

**City Council  
Staff Agenda Report**

**Agenda Item: 7b.**

<b>Agenda Subject:</b> Discussion and possible action to renew a permit for an advertising sign at 2704 W. Pioneer Parkway in accordance with Section 14.02.423 of the City’s Code of Ordinances.		
<b>Meeting Date:</b>  July 18, 2019	<b>Financial Considerations:</b>  <b>Budgeted:</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Strategic Vision Pillar:</b>  <input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence

**Prior Council Action:** A billboard permit was approved for 2704 W. Pioneer Parkway on October 16, 2003.

**Background Information:** A billboard permit was approved in 2003 for 2704 W. Pioneer Parkway. In accordance with Section 14.02.423 of the City’s Code of Ordinances, advertising signs (which include billboards by definition) are permitted by Council approval for a duration of not more than two years. An advertising sign can be a ground or pole sign by current ordinance standards. Although staff did not research how long it has been since this particular permit has come back to Council for approval, staff does know it has not come before Council since at least 2014.

The research of this item was triggered by staff conducting code enforcement practices on the existing sign. As detailed in the attached email thread, staff believes the sign currently violates City Ordinance Sections 3.04.006, 3.04.002, 3.04.011 and then staff found the zoning sections requiring a permit from Council. The sign appears to be constructed entirely of wood materials which is a violation of Section 3.04.012.

Pictures are attached to show Council the current condition of the sign. Staff will not be taking action on the sign until Council has made their decision. If Council is inclined to approve, staff recommends a motion to include the requirement of a permit application as well as payment of the \$500 permit fee as required by city ordinances.

**Justification for Request:** Section 14.02.423 requires Council approval for advertising/billboard signs.

**Recommended Action/Motion:** Staff recommends the sign be replaced in accordance with current ordinance requirements as well as the requirement for a permit application and \$500 permit fee.

- Attachments:** 10/16/2003 Minutes  
 2003 Billboard Permit Application  
 Billboard Photos  
 City Sign Standards, Chapter 3  
 City Sign Standards, Chapter 14  
 Sign Permit Fee Requirements  
 Email Thread with Sign Owner

**MINUTES  
Of  
A REGULAR  
Meeting of the  
CITY OF DALWORTHINGTON GARDENS  
CITY COUNCIL**

**THURSDAY, OCTOBER 16, 2003**

A regular meeting of the City Council was held at 7:00 P.M. in the Council Chambers of City Hall. The following items of business were considered, discussed and acted upon as appropriate:

**Councilmembers present:**

Al Taub, Mayor  
Mike Pettke  
Michael Tedder  
Ken Wallace

**Councilmembers absent:**

Guy Snodgrass, Mayor Pro-tem  
Max Stewart

**CALL TO ORDER**

Mayor Taub called the meeting to order.

**I. CITIZEN COMMENTS**

Kathy Price informed the Council of the status of the Park Board. She also requested agenda items for the presentation of a Park plan and a lighting contest to the council.

Robert Frazier expressed concern over possible flood related issues related to the proposed development on Indian Trail.

**II. MAYOR/COUNCIL COMMENTS**

Councilman Ken Wallace requested that the Park Boards request be placed on the agenda for the next council meeting

**DISCUSSION AND CONSIDERATION ITEMS**

**III. ORGANIZATIONAL MATTERS – MONTHLY REPORTS**

1. Minutes of the October 9, 2003 City Council Meeting.  
Motion to approve the minutes as presented: Mike Pettke  
Second: Michael Tedder  
Vote: 3 ayes and 0 nays  
Motion Carried

2. Departmental Reports and September's Financial Report.  
Chief Bill Waybourn presented September's DPS report. City Administrator Melinda Brittain informed the Council that the books for FY 2002-2003 were not closed to date.

Motion to approve September's Departmental Reports and Financial Reports with the Financial reports to be provided when closed: Mike Pettke

Second: Ken Wallace

Vote: 3 ayes and 0 nays

Motion Carried

**IV. PUBLIC HEARING WITH ACTION REQUIRED**

1. Preliminary Plat, lots 1-22, The Gardens Addition

Mayor Taub opens the public hearing.

There were no Public Comments

Mayor Taub closes the Public Hearing

Motion to table this item: Michael Tedder

Motion died due to lack of second

Motion to accept the preliminary plat with the inclusion of speed bumps and requiring lots 1-15, 17, 18, and 19 face Indian Trail: Mike Pettke

Motion died due to lack of second

Both Councilman Tedder and Councilman Wallace felt there were several questions that needed to be answered before this item was considered, they also felt that all Councilmembers should be present for the discussion. Councilmembers Wallace and Tedder stated there were enough red flags raised to table the item at this time, and Councilman Tedder said that he had addressed the issue City Attorney Stan Wilkes and he concurred that there were red flags with this item.

Motion to table this item: Ken Wallace

Second: Michael Tedder

Vote: 2 ayes and 1 nay (Mike Pettke)

Motion Carried

**V. NEW BUSINESS**

1. Ordinance 03-104 amending Chapter 2.1 – to provide for called meetings and agenda items.

Motion to approve: Michael Tedder

Second: Ken Wallace

Vote: 3 ayes and 0 nays

Motion Carried

2. Ordinance 03-105 providing for the participation in the Texas Municipal Retirement System and the Supplemental Death Benefits Fund and to make current service and prior service contributions to the City's account in the municipal accumulation fund of the Texas Municipal Retirement System at the actuarially determined rate of total employee compensation.

City Administrator Melinda Brittain and Chief Bill Waybourn recommended that TMRS be approved by the council.

