

DIVISION H. Sign and Billboard Regulations

Sec. 10-400. Purpose

The purpose of this section is to regulate signs and billboards in the City of Tyler and its extraterritorial jurisdiction (ETJ) according to the provisions of this chapter for the following purposes:

- a.** To protect property values;
- b.** To preserve the beauty and unique character of the community and the surrounding area;
- c.** To implement the goals and objectives of the Tyler 1st Comprehensive Plan related to the function, design, and appearance of commercial areas, gateways to the city, highways and arterial roadway corridors, and commercial corridors;
- d.** Are maintained properly to avoid creating safety risks due to abandonment, collapse, decay, deterioration, and fire;
- e.** Enhance the appearance of the city and the ETJ by avoiding clutter and by not interfering with scenic views or character of certain city areas;
- f.** To promote and aid in the tourist industry which is of significant importance to the local economy;
- g.** To protect the public from damage and injury that may be caused by the uncontrolled location and faulty construction of signs;
- h.** To protect pedestrians and motorists from damage and injury caused or partially attributable to the distractions, obstructions and visual clutter which are the result of improperly situated signs; and
- i.** To promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic.

Sec. 10-401. General Sign Regulations

- a.** The regulations governing the size, height, number, location, and placement of signs herein are calculated to ensure that all private, public, institutional, commercial, and industrial facilities located in the city have the right to display adequate signs consistent with the need to identify the facility, advertise the location, and indicate services and products available on the premises.
- b.** Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs. (Ord. No. O-2016-76, 8/24/16)
- c.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Division is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Division. (Ord. No. O-2016-76, 8/24/16)
- d.** Except where noted: in this section, all signs erected within the city will be subject to the following general requirements:
 - 1. Signs are permitted within zoned districts in a manner specifically authorized by this section.

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2. In order to erect signs or display advertising permanently outdoors legally, a permit must be first obtained from the building official, except where noted. In the case of temporary signs or special promotional advertising, a temporary use permit (TUP) is required as per Article IX, Division B.
3. Electric signs, section signs, and outline lighting must be erected or installed by a State Licensed Electrical Sign Contractor. The company's municipal registration to erect signs within the city will be filed with the City of Tyler Development Services Department. Additionally, a sign contractor who erects or installs electric signs, section signs, or outline lighting must have a valid Master Electrician's license or a Master Sign Electrician's license on staff to perform work on any electric sign. All electrical signs and outline lighting shall be listed and installed according to the City adopted building codes. (Ord. No. 0-2010-119; 11/10/10)
4. No sign base or support structure of any sign type is allowed in the public right of way in any zoning district.
5. Multi-tenant signs, in accordance with the an approved Master Signage Plan, may utilize one roof sign constructed of individually cut lettering and/or graphics without backing panel per frontage in lieu of allowable freestanding signage provided that the sign does not exceed ten percent of the width of the overall building façade and protrude four feet above the midpoint of the principal roof line of a pitched roof or the top of a mansard roof or flat roof for any building or structure. Roof signs shall otherwise be prohibited. Facade signs shall be allowed for each tenant that has a direct, outside entrance or storefront. Sign placement is limited to the extent of the bay or storefront. (Ord. No. 0-2009-19; 3/11/09) (Ord. No. 0-2010-119; 11/10/10) (Ord. No. O-2016-76, 8/24/16)
6. Permanent signs and other forms of outdoor advertising may not be located in or permitted to project into the public right-of-way, except as provided in this section. (Ord. 0-2010-20, 3/10/10)
7. Each sign base or support must be erected on private property and not public right-of-way. (Ord. 0-2010-20, 3/10/10)
8. Signs that are historically designated shall not be counted towards maximum sign allowance. (Ord. No. O-2010-119; 11/10/10)
 - e. Advertisement will be allowed on the windows of Tyler Transit vehicles subject to the following general requirements:
 1. Ads shall solely be for the purpose of promoting a business transaction or service;
 2. Ads shall not contain:
 - (a) Advertising which is false, misleading, or deceptive;
 - (b) Advertising that relates to illegal activity
 - (c) Advertising that includes language that is obscene, vulgar, profane, or otherwise unlawful.
 - (d) Advertising that depicts violence and/or anti-social behavior
 - (e) Advertising that relates to any sexual activity

