owner that states "off-premises signs shall be removed upon development of the tract or site upon which it is located."

(R) Class 1 and class 2 off-premises signs shall not be permitted upon any developed site. All off-premises signage shall be removed when a tract or site is developed.

(S) No partial, incomplete, or defaced advertising shall be permitted.

(Ordinance 1998-14 adopted 10/7/14)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1024 Temporary Signs

(a) Temporary subdivision development signs and for sale or lease signs may be erected upon approval of the city manager provided such sign(s) relate only to the property on which they are located. No such sign(s) shall be erected unless a permit has been secured.

(1) Such temporary signs shall not exceed ninety-six (96) square feet in surface area.

(2) Such temporary signs shall not exceed fifteen (15) feet in height.

(3) Not more than one (1) such sign shall be erected for each thirty (30) acres in the area under current development.

(4) Placement of such signs shall be subject to approval of the building official and shall not constitute a visibility hazard.

(5) Such temporary signs shall be removed when ninety-five (95) percent of the available lots have been sold to owner/occupants.

(b) Temporary signs advertising occasional sales (including garage sales, patio and porch sales) shall be limited to one (1) sign not to exceed two (2) square feet placed upon the property where the sale is conducted. Any other signs at any location remote from the sale property are illegal. Permit for such sign shall not be required when an occasional sale permit has been secured.

(c) Temporary signs for the purpose of advertising civic, nonprofit, or philanthropic organization activities may be erected within the City of DeSoto within the following guidelines:

(1) Each organization shall register with building inspection department prior to the erection of any such sign.

(2) The maximum size sign shall be six (6) square feet.

(3) Each sign shall be located on private property.

(4) Such signs shall be erected for a maximum of seven (7) days.

(5) A maximum of six (6) signs may be permitted during each seven-day period.

(6) Each sign shall be self-supporting and shall not be attached to fences, posts, utilities, trees, etc.

(7) No sign shall be erected or maintained in such a manner as to obstruct free and clear vision.

(8) It shall be the responsibility of the organization who registers the signs to remove them promptly at the end of the seven-day period.

(d) Temporary portable signs for public, religious, school or charitable institutions may be permitted when such sign is located on the premises of said institution and subject to the following restrictions:

(1) No such sign shall be erected unless a permit therefore is first procured from the city manager or his designee.

(2) No permit fee is required for temporary signs under this section for public, religious, school or charitable institutions.

(3) Sign shall not exceed thirty-two (32) square feet in size.

(4) Sign permit may be issued for a maximum of fifteen (15) days. No permit for the same locations shall be issued until a minimum of fifteen (15) days has elapsed since the previous permit expired. Said portable sign shall be physically removed from the referenced location upon expiration of the permit.

(5) Such signs shall be set back a minimum of fifteen (15) feet from the curb or edge of pavement, completely out of city right-of-way. Further, said sign shall not be located

within the intersection visibility triangle area and shall not obstruct visibility of motorists or pedestrians.

(6) Such signs may be internally or indirectly lighted; however, such light or lights shall not be of a flashing, intermittent moving or similarly lighted type. Any such sign located within a residentially zones district shall not be lighted.

(e) Temporary home builder directional signs, for the purpose of providing traffic directions to new residential development in DeSoto only, located off the premises being advertised is allowed subject to the following restrictions:

(1) No such signs shall exceed six (6') square feet in area and thirty-six (36") inches in height.

(2) Not more than one such sign for every five hundred (500') feet along street frontage is allowed for each builder. Not more than ten (10) different builder directional signs shall be allowed at any one location, premise or lot.

(3) No such sign shall be erected in any street median.

(4) Such signs may be placed on public right-of-way, no closer than three (3') feet from the curb or edge of pavement. Signs placed in front of or along the side of an occupied residence require consent of the property owner prior to posting.

(5) No such signs may be erected in excess of a three (3) mile radius of the project or development to which such signs are directing traffic.

(6) No such sign shall be placed closer than forty-five (45') feet to any street intersection.

(7) Such signs shall be freestanding; and shall not distract traffic or create a traffic hazard. Balloons or streamers are prohibited.

(8) Such signs shall be kept well painted and in good condition and may be utilized only from Friday at 12:00 noon Central Standard Time until the following Monday at 12:00 noon Central Standard Time. No such signs shall be posted earlier than 12:00 noon Central Standard Time on Friday and such signs shall be removed no later than 12:00 noon Central Standard Time on the following Monday. If either Friday or Monday is either the July 4th, Labor Day or Memorial Day holiday, the permitted hour shall be extended to include any such holiday.

(9) No such sign shall be erected unless a permit therefore is first obtained from the city manager or designee. The application for a permit shall be accompanied by a nonrefundable permit fee in an amount established by a resolution of the city council. The permit is valid for one year or until December 31 of the year of issuance whichever occurs first. After issuance of the permit, the applicant will be furnished gummed permit labels to affix to the front or face of each such sign. No such sign shall be erected or posted without the city gummed permit label affixed to such sign. Any sign displayed without the city permit label shall be summarily removed by the city from the public right-of-way.