Motion to enter TMRS with the employee contributing 7% and the City contributing 14% and with 100% prior service credit: Mike Pettke

Second: Ken Wallace

Council discussed the various pros and cons of TMRS, and they discussed retirement options for City Employees.

Vote: 3 ayes and 0 nays

Motion Carried

3. Billboard permit renewal for 2704 West Pioneer Parkway.

Motion to approve permit renewal contingent to renewal fee payment:

Mike Pettke

Second: Ken Wallace

Vote: 3 ayes and 0 nays

Motion Carried

V. **ADJOURN**

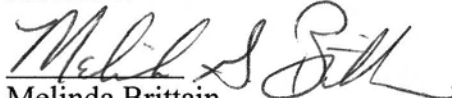
Motion to adjourn: Mike Pettke

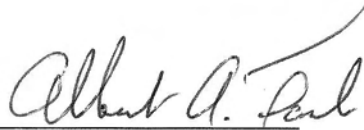
Second: Michael Tedder

Vote: 3 ayes and 0 nays

Motion Carried

ATTEST:

  
Melinda Brittain  
City Secretary

  
Albert A. Taub  
Mayor





SIGN PERMIT NO. \_\_\_\_\_  
DATE PERMIT ISSUED \_\_\_\_\_  
APPROVED BY: \_\_\_\_\_

*Need phone #*  
*Derek Crump*  
*Billboard*  
817-274-430  
APPLICATION FOR SIGN PERMIT  
PERMIT SECTION  
CITY OF DALWORTHINGTON GARDENS

DATE SUBMITTED 10/10/2003 PERMIT FEE \_\_\_\_\_ VALUATION \_\_\_\_\_  
JOB ADDRESS 2704 West Pioneer Pkwy TENANT Neely Industries, LLC.  
ZONE \_\_\_\_\_ TYPE OF INSTALLATION - PERMANENT  TEMPORARY \_\_\_\_\_  
OWNER OF PROPERTY Neely Industries, LLC.

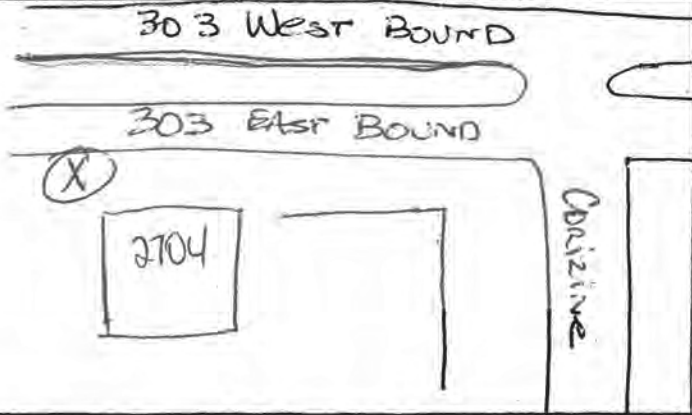
EACH SEPARATE SIGN REQUIRES SEPARATE APPLICATION AND SIGN DESCRIPTION

TYPE OF SIGN: CIRCLE ONE: POLE, WALL, MARQUEE, ROOF, GROUND, BILLBOARD, PROJECTION, SHINGLE

NUMBER OF SQUARE FEET ON FACE 128 ELECTRICAL CONTRACTOR TO CONNECT SIGN N/A  
HEIGHT OF SIGN FROM STREET CURB TO TOP 15'  
DISTANCE TO NEAREST SIGN ON SAME SIDE OF STREET Pioneer Pkwy, 30'  
OVERHANG IN EASEMENT OR R.O.W. \_\_\_\_\_  
ILLUMINATED - YES \_\_\_\_\_ NO   
WILL SIGN BE FLASHING? YES \_\_\_\_\_ NO   
WILL SIGN HAVE MOTION? YES \_\_\_\_\_ NO

SKETCH OF SIGN: SHOWING DIMENSIONS AND EXACT WORDING PLOT PLAN: SHOWING LOCATION FROM PROPERTY LINES

MUST BE DRAWN AS EXAMPLE ON BACK



I hereby agree that if a permit is issued, all the provisions of the City Ordinances and State Laws will be complied with, whether herein specified or not.

SIGN COMPANY \_\_\_\_\_ BY \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_  
TELEPHONE NUMBER \_\_\_\_\_ DATE APPROVED \_\_\_\_\_  
INSPECTION REQUEST  FIELD APPROVAL \_\_\_\_\_

CITY OF DALWORTHINGTON GARDENS

2600 ROOSEVELT DRIVE  
DALWORTHINGTON GARDENS, TEXAS 76016  
817-274-7368 • FAX: 817-265-4401  
cityhall@cityofdwg.net



March 21, 2003

CLEAR CHANNEL OUTDOOR

ATTN: Ginny Garfield

Dear Ginny:

Attached is Article XIII of Ordinance 64 adopted under Title 17: Zoning, as Chapter 17.10--Sign Standards.

Per number three on the Notes to the Schedule of Sign Standards, the permit is granted by City Council and is reviewed every two years. Pursuant to this requirement, your request for the permit renewal on four billboards located along Pioneer Pkwy (303) and Michigan Avenue will be placed on the April 17, 2003 Agenda. The fee assessed is at the Council's discretion.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Linda D. Bourgeois'.