- (f) Advertising that may be inappropriate for minors
- (g) Advertising for fund raising events
- 3. Ads shall not promote the sale of alcohol or tobacco products
- 4. Ads shall not promote firearms or firearm related products
- 5. All Ads on Tyler Transit vehicles shall be subject to approval by the City of Tyler and Tyler Transit
- 6. Ads shall conform to all current ordinances and codes adopted by the City of Tyler. (Ord. No. 0-2011-45; 6/8/11)

Sec. 10-402. Exempt Signs

The following signs are exempt from regulation under this code:

- a. Any public notice, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- b. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;
- c. Works of art that do not include a commercial message;
- d. Holiday lights and decorations with no commercial message; except in multi-family and non-residential districts;
- e. Decorative landscape lighting only;
- f. Traffic control signs on private property, such as Stop, Yield, and similar signs that meet U.S. DOT or TXDOT standards;
- g. Address and postbox numerals conforming to incidental sign regulations;
- h. Government signs erected by the city, county, state, or federal government in furtherance of their governmental responsibility;
- i. Legal notices;
- j. Memorial signs or tablets and building markers displayed on public or private buildings and tablets or headstones in cemeteries; and
- k. Signs prepared by or for the local, state, or federal government marking sites or buildings of historical significance. (Ord. 0-2010-20, 3/10/10)

Sec. 10-403. Prohibited Signs

All signs not expressly permitted under this code or exempt from regulation hereunder in accordance with the previous section are prohibited in the city. Such signs include, but are not limited to:

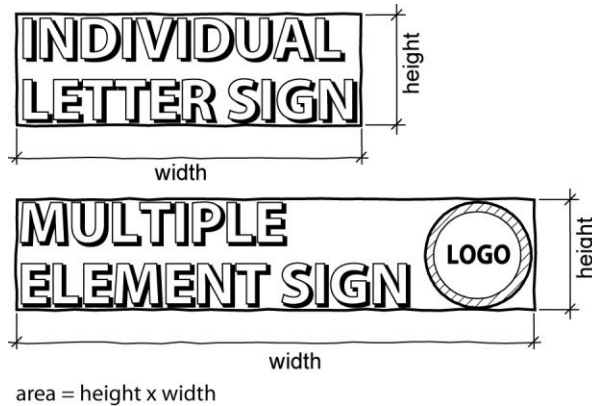
- a. Beacons;
- b. Portable signs;
- c. Inflatable signs and balloons, if located within a multi-family or non-residential district;
- d. Flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs;
- e. Signs, temporary or otherwise, affixed to a tree or utility pole;
- f. Signs violating the "sight triangle" provisions (see Sec. 10-218);
- g. Off premise advertising signs, except as expressly permitted in this Section;
- h. Three-dimensional or statuary signs;
- i. Streamers; and
- j. Snipe signs. (Ord. 0-2010-20, 3/10/10) (Ord. No. O-2010-119; 11/10/10)

Sec. 10-404. Sign Measurements

The following principles will control the computation of sign area and sign height:

a. Computation of Area of Single-Faced Signs

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) will be computed as the area of the smallest square, circle, rectangle, or triangle in a horizontal plane that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this code and is clearly incidental to the display itself.