(10) The city may remove any sign found in violation in this section and shall keep the same for a period of five (5) working days. Thereafter, the city may destroy such signs. The applicant and/or owner however may redeem such signs by payment of a redemption fee per sign in an amount established by resolution of the city council. The city manager or designee may revoke a permit for any such sign for three (3) or more violations of this section during any forty-five (45) consecutive day period.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1024)

(f) Sidewalk signs for the purpose of advertising or notifying an event may be erected within the MU-1, MU-2 and MU-R districts, subject to the following guidelines:

- (1) Sidewalk signs may only be displayed during business hours.
- (2) They must relate to the business on site.
- (3) They must maintain an unencumbered walkway for pedestrians.
- (4) May not be permitted structures.
- (5) May not be electrified.
- (6) Maximum nine (9) square feet per side.
- (7) Only one sidewalk sign is permitted per business.

(Ordinance 1874-10 adopted 12/7/10)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1025 Nonconformance

(a) It is the declared purpose of this article that, in time, all privately owned signs shall either conform to the provisions of this article or be removed. By the passage of this article and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this article and all other ordinances of the City of DeSoto. Any sign which does not conform to all provisions of this article shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign under prior ordinances; or an illegal sign if it did not exist as conforming or nonconforming sign, as the case may be. Temporary permits previously granted shall not be renewed unless the sign is made to conform. It is further the intent and declared purpose of this article that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time this article was adopted shall be discharged or affected by such passage, but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted and causes presently pending may proceed.

(b) Removal of Certain Nonconforming Signs:

(1) Signs erected without a permit, either prior to or after the adoption of this article on November 6, 1979, are illegal signs under this and prior sign control ordinances if a permit was required for its erection.

(2) All signs legally erected pursuant to a valid permit or legally maintained prior to November 6, 1979, which do not conform to the provisions of this article shall be removed or relocated so as to conform with the requirements of this article within ten (10) years.

(3) If a non-conforming sign in the city was destroyed by the tornado disaster of April 25, 1994, the owner thereof shall be authorized to apply for a permit to replace the sign upon the following conditions:

(A) The permit authorized by this article must be secured by the owner from the building official of the City of DeSoto not later than September 1, 1994. Construction of replacement sign must be completed within thirty (30) days from the date the permit is issued. Any sign not completed within that time period must be in compliance with all the requirements of this chapter to be finally inspected.

(B) The nonconforming aspects of the sign shall be determined by the building official through investigation of official tax records, city building permit records, sign permit records, or other official records of the City of DeSoto or other official agency.

(C) Upon application of the owner, the building official may issue a permit for reconstruction of a sign to replace the one destroyed by the tornado disaster and conforming to the setbacks the destroyed sign met, no larger in area than the destroyed sign, no greater in height than the destroyed sign, and containing no more non-conformities than the destroyed sign contained.

(D) The reconstructed sign may be altered in any manner from the original sign so as to meet the current regulations of this chapter.

(E) Except as provided in subsection (b)(2), all other regulations of this article shall be met in the construction of the replacement sign.

(F) The building official shall have the authority to authorize a permit for the reconstruction of a sign within the parameters stated herein. The building official may allow equal building construction techniques and materials if the original techniques or materials are no longer available or applicable. No safety, electrical, wind pressure or deadload requirement of this section shall be waived in the reconstruction of a nonconforming sign. No illegal or temporary sign shall be permitted under this subsection. Any appeal of a decision of the building official under this subsection shall be made to the board of adjustment.

(c) Where a sign in a former "Zoning District" has been made nonconforming because of the change of that zone to a non-business category, then that sign must be removed, or brought into conformity immediately.

(d) No nonconforming sign shall be repaired or renovated at a cost in excess of thirty-five (35) percent of the replacement cost of the total sign structure, unless said sign is brought into conformity

with this article. No nonconforming sign shall be repaired or renovated where the effect of such repair or renovation shall be to enlarge or increase the structure of the nonconforming sign. For the purposes of this subsection, normal maintenance shall not be considered to be repair or renovation.

(e) Where any legally erected sign is made nonconforming as a result of:

- (1) the adoption of any amendment to this article; or
- (2) any amendment to the Comprehensive Zoning Ordinance; or
- (3) the acquisition of public right-of-way; or
- (4) the redesignation of public streets in accordance with the ordinances of the City of DeSoto, as amended; or
- (5) the dedication of a public park; or
- (6) any other legislative action of the city council of the City of DeSoto,

the sign shall be removed, relocated, or altered so as to conform to the requirements of this article or to the Comprehensive Zoning Ordinance within ten (10) years of the date of the above listed action.

(f) It shall be unlawful to maintain any sign erected without a valid permit where a permit was required for the erection of the sign according to the law in effect at the time the sign was erected. It is a defense to prosecution under this subsection if the sign is made to comply with the provisions of this article so that a permit may be issued.

(1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1025)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1026 Board of Appeal

The board of adjustment shall be empowered to vary the provisions of this article if it appears that the provisions would work a manifest injustice, considering such factors as the sign, location, and other pertinent factors. Such decision of the board shall not conflict with the spirit of this article, which is one of safety, provision of adequate light, open space and air, conservation of land and building values and to encourage the most appropriate use of land. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1026)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1027 Responsibility for Violation

The owner of the sign, the owner of the land or structure, or the person in charge of erecting the sign or structure are all subject to the provisions of this article and therefore subject to the penalty hereinafter provided. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1027)

ARTICLE 3.1000 SIGN REGULATIONS*

Sec. 3.1028 Penalties

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in accordance with the general penalty provision found in Section 1.106 of this code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (1995 Code of Ordinances, Chapter 3, Article 3.1000, Section 3.1028)