Linda D. Bourgeois  
Deputy City Secretary



## ARTICLE XIII

### SIGN STANDARDS

13.1 Purpose: Signs are recognized as important means of communication and reasonable mode of advertising, and therefore constitute a significant and specific use of land. Standards for the construction of signs are herein provided for the purpose of protecting places and areas of historical and cultural importance; to increase safety and lessen congestion in the streets; to conserve the value of buildings and land; to preserve residential values; and, to encourage the most appropriate use of land.

#### 13.2 Definitions:

13.2.1 Advertising Sign: A sign which is a primary use of land (not an accessory use) and which directs attention to a business, product, activity or service which is not necessarily conducted, sold, offered or located on the premises where the sign is located. This term shall include billboards.

13.2.2 Sign Structure: Any part of a sign, including the base, supporting columns or braces, display surface, or any other appendage thereto.

13.2.3 Required Setback: The distance from the property line or right-of-way line of all streets adjacent to the premises on which a sign is located.

13.2.4 Lighting: The illumination of a sign face by a light source exterior to and not a part of such face or a source of light not exposed to the eye.

13.2.5 Flashing Sign: A sign or part thereof operated so as to create flashing; changes in light intensity, color or copy; or intermittent light impulses more frequent than one in every four (4) seconds.

13.3 Schedule of Sign Standards: All signs erected, maintained or displayed within the City shall comply with the Schedule of Sign Standards, following, which are hereby made a part of this section 13.3. [As amended by Ordinance 78-9]

TABLE 13.3 - SCHEDULE OF SIGN STANDARDS

[As amended by Ordinances 78-9, 79-22, 80-7, 81-11, 83-5, 83-8]

Sign Type	District Permit.	Max Area Sq.	Max Ht Ft.	Const. Type	Set back	Spacing	Maximum Duration	Note
Name-plat	All	1	None	G,W,P	None	None	Permanent	
Real Estate	All	12	6	G,W,P	None	1/Street Frontage	Temporary- until sale or rental of property	(5)
Institution	All	60	20	G,W,P	15'	1/Street Frontage	Permanent	(1)
Construction	All	100	20	G,W,P	None	1/Street Site	Temporary- until construction complete	
Development	All	200	20	G,W,P	None	1/Street	Temporary: (1) Residential - Until 90% complete, but not longer than one (1) year; (2) Other - Until Complete	(6)
Apartment	Apt. Dist.	50	None	W	None	1/Street	Permanent	(1)
		20	18	B,P	15'	1/Street	Permanent	(2)
✓ Advertising	B	50	30	G,P	20'	1/500'	As provided in permit	(3)
General	LB,B	12	None	W	None	1/Bldg. Face	Permanent	
	LB,B,LI	50	30	P,G	15'	1/100'	Permanent	(4)
	LB,B,LI	50	None	M	None	1/use/ street frontage	Permanent	
	LB,B,LI	50	15	R	Bldg	1/occu- pancy/	Permanent	(7)

street  
frontage

Notes to Schedule of Sign Standards

1. Permitted on face of fence or wall in required front yard.
2. Building identification only.
- ✓3. Permit required from City Council; duration not more than two years. Measurement shall be along centerline of roadway and shall apply to signs on both sides of street.
4. Shopping centers (multi-unit developments in LB, B and LI) may substitute one directory sign of 50' maximum height, 50 square feet sign face per tenant, but no other ground or pole signs shall be permitted on the property.
5. Permitted only on the property being offered for sale or rent.
6. For sign duration of more than one year, special exception is required under 11.1.3 (6) hereof.
7. Permit required from City Council. For corner property, one sign face visible from both streets may be permitted, for a maximum area of 100 square feet.



BILLBOARD PERMITS

<u>TENANT OR OWNER</u>	<u>ADDRESS</u>	<u>DATE ISSUED</u>	<u>EXPIRES</u>
NATIONS INTERFIRST BANK FW 390-6161 Randy Spivey 214-508-8828	2707 W PIONEER PKWY	05/03/89	05/03/93
TEXAS COMMERCE BANK 457-2000	2720 W PIONEER PKWY	05/03/89	05/03/93
Pat & Samvelly 878-7507 Super Cross	3200 W PIONEER PKWY Rory DiFavola	05/05/89	05/05/93
X THE LOADING DOCK	2117 ROOSEVELT	06/18/90	06/18/92
BOB POWELL	2919 W PIONEER PKWY	04/17/91	04/17/93

## ARTICLE 3.04 OUTDOOR ADVERTISING DISPLAYS

### Sec. 3.04.001 Scope

The term “outdoor advertising display” shall mean any letter, figure, character, mark, plane, point, marquee, sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, or reading matter which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which is displayed in any manner whatsoever out-of-doors. Every outdoor display shall be classified and shall conform to the requirements of that classification as set forth in this article. (2005 Code, sec. 15.1.30)

### Sec. 3.04.002 Definitions; classifications

(a) **Definitions.** For the purpose of this article and the regulations and provisions thereof, the following terms shall have the following meaning:

**Electric sign.** A sign whereon letters, figures or designs are formed or outlined by electric illumination, or formed by a transparent or translucent medium which is illuminated from such lamps, tubes, or other electric illuminant contained within or on the sign; and all outside building outlining; and shall be deemed to include interior decoration displays and gas tube window outlining. Signs which are illuminated by electric lights which are not attached to the sign or which are not an essential element of the sign proper and signs which are lighted by floodlights or projectors are not classified as electric signs within the meaning of this article.

**Marquee.** A canopy or permanent roofed structure projecting from and supported by a building, column supports from grade, or both.