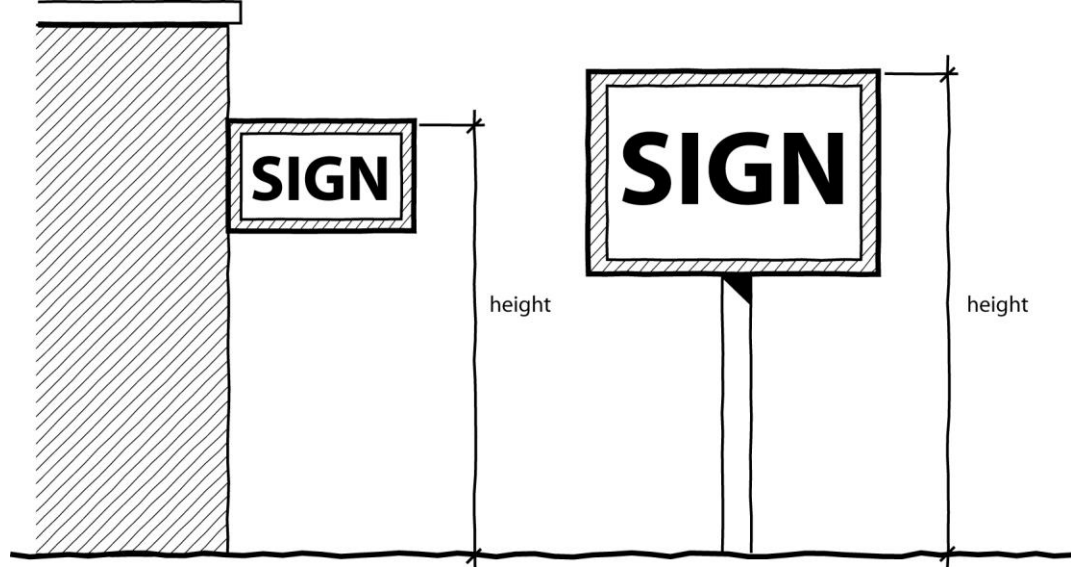


b. Computation of Area of Multi-Faced Signs

The sign area for a sign with more than one face will be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are substantially similar, and when such sign faces are part of the same sign structure the sign area will be computed by the measurement of one of the faces.

c. Computation of Height

The height of a sign will be computed as the mean distance from the base(s) of the sign at normal grade to the top of the highest attached component of the sign. Normal grade will be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.



d. Computation of Maximum Total Permitted Sign Area

The permitted sum of the area of all individual signs must be computed by applying the zoning district formulae contained in sections 10-408 and 10-409 for maximum area per sign, to the lot frontage, building frontage, or wall area, as appropriate. Lots fronting on two or more streets are allowed to calculate both street frontages into the allowable allocation to be identified by the master signage plan.

e. Computation of Maximum Number of Signs

Pursuant to the tables in sections 10-408 and 10-409 each lot is allocated the maximum number of signs allowed per district. Where indicated, additional signs beyond the identified allowance will be determined by the linear frontage of the lot. (Ord. No. O-2010-119; 11/10/10)

Sec. 10-405. Sign Lighting

- a. Illumination of all outdoor signs and advertising of permanent or temporary duration, must be accomplished by means of indirect light. Illumination of any type may not be animated, chasing, or flashing.
- b. When any sign is illuminated, the light(s) must be properly installed, shaded, or concealed, so that the light emitted will illuminate the sign face and will not interfere with the vision of motorists nor shine directly onto residentially zoned property or abutting residential uses.

Sec. 10-406. Sign Construction and Maintenance Standards

All signs must be designed, constructed, and maintained in accordance with the following standards:

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- a.** All signs must comply with applicable provisions of the Tyler City Code at all times.
- b.** Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this code, all signs must be constructed of durable materials and must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- c.** All signs must be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.
- d.** All signs must maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically, or as may otherwise be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner or as otherwise required by the electrical utility.
- e.** Any spotlights allowed to illuminate signs or sign illumination must be shielded such that their light source cannot be seen from abutting roads or properties.

Sec. 10-407. Abandoned Signs

- a.** The city may consider a sign abandoned and cancel the permit or refuse to renew the permit if:
 - 1. a structure is without advertising matter or displays obsolete advertising matter for a period of 365 consecutive days;
 - 2. in the opinion of the building official the sign has fallen into disrepair, become dilapidated, faded to the point of being illegible, or become overgrown by trees or other vegetation; or
 - 3. the permit renewal fees have not been paid in accordance with this subchapter, after demand by the department.
- b.** The payment of property taxes or retention of the sign as a balance sheet asset will not be considered in determining whether the sign permit should be canceled.
- c.** A nonconforming sign may not be replaced or rehabilitated without being brought into conformance with the requirements of this section.
- d.** A sign that has been determined to be abandoned by a building official or code enforcement officer but is otherwise in conformance with this section may be replaced or rehabilitated in adherence to the requirements of this section.
- e.** Signs eligible for a historic sign designation are not subject to this section. (Ord. No. O-2010-119; 11/10/10)

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Sec. 10-408. Sign Standards in Residential Districts

Sign Type district/use	Max. Number	Max. Area (sq. ft.) or Max. Width (ft.)	Max. Height (feet)	Minimum Setback	Additional Requirements
PERMANENT SIGNS					
Wall Sign / Façade Sign					
Single-Family and Two-Family Districts	1	1			Permit/license/bond not required Sign may be substituted with freestanding sign of same size with a maximum height of 6 feet and minimum setback of 5 feet.
Freestanding Sign					
Residential development entry sign in all residential districts	2	100	8	5	Any signs proposed within the r.o.w. require a street use license approved by City Council.
R-MF and PMF districts	1 / frontage	32	8	5	May be substituted with façade sign of same size with a maximum projection of 1.5 feet, or combination thereof. Planned developments must comply with approved Site Development Plan.
Properties developed with Public/Civic uses in all residential districts	1/frontage	32	8	5	May be substituted with façade sign of same size per street frontage, or combination thereof. For included uses see Sec. 10-48.
Electronic message center (EMC) for properties developed with Public/Civic uses in all residential districts	1	24	8	5	See Sec.10-415 For included uses see Sec. 10-48 (Ord. 0-2009-100, 9/23/09) (Ord. No. O-2016-76, 8/24/16)
Monument Signs					
In PMF districts	1/ frontage	32	10	2	Must comply with approved Site Development Plan.
Directional Signs					
Multi-family developments	1/ entrance	8	6	2	Company logo or insignia limited to two square feet of sign. May be substituted with a wall sign of the same size.
Flags					
In all residential districts	3	24	35	5	See Sec. 10-411
Temporary Signs					
R-MF and PMF	1/frontage	50	6	5	See Sec.10-416 One banner is allowed per lot, per street frontage. If the lot has more than 500 feet of frontage, one banner per 500 feet of frontage may be displayed on the same lot.
Banners for properties participating in charitable and humanitarian events		50	6		Planning director to determine number See Sec. 10-416.
Developments under construction in all residential districts	1 / frontage	100	25	5	Displayed only during construction phase; additional sign per 30 acres to be removed upon completion of project. (Ord. No. O-2016-76, 8/24/16)
Properties for sale or lease in single-family and two-family	1/ frontage	6	3	2	

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Sign Type district/use	Max. Number	Max. Area (sq. ft.) or Max. Width (ft.)	Max. Height (feet)	Minimum Setback	Additional Requirements
districts					
Properties for sale or lease in multi-family districts	1 / frontage	32	15	2	Developments of 10 acres or more are allowed one 64 SF sign per 500 ft. of frontage. Signs may not exceed 15 ft. in height.

(Ord. 0-2010-20, 3/10/10) (Ord. No. O-2010-119; 11/10/10) (Ord. No. 0-2013-41; 5/22/13) (Ord. No. 0-2015-67; 6/24/15) (Ord. No. O-2016-76, 8/24/16)

Sec. 10-409. Sign Standards in Nonresidential Districts

Sign Type district/use	Max. Number	Max. Area (sq. ft.) or Max. Width (ft.)	Max. Height (feet)	Max. Projection or Min. Setback (ft)	Additional Requirements						
PERMANENT SIGNS											
Wall Sign / Façade Sign				Projection							
RPO district	1 / business or tenant	16		1	Max. aggregate gross sign area: 48 sq. ft.; when total floor area exceeds 7,500 sq. ft., 1 additional 32 sq. ft. business directory sign is allowed.						
All uses in PCD, PMXD-1, and PMXD-2 districts	1 / 500' of frontage or fraction thereof	100		1.5	Base zone standards apply; can be modified w/ approved Site Development Plan. In no case shall a sign be allowed to exceed the sign standards for C-2.						
C-1 district											
100-1999 sq. ft. in façade area	1 / façade	100		1.5							
2000+ sq. ft. in façade area	1 / façade	9% of façade		1.5	Additional 3% of façade area may be used for ancillary signs.						
INT, OSP, C-2, DBAC, and M-1 and M-2 districts	1 / facade										
100-1999 sq. ft. in façade area	1/ facade	100	na	1.5	Min. clearance 8 ft. above first floor ground level.						
2000+ sq. ft. in façade area	1/ facade	9% of façade	na	1.5	Additional 3% of façade area may be used for ancillary signs.						
On lower two floors of multi-story building	1/tenant	100	4		Tenant must have a direct, outside entrance or storefront. No letter, insignia, or symbol may exceed 48" in height.						
On upper floor of façade	1/facade	9% of façade above the first floor	4		No letter, insignia, or symbol may exceed 48" in height. See Sec. 10-410. (Ord. No. O-2016-76, 8/24/16)						
Awning Signs In all commercial, institutional, office, and manufacturing districts	1/ frontage		6	Max 4 ft. projection from wall	See Sec.10-414						
Projecting Signs (includes blade signs) INT, C-1, C-2, PCD, M-1, and M-2 districts	1/ tenant	24	4	See chart	<table border="1"> <tr> <td>Vertical Clearance</td> <td>Max Projection</td> </tr> <tr> <td><7 ft.</td> <td>3"</td> </tr> <tr> <td>7-8 ft.</td> <td>12"</td> </tr> </table>	Vertical Clearance	Max Projection	<7 ft.	3"	7-8 ft.	12"
Vertical Clearance	Max Projection										
<7 ft.	3"										
7-8 ft.	12"										