**Sign.** Any outdoor advertising display as described in section 3.04.001.

**Structure.** That which supports or braces a sign.

**Temporary sign.** Any noncommercial sign, use of which does not exceed a period of thirty (30) consecutive days.

(b) **Classifications.** For the purpose of this article and the regulations and provisions thereof, outdoor advertising displays shall be classified into one of the following types of signs:

(1) **Ground sign.** A sign which is supported by more than two (2) columns, poles, uprights, or braces in or upon the ground and is not a part of a building. The term “ground sign” shall include billboards.

(2) **Roof sign.** A sign which is erected, constructed, or maintained on or over the roof or parapet wall of a building.

(2005 Code, sec. 15.1.31)

(3) **Wall sign.** A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building with the exposed face of the sign in a plane parallel to and not more than twelve (12) inches from said wall; provided, however, that electric wall signs may project not more than eighteen (18) inches from said wall. This term shall also include subsections (4) and (5). (2005 Code, sec. 15.1.31; Ordinance adopting Code)

(4) **Projection sign.** A sign which is attached or affixed to a building wall or structure other than a pole and extends or projects therefrom more than twelve (12) inches.

(5) **Marquee sign.** A projection or wall sign not over fifty (50) square feet in area, constructed of metal or other noncombustible material, attached securely to a building.

(6) **Pole sign.** A sign supported by and placed upon not more than two (2) poles or standards.

(2005 Code, sec. 15.1.31)

### Sec. 3.04.003 Permit

(a) **Required.** No sign shall hereafter be erected, constructed, altered, or maintained except as provided herein until after a permit for the same has been issued by the building official and a permit fee paid as herein provided.

(b) **Exceptions.** Notwithstanding the provisions of subsection (a) hereof, no permit shall be required for the erection or alteration of the following types of signs:

(1) Display signs not exceeding one (1) square foot in area stating merely the name and occupation of the occupant.

(2) Display signs not exceeding twelve (12) square feet in area pertaining to the lease, rental or sale of the property.

(3) Temporary noncommercial display signs not exceeding three (3) square feet in area, when erected for a period not exceeding thirty days.

(c) **Fee.** No sign permit shall be issued and no sign erected unless and until the applicant has paid a fee therefor, which

fee shall be determined by the construction and installation costs of the proposed sign as applied to the schedule of building permit fees contained in the fee schedule in appendix A of this code.

(2005 Code, sec. 15.1.32)

**Sec. 3.04.004 Identification markings**

Every sign hereafter erected, constructed or maintained for which a permit is required shall be plainly marked with the name of the person, firm, or corporation erecting and maintaining such sign and shall have affixed on the front thereof the number of the permit issued for said sign by the building official. (2005 Code, sec. 15.1.33)

**Sec. 3.04.005 Inspections**

It shall be the duty of the building official or his authorized agent to inspect every ground sign, roof sign, wall sign, and projection sign at least once annually. (2005 Code, sec. 15.1.34)

**Sec. 3.04.006 Securing or removal of unsafe signs**

Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the building official, the owner thereof or the person or firm maintaining the same shall, upon written notice from the building official, forthwith in the case of immediate danger and in any case within ten (10) days, secure the same in a manner to be approved by the building official in conformity with the provisions of this code, or remove such sign. If such order is not complied with in ten (10) days, the building official shall remove such sign at the expense of the owner or lessee thereof. (2005 Code, sec. 15.1.35)

**Sec. 3.04.007 Maintenance**

All signs for which a permit is required, together with all their supports, braces, guys, and anchors, shall be kept in repair and, unless of galvanized or non-corroding metal, shall be thoroughly painted at least once every two years. The building official may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be accomplished at the expense of the owner or lessee. (2005 Code, sec. 15.1.36)

**Sec. 3.04.008 Removal of unlawful signs**

In case any sign shall be installed, erected or constructed in violation of any of the terms of this article or any other ordinance of the city, the building official shall order, by registered mail or written notice served personally, the owner or lessee thereof to alter such sign so as to comply with such ordinance and to secure the necessary permit therefor or to remove the sign. If such order is not complied with in ten (10) days, the building official shall remove such sign at the expense of the owner or lessee thereof. (2005 Code, sec. 15.1.37)

**Sec. 3.04.009 Location restrictions**

No sign shall be erected, constructed, or maintained as follows:

- (1) In violation of any provision of the comprehensive zoning ordinance of the city.
- (2) So as to obstruct any fire escape, window, door, or other opening used as a means of egress or as legally required ventilation.
- (3) On or attached to a fire escape.
- (4) On or attached to any door or window casing.
- (5) On or over any alley, park, light pole, utility pole, fire hydrant, or other object or structure situated on public property; provided that this provision shall not be construed as prohibiting the erection of signs by the city for the purpose of identification, direction, or information concerning traffic control.
- (6) With any structural support or other portion thereof on or within any street right-of-way, parkway, alley, public sidewalk, park, or other public property.

(2005 Code, sec. 15.1.38)

**Sec. 3.04.010 Obstructions to view of traffic**

No sign shall be erected, constructed, or maintained so as to constitute an obstruction of the view of pedestrians or motorists upon entering a public thoroughfare. All signs of any nature whatsoever, whether temporary or permanent, when situated within fifteen (15) feet of the curb or edge of a public street, shall either:

- (1) Have a clear height of eight and one-half (8-1/2) feet measured from the ground to the bottom of the sign; or
- (2) Have a height of not more than two and one-half (2-1/2) feet measured from the top of curb to the top of the sign; provided that wall signs may be permitted on a fence or wall which complies with setback and height requirements of the zoning ordinance.

(2005 Code, sec. 15.1.39)

### Sec. 3.04.011 Structural requirements

(a) Design and stress diagrams required. Before a sign permit shall be granted, the applicant therefor shall submit to the building official a design and stress diagram or plan containing information as to type, size, shape, location, construction, and materials of the proposed sign and such other information as the building official may deem necessary in order to determine that such sign complies with this article and all other pertinent ordinances of the city.

(b) Wind pressure. In the design and erection of all signs, the effect of wind shall be carefully considered. All signs shall be so constructed as to withstand wind pressure as specified in the IBC.

(c) Working stresses. The allowable working stresses of all signs shall conform with the requirements of the IBC. The allowable working stresses for steel and wood shall be calculated in accordance with the applicable provisions of the IBC. The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth (1/5) of the ultimate strength of such chains, cables, guys or steel rods.

(2005 Code, sec. 15.1.40)

### Sec. 3.04.012 Design and construction generally

(a) Ground and pole signs.

(1) No ground or pole sign constructed entirely of wood materials shall be at any point over twenty-four (24) feet above the ground level, but when the facing of a ground sign is constructed entirely of sheetmetal or other noncombustible material, such ground sign may be erected and the supports, braces, battens, ornamental mounding, platform, and decorative trim may be of wood material.

(2) Lighting reflectors may project beyond the face of the sign.

(3) The bottom coping of every ground sign shall be at least three (3) feet above the ground or street level.

(4) Every ground and pole sign shall provide rigid construction to withstand wind action in all directions.

(5) Any person or persons, partnership, firm or corporation occupying any vacant lot or premises by means of a ground or pole sign shall be subject to the same duties and responsibilities as the owner of the lot or premises with respect to keeping the same clean, sanitary, inoffensive, and free and clear of obnoxious substances and unsightly conditions on the ground in the vicinity of such ground or pole sign.

(6) Wherever anchors or supports consist of wood embedded in the soil, the wood shall be pressure-treated with an approved preservative.

(b) Roof signs.

(1) All roof signs shall be so constructed as to leave a clear space of not less than six (6) feet between the roof level and the lowest part of the sign and shall have at least five (5) feet clearance between the vertical supports thereof. No portion of any roof sign structure shall project beyond an exterior wall.

(2) Every roof sign shall be constructed entirely of steel construction, including the upright supports and braces, except that the ornamental molding and battens behind the steel facing and the decorative latticework may be wooden construction.

(3) The bearing plates of all roof signs shall distribute the load directly to or upon masonry walls, or upon steel roof girders, columns, or beams. The building shall be designed to avoid overstress of these members.

(4) No roof sign having a tight or solid surface shall be at any point over thirty-five (35) feet above the roof level.

(5) Open roof signs in which the uniform open area is not less than forty (40) percent of the total gross area may be erected to a height of seventy-five (75) feet on buildings of type I or type II construction and on other type buildings to a height of forty (40) feet; all such signs shall be thoroughly secured to the building upon which they are installed, erected, or constructed by iron (metal anchors, bolt, supports, or chains) or stranded cables, or steel rods or braces; and they shall be maintained in good condition as set forth in section 3.04.007 hereof.

(c) Wall signs.

(1) Wall signs attached to exterior walls of solid masonry, concrete, or stone shall be safely and securely attached to the same by means of metal anchors, bolts, or expansion screws of not less than three-eighths (3/8) inch in diameter and shall be embedded at least five (5) inches. No wooden blocks shall be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. No wall sign shall be supported by anchorage secured to an unbraced parapet wall.

(2) The surface face of all wall bulletins shall be of sheetmetal, but the ornamental molding surrounding same may be of wooden construction.

(d) Projecting signs.

(1) All projecting signs shall be constructed entirely of metal or other noncombustible material and securely attached to a building or structure by metal supports, such as bolts, anchors, supports, chains, guys or steel rods. No staples or nails shall be used to secure any projecting sign to any building or structure.

(2) The dead load of projecting signs not parallel to the building or structure and to the load due to wind pressure shall be supported by chains, guys, or steel rods having net cross-sectional dimensions of not less than three-eighths (3/8) inch in diameter or with proper rigid steel structures constituting a part of a building. Such supports shall be erected or maintained at an angle of at least 45 degrees to the horizontal to resist the dead load and at an angle of 45 degrees or more to the face of the sign to resist the specified wind pressure. If such projection sign exceeds thirty (30) square feet in one facial area, there shall be provided at least two such supports on each side, not more than eight feet apart, to resist the wind pressure.

(3) All supports shall be secured to bolts with expansion shields or expansion screws that will develop the strength of the supporting chains, guys, or steel rods, with five-eighths (5/8) inch bolts or lag screws as the minimum allowable size. Turnbuckles shall be placed in all chains, guys, or steel rods supporting projecting signs.

(4) Chains, cables, guys, or steel rods used to support the live or dead load of projecting signs may be fastened to solid masonry walls with expansion bolts or with machine screws in iron supports, but no such supports shall be attached to an unbraced parapet wall. Where the supports must be fastened to walls of wood, the supporting anchor bolts must go through the wall and be plated or fastened on the inside in a secure manner.

(e) Marquee signs. Marquee signs shall be constructed entirely of metal or noncombustible material and may be attached to or hung from marquees, and such sign when hung from marquees shall be at least eight (8) feet at their lowest level above the sidewalk or ground level, and further, no such sign shall extend outside the line of any such marquee. Marquee signs may be attached to the sides and front of marquees, and such signs may extend the entire length and width of such marquees, provided such signs do not extend more than six (6) feet above nor one (1) foot below such marquees, but under no circumstances shall a marquee sign have a vertical dimension greater than eight (8) feet.