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Sign Type district/use	Max. Number	Max. Area (sq. ft.) or Max. Width (ft.)	Max. Height (feet)	Max. Projection or Min. Setback (ft)	Additional Requirements	
					>8 ft.	4'
Projecting Signs (includes blade signs) In PMXD-1, PMXD-2, and DBAC districts	1/ frontage	48	15	See chart	>8 ft.	4'
Electronic message center (EMC) on marquee, DBAC	1/ marquee face	40	na	na	Requires Special Use Permit; DBAC properties within the downtown planning area defined in the Comprehensive Plan See Sec. 10-415	
Roof Sign						
Multi-tenant developments	1/frontage	10% of building façade width	4		Must be in compliance with a Master Sign Plan; In lieu of freestanding sign, freestanding sign allowance must be from same elevation; Constructed of individually cut lettering and/or graphics without backing panel.	
Freestanding Signs				Setback		
AG and AR District	1/frontage	8	8	5		
All uses in RPO district	1/ frontage	32	25	5		
All uses in PCD, PMXD-1, and PMXD-2 districts	1/ frontage	200	35	5	Consistent with approved base zoning and Site Development Plan	
Development signs, C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 districts	1 / thoroughfare with direct access	300	35	5	Applies to developments of 10 to 50 acres	
Major Development signs, C-1, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 districts	1 / thoroughfare with direct access	500	50	5	Applies to developments of 50 acres or more	
Developments with drive-thru lines in C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 district	2 / drive-thru line per business	32	6	8	Must be spaced at least 10' from any other menu board sign	
Electronic message center (EMC), C-1 district	1 / lot	32	8	5	Additional allowance based on established thoroughfare speed. See Sec.10-415	
Electronic message center (EMC), C-2, DBAC, PCD, PMXD-1, PMXD-2, M-1, and M-2 district	1/ lot	64	8	5	See Sec.10-415	
Electronic message center (EMC) for properties developed with Public/Civic uses in INT	1 / lot	24	8	5	Additional allowance based on established thoroughfare speed. See Sec. 10-415 For included uses see Sec. 10-33 (Ord 0-2009-100, 9/23/09)	

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Sign Type district/use	Max. Number	Max. Area (sq. ft.) or Max. Width (ft.)	Max. Height (feet)	Max. Projection or Min. Setback (ft)	Additional Requirements
All other uses in INT, OSP, C-1, C-2, DBAC, M-1, and M-2 district	1/ frontage	100	35	5	Additional signage for multiple tenants: 2 sq. ft. per 10 ft. of frontage, up to 200 sq. ft. when district allows building height >35ft., sign may be affixed at allowed building height. 1 reader board sign allowed per lot, up to 32 sq. ft. Signs up to 10 feet in height must have a setback of 2 feet; Signs between 10 feet and 35 feet in height must have a setback of at least five feet. (Ord. No. O-2016-76, 8/24/16)
DIRECTIONAL SIGNS					
In all nonresidential districts	1 / entrance	8	6	2	Company logo or insignia limited to two square feet of sign. May be substituted with a wall sign of the same size.
FLAGS					
In all nonresidential districts	3	24	35	5	See Sec. 10-411
TEMPORARY SIGNS					
RPO, C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, INT, M-1, M-2	1/frontage	50	6	2	See Sec.10-416 One temporary sign is allowed per lot, per street frontage. If the lot has more than 500 feet of frontage, one temporary sign per 500 feet of frontage may be displayed on the same lot.
Commercial Banners - Pole-mounted banners (displayed vertically) in C-1, C-2, DBAC, PCD, PMXD-1, PMXD-2, INT, M-1, and M-2	Set of 10 = 1 Banner	8	4	2	Pole-mounted banners must be placed interior to the lot See Sec.10-416
Banners for properties participating in charitable and human activities in all districts		50	6		Planning director to determine number See Sec. 10-416
Developments under construction in non-residential districts	1 / frontage	100	25	5	Displayed only during construction phase; Additional sign per 30 acres to be removed upon completion of project. (Ord. No. O-2016-76, 8/24/16)
Properties for sale or lease in non-residential districts	1 / frontage	32	15	2	Developments of 10 acres or more are allowed one 64 SF sign per 500 ft. of frontage.
Sandwich board signs in DBAC	1	8	6		Must not obstruct pedestrian traffic. (Ord. No. O-2016-76, 8/24/16)
BILLBOARDS					
In M-1, M-2 districts and ETJ	1 / lot within city limits, In ETJ, subject to spacing requirements.	672	35	2 times sign height	See Sec.10-430