(f) Electric signs.

(1) An electric sign may be built upon the ground, may be attached to a wall or above the roof, may project from a wall, or may be erected upon a pole or poles, provided that such sign shall meet the requirements governing the classification of the sign as defined in section 3.04.002(b) hereof.

(2) All electric signs shall be constructed of noncombustible materials.

(3) All regulations of this article and of the electrical code of the city and any amendments thereto shall apply to the erection, alteration, installation, and maintenance of electrical signs.

(g) Temporary signs.

(1) Temporary signs may be made of cloth or of wallboard not less than one-quarter (1/4) inch in thickness. Frames may be of wood construction.

(2) Standard sign hooks, lag screws, or expansion bolts and shields shall be used in sufficient number to support the sign.

(3) Any sign used for a period of time in excess of thirty (30) consecutive days shall be deemed to be a permanent sign and shall meet the requirements of its classification.

(4) No portable signs of any nature shall be permitted. For the purpose of this article, a portable sign shall mean a ground, projection or pole sign, the structure of which is not permanently affixed to or in the soil. The term shall include, without limitation, signs on wheels or skids, where the primary purpose of the structure is the support of the sign.

(2005 Code, sec. 15.1.41)

**Sec. 3.04.013 Use of plastic materials**

(a) Any other provisions of this article notwithstanding, plastic materials which burn at a rate no faster than 2.5" per minute when tested in accordance with ASTM D635-63 shall be deemed approved plastics and may be used as the display surface materials and for the letters and decorations and facings on signs and outdoor display structures, provided that in the first and second fire zones the structure of the sign in which the plastic is mounted or installed is incombustible.

(b) Letters and decorations mounted upon an approved plastic facing or display surface may be made of approved plastics.

(2005 Code, sec. 15.1.42)



**Sec. 3.04.014 Sign erector registration**

It shall be the duty of every person, firm, corporation, or association of persons engaging in the erection of any signs regulated by the provisions of this article to register his name with the building official, in a book provided for that purpose, giving his full name, residence, and place of business; and in case of removal from one place to another it shall be the duty of every such person to have corresponding change made in said register accordingly, and to pay such fees as are required by the fee schedule in appendix A of this code. (2005 Code, sec. 15.1.43)

## Division 10. Sign Standards

### Sec. 14.02.421 Purpose

Signs are recognized as important means of communication and reasonable mode of advertising, and therefore constitute a significant and specific use of land. Standards for the construction of signs are herein provided for the purpose of protecting places and areas of historical and cultural importance; to increase safety and lessen congestion in the streets; to conserve the value of buildings and land; to preserve residential values; and, to encourage the most appropriate use of land. (2005 Code, sec. 17.10.01)

### Sec. 14.02.422 Definitions

Advertising sign. A sign which is a primary use of land (not an accessory use) and which directs attention to a business, product, activity or service which is not necessarily conducted, sold, offered or located on the premises where the sign is located. This term shall include billboards.

Flashing sign. A sign or part thereof operated so as to create flashing; changes in light intensity, color or copy; or intermittent light impulses more frequent than one in every four (4) seconds.

Lighting. The illumination of a sign face by a light source exterior to and not a part of such face or a source of light not exposed to the eye.

Required setback. The distance from the property line or right-of-way line of all streets adjacent to the premises on which a sign is located.

Sign structure. Any part of a sign, including the base, supporting columns or braces, display surface, or any other appendage thereto.

(2005 Code, sec. 17.10.02)

### Sec. 14.02.423 Schedule of sign standards

All signs erected, maintained or displayed within the city shall comply with the schedule of sign standards contained in table 14.02.423 of this division.

**TABLE 14.02.423. SCHEDULE OF SIGN STANDARDS**

Sign Type	Districts Permitted	Max. Area (in square feet)	Max. Height (in feet)	Construction Type	Setback	Spacing	Duration	Note
Nameplate	All	1	None	G, W, P	None	None	Permanent	–
Real estate	All	12	6	G, W, P	None	1/street frontage	Temporary	5
Institution	All	60	20	G, W, P	15'	1/street frontage	Permanent	1
Construction	All	100	20	G, W, P	None	1/street or site	Temporary Until construction completed	
Development	All	200	20	G, W, P	None	1/street entrance	Temporary See note 6	6
Apartment	MF	50	None	W	None	1/street	Permanent	1
		20	18	G, P	15'	1/street	Permanent	2
Advertising	B-3	600	None	G, P	Behind front yard	1/500 ft.	Per permit	3

General business	B-2 B-3	Note 8	None	W	None	1/bldg. face	Permanent	8
General business	B-2 B-3 LI	50	30	G, P	15'	1/100'	Permanent	4
	B-2 B-3 LI	50	None	M	None	1/use/street frontage	Permanent	

Notes to schedule of sign standards:

1. Permitted on face of fence or wall in required front yard.
2. Building identification only.
3. Permit required from city council; duration not more than two years. Measurement shall be along centerline of roadway and shall apply to signs on both sides of street.
4. Shopping centers (multi-unit developments in B-2, B-3 and LI) may substitute one directory sign of 50' maximum height, 50 square feet sign face per tenant, but no other ground or pole signs shall be permitted on the property.
5. Permitted only on the property being offered for sale or rent.
6. Development sign duration is temporary: (1) Residential - Until 90% complete but not longer than one year. (2) Nonresidential - Until complete. For sign duration of more than one year, special exception is required under division 8 hereof.
7. Permit required from city council. For corner property, one sign face visible from both streets may be permitted, with a maximum area of 100 square feet.
8. A wall sign shall not exceed 0.75 square feet for each horizontal linear foot of the building face, with a maximum area of 200 square feet.