(Ord. 0-2010-20, 3/10/10) (Ord. No. O-2010-119; 11/10/10) (Ord. No. 0-2011-45; 6/8/11) (Ord. No. 0-2012-83; 10/10/12) (Ord. No. 0-2013-41; 5/22/13) (Ord. No. 0-2015-67; 6/24/15) (Ord. No. O-2016-76, 8/24/16)

Sec. 10-410. Master Signage Plans

A master signage plan is an administrative permit which establishes standards (size, design, location, etc.) for all exterior signs associated with a multi-tenant/multi-building development with two or more tenants, whether on a single lot or multiple lots. The sign standards of the code provide clear regulations for the permitting, design, location, construction, modification, use, maintenance, and removal of signs in the City of Tyler.

a. Applicability

A master signage plan is required for all multiple-tenant buildings, planned district developments, and all multi-building or multi-occupant commercial developments. (Ord. No. O-2010-119; 11/10/10)

b. General Requirements

1. The lot or lots involved must be contiguous constitute a single cohesive development.
2. The sign or signs must be located on a lot that one of the advertised businesses occupies. Alternately the property owner may secure an easement, and provide written evidence of such, from the owner or entity responsible for an adjacent property where a sign may be placed.
3. The sign must be designed in the overall architectural style of the buildings within the development.
4. The signs may be any sign type that is otherwise allowed by this code.
5. Private streets within the boundaries of the development are treated as public rights-of-way for purposes of determining allowable signage.
6. Individual pad or lease sites, defined in an approved site plan, are treated as separate lots for purposes of determining allowable signage; however, it is intended that a business will not be allowed advertising on both the multiple tenant (shared) sign and another free-standing business identification sign.
7. In addition to signage that would otherwise be allowed on a lot for business identification purposes, one additional monument sign not exceeding eight feet in height and 32 square feet in area may be located at each intersection of public roadways and/or private roadways for purposes of directing traffic to various areas and businesses within the development.
8. All other provisions of this code will be applicable to this sign category, including but not limited to, allowed number based on road frontage (multiple lot developments are treated as a single lot for this purpose), allowable size as a function of zoning district, spacing, illumination, materials, etc.
9. A wall sign displaying the name of a shopping center may be allowed for developments with less than 2,000 square feet in façade area as long as the proposed principal sign and tenants' signs do not exceed the maximum areas which all tenants with direct outdoor entrance or storefront could have individually. (Ord. No. 0-2012-83; 10/10/12)

c. Application Submittal Requirements

1. Master Application Form
2. \$80 Filing Fee
3. The applicant shall provide two paper copies and one digital copy of the proposed site plan consistent with the information from the Site Development Plan Check List.

d. Review Process

A master sign plan is an administrative permit issued by the planning director. The processing of a master sign plan will involve the following steps:

1. Formal application
2. Review for completeness of application
3. Staff review
4. Final action

e. Signs Subject to the Master Sign Plan

Any sign for which a permit is required and that is part of a development for which a master sign plan has been approved must demonstrate at the time of application that such signs conform to the master sign plan.