(2005 Code, sec. 17.10.03)

**Sec. 14.02.424 General provisions**

(a) The standards and regulations prescribed in this section shall apply to those signs classified and defined in the building code of the city. For the purposes of the schedule of sign standards, the designations therein contained shall have the following meanings:

- G - Ground sign
- W - Wall sign
- M - Marquee sign
- P - Pole sign
- PR - Projecting sign

(b) The provisions of this section shall be applicable to the location, size, and placement of signs and shall otherwise be considered supplementary to the building code of the city. No provisions specified herein shall be construed to otherwise amend or nullify any provision of the building code or any ordinance or regulation of the city pertaining to the erection, use, maintenance or operation of signs.

(c) Any sign used in conjunction with a nonconforming use of land or buildings, if such sign is not in accordance with the provisions of this section, shall be deemed a separate nonconforming use of land.

(d) A sign in direct line of vision of any signal light, traffic-control sign or other such device from any point in a moving traffic lane within one hundred (100) feet of and approaching such traffic control shall not be permitted.

(e) No revolving beam or beacon light resembling any emergency vehicle light shall be permitted as part of a sign display in any zoning district, nor shall any sign be located so as to obstruct the vision or sight distance of motor vehicle operators or pedestrians at any street intersection, street crossing or other point of traffic concentration.

(f) No high-intensity light shall be permitted as part of a sign display visible from an adjacent street in any zoning district; and in this regard, no reflectorized lights shall be permitted which shall exceed the intensity of a twenty-five

(25) watt frosted-face bulb, except general informational type signs such as time or temperature signs.

(g) Notwithstanding any provisions of this section, no sign shall be erected which constitutes an obstruction to view of operators of motor vehicles on public streets or entering such streets from private property.

(h) The sign standards herein provided shall apply to signs situated on the lot, tract, parcel or premises on which there is also situated the primary use or purpose to which such sign refers. No sign shall be permitted which is not situated on the same premises as the use or activity which it describes or to which it refers - i.e., no off-premise sign shall be permitted, except as follows:

(1) An advertising sign when authorized as provided in the schedule of sign standards; or

(2) A development sign for a residential subdivision, provided that any such sign shall be situated on premises which are a part of such subdivision and shall otherwise comply with the schedule of sign standards.

(2005 Code, sec. 17.10.04)

**Secs. 14.02.425–14.02.470 Reserved**

**Sec. A3.006 Sign permits and inspections**

- (a) Advertising (billboards): \$500.00.
- (b) Temporary advertising signs (unless specifically exempted from permit requirements): Based on value as set forth in section A3.002(a)(2).
- (c) All other signs: Based on value as set forth in section A3.002(a)(2).
- (d) Real estate signs smaller than 20 square feet shall not require a permit.
- (e) Change in copy or in sign face shall constitute a new sign for fee purposes.

**From:** [Gary Harsley](#)  
**To:** [Derek Crump](#)  
**Cc:** [Lola Hazel](#)  
**Subject:** FW: [EXTERNAL] RE: Removal of wooden damaged advertising sign  
**Date:** Friday, June 21, 2019 2:22:24 PM

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Mr. Crump, please read Mrs. Hazel response below. I will ask her to place this on the agenda for the July council meeting. One of us will contact you with any further requirements on your part. In the meantime please do not make any modifications to the existing sign.

Mrs. Hazel thank you for your assistance and making this a priority.  
Respectfully,

### **Gary Harsley**

Community Development  
2600 Roosevelt Dr.  
Dalworthington Gardens, Tx. 76016  
W-(682)-330-7400  
C- (682)333-4753  
F-(817)265-4401  
[gharsley@cityofdwg.net](mailto:gharsley@cityofdwg.net)

---

**From:** Lola Hazel <[lhazel@cityofdwg.net](mailto:lhazel@cityofdwg.net)>  
**Sent:** Thursday, June 20, 2019 5:45 PM  
**To:** Gary Harsley <[gharsley@cityofdwg.net](mailto:gharsley@cityofdwg.net)>  
**Cc:** Sherry Roberts <[sroberts@cityofdwg.net](mailto:sroberts@cityofdwg.net)>  
**Subject:** RE: [EXTERNAL] RE: Removal of wooden damaged advertising sign

Gary,

Please feel free to forward this email to Mr. Crump if you agree. I did find where the sign was approved in 2003 and was supposed to come back to council every two years for review. I have been here almost two years and it's not gone before council, so I feel this could go on our July 18 council agenda for review. Council can then decide whether or not the permit should be renewed. I would encourage Mr. Crump to attend that meeting or any other representative for the sign. I would suggest not rebuilding or tearing down until Council hears the item on July 18.

Let me know if you have any questions.

Lola Hazel  
City Secretary  
City of Dalworthington Gardens  
2600 Roosevelt Drive  
682-330-7418 | [lhazel@cityofdwg.net](mailto:lhazel@cityofdwg.net)

---

**From:** Gary Harsley  
**Sent:** Thursday, June 20, 2019 4:00 PM  
**To:** Derek Crump <[derek@neelyindustries.com](mailto:derek@neelyindustries.com)>  
**Cc:** Lola Hazel <[lhazel@cityofdwg.net](mailto:lhazel@cityofdwg.net)>  
**Subject:** RE: [EXTERNAL] RE: Removal of wooden damaged advertising sign

**Mr. Crump I have researched the current sign ordinance and came to the decision included below based on the data that I have access to. With that said Mrs. Hazel is researching the City documents to see what paperwork might have been approved in our past. Our goal is to exhaust all avenues before committing to the sign removal.**

**Mr.Crump based on City ordinances the sign located at 2704 West Pioneer is not eligible for a permit and shall be removed within 10 days. Please see the following ordinance violations associated with this decision.**

- 1. 3.04.006 The sign suffered damaged and is in a state of disrepair.**
- 2. 3.04.011 Design and construction requires the sign to withstand wind action in all directions.**
- 3. 3.04.002 A pole sign is supported by two poles and your's has three.**
- 4. 14.02.423 I do not have a current permit on file for the sign nor do I have any information on the construction or placement of the current sign.**
- 5. 14.02.424(h) Advertising signs must be approved by City Council and permitted.**

**Please stand by for further direction.**

### **Gary Harsley**

Community Development  
2600 Roosevelt Dr.  
Dalworthington Gardens, Tx. 76016  
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C- (682)333-4753  
F-(817)265-4401  
[gharsley@cityofdwg.net](mailto:gharsley@cityofdwg.net)

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**From:** Derek Crump <[derek@neelyindustries.com](mailto:derek@neelyindustries.com)>  
**Sent:** Wednesday, June 19, 2019 5:28 PM  
**To:** Gary Harsley <[gharsley@cityofdwg.net](mailto:gharsley@cityofdwg.net)>  
**Subject:** RE: [EXTERNAL] RE: Removal of wooden damaged advertising sign

Gary,

We have leased this sign to various companies since we bought the property in 1999... DWG permitted it with each lease. Our plans are to rebuild it into the original or better condition so that we can continue to lease it out. I actually planned to do that last year but had some health issues that changed many of my plans. Like I mentioned, we will get that done within 60 days.

Thank you,

Derek Crump  
Vice President  
Neely Industries, Inc.  
**[www.NeelyIndustries.com](http://www.NeelyIndustries.com)**  
**Phone (817) 274-4300**  
**Toll Free (800) 242-1483**  
**Fax (817) 274-4504**

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**From:** Gary Harsley <[gharsley@cityofdwg.net](mailto:gharsley@cityofdwg.net)>  
**Sent:** Wednesday, June 19, 2019 5:01 PM  
**To:** Neely Sales Team <[sales@neelyindustries.com](mailto:sales@neelyindustries.com)>  
**Subject:** RE: [EXTERNAL] RE: Removal of wooden damaged advertising sign

Hi Derek please send me your ideas for the sign.

Currently, I do not believe the sign will meet current ordinances. Thus, I do not know if repair will be possible. Furthermore, the code does not allow for "grandfathering". An item can be non-conforming but I am not aware of signage that is allowed to be non-conforming. I also am not aware of pole signs that are code compliant made out of all wood.

I do not want to speak out of turn thus I will research it tomorrow.

Thank you for your response

**Gary Harsley**

Community Development  
2600 Roosevelt Dr.  
Dalworthington Gardens, Tx. 76016  
W-(682)-330-7400  
C- (682)333-4753  
F-(817)265-4401  
[gharsley@cityofdwg.net](mailto:gharsley@cityofdwg.net)



---

**From:** Neely Sales Team <[sales@neelyindustries.com](mailto:sales@neelyindustries.com)>  
**Sent:** Wednesday, June 19, 2019 4:47 PM  
**To:** Gary Harsley <[gharsley@cityofdwg.net](mailto:gharsley@cityofdwg.net)>  
**Subject:** [EXTERNAL] RE: Removal of wooden damaged advertising sign

Gary,

Yes, it is our sign, which has been here at this location since the 60's and is grandfathered in. It was damaged in a wind storm some time ago. We have plans to repair it, which will happen in the next 60 days.

Thank you,

Derek Crump  
Vice President  
Neely Industries, Inc.  
**[www.NeelyIndustries.com](http://www.NeelyIndustries.com)**  
**Phone (817) 274-4300**  
**Toll Free (800) 242-1483**  
**Fax (817) 274-4504**

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---

**From:** Gary Harsley <[gharsley@cityofdwg.net](mailto:gharsley@cityofdwg.net)>  
**Sent:** Wednesday, June 19, 2019 3:44 PM  
**To:** Neely Sales Team <[sales@neelyindustries.com](mailto:sales@neelyindustries.com)>  
**Subject:** Removal of wooden damaged advertising sign

Is this your sign or Horizons?

If it is your sign please remove and terminate power at Main distribution panel. All conduit shall be removed. All structural members shall be removed and property returned to natural state.

Sec. 3.04.006 Securing or removal of unsafe signs

Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the building official, the owner thereof or the person or firm maintaining the same shall, upon written notice from the building official, forthwith in the case of immediate danger and in any case within ten (10) days, secure the same in a manner to be approved by the building official in conformity with the provisions of this code, or remove such sign. If such order is not complied with in ten (10) days, the building official shall remove such sign at the expense of the owner or lessee thereof. (2005

Code, sec. 15.1.35)

3.04.007 Maintenance

All signs for which a permit is required, together with all their supports, braces, guys, and anchors, shall be kept in repair and, unless of galvanized or non-corroding metal, shall be thoroughly painted at least once every two years. The building official may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be accomplished at the expense of the owner or lessee. (2005 Code, sec. 15.1.36)

**Gary Harsley**

Community Development

2600 Roosevelt Dr.

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