f. Appeal

1. Per Article VIII, Division G of this code, an appeal of an administrative decision such as a master sign plan) may be filed by any person aggrieved by the administrative decision; and any officer, department, board or bureau of the city affected by the decision. The appeal is filed with the planning department and must specifically set forth all grounds for the appeal.
2. An appeal of an administrative decision must be made within 30 days after the date of the decision. Such decision will become final following expiration of the 30-day period if no appeal is filed.
3. The appeal authority for administrative decisions is the zoning board of adjustment.
(Ord. No. 0-2011-45; 6/8/11)

Sec. 10-411. Flags

Flags and flag poles are considered signs and are therefore subject to these regulations:

- a.** Flag poles erected in the city are limited to a maximum height of 35 feet, measured from the highest point of the pole to the ground level. Individual flag size is restricted to 24 square feet in area. A flag and its ground-supported staff shall be located on private property behind the property line.
- b.** A maximum of three flags or a maximum of three flagpoles with one flag on each flagpole may be located on a property.
- c.** Portable signs, advertising flags, excluding those permitted above, pennants, and other attraction gathering devices are prohibited within all zoning districts, except those allowed by the planning director through the issuance of a temporary use permit.
- d.** In all zoned districts, signs may not be located so as to cause a threat to the public health, safety, or welfare.

- e. Allowed flags include a symbol of a nation, state, political subdivision, organization, etc. As long as no commercial message is displayed.
- f. For flags and flagpoles with no commercial message, no sign permit is required. (Ord. 0-2010-20, 3/10/10) (Ord. No. O-2010-119; 11/10/10)

Sec. 10-412. Window Signs

Window signs are permitted. The total area of all window signs on any given elevation of a building may not exceed 25 percent of the window area of that elevation.

Sec. 10-413. Freestanding Joint Use Signs

a. Sign Pooling

A freestanding, joint use sign may be permitted to serve two or more tracts, each of which would otherwise be eligible for one freestanding sign. The joint use permit may authorize a larger area of a single sign utilized by all tracts than would be permitted for individual freestanding signs serving each tract. The total square footage of informational area may not exceed 80 percent of the cumulative area which could be permitted for the individual tracts served by the joint use sign. A joint use sign permit may only be granted in lieu of permits for individual freestanding signs. The total square footage in the informational area for a joint use sign may not exceed 300 square feet.

b. Joint Use Sign Permits

1. Before authorization of any joint use sign permit, the request therefore will be referred to the planning director for study and recommendation by staff concerning the effect of the proposed use on the character and development of the adjacent land uses. The planning director will decide whether to approve or deny the request.
2. The following information must accompany all joint use sign permit applications:
 - (a) A joint use agreement signed and acknowledged by each participating tract owner.
 - (b) The joint use agreement must specify the rights of each owner to use the joint use sign(s).
 - (c) The joint use agreement must stipulate that the rights to use the sign through each party to the agreement be set forth and the rights run with the land to the full benefit of the successors of the parties.
 - (d) A detailed site plan showing location, size, and architectural elevation of all proposed freestanding signs.
 - (e) A legal description of the area served by the joint use permit and sign and of each individual tract.

Sec. 10-414. Awnings, Awning Signs, and Canopies

- a. The copy/artwork on an awning or canopy must not exceed the area and size that is allowed for a wall sign on the wall to which it is attached. However, the total area of wall signs, canopy signs, and awning signs on any wall must not exceed the area and size allowed for a single wall sign and must not extend more than 75 percent of the length of the awning.
- b. All awnings and canopies have the potential to be signs and are therefore subject to Sign Construction and Maintenance Standards set forth in Section 10-406. (Ord. No. 0-2009-70; 6/10/09)
- c. The entire length and height of backlit awnings in which the lighting causes the illumination of the awning, of which the length will be limited to 75 percent of the façade of the building, will be counted toward the allowed square footage of the attached sign. (Ord. No. 0-2009-70, 6/10/09) (Ord. No. 0-2013-27; 8/28/13)

Sec. 10-415. Electronic Message Center Signs

- a. In addition to the standards set forth in Table, all electronic message centers (EMC) signs located in the city must adhere to the following requirements:
 - 1. EMCs must meet all the requirements of this sign code. All EMC signs shall comply with the appropriate City sign and other regulations.
 - 2. The maximum height of any freestanding EMC that is not attached to or part of a multi-part freestanding sign is eight feet. Where an EMC is attached to or part of a multi-part freestanding sign, the maximum sign height will be determined according to the maximum permissible height of the sign type of which the EMC is a part.
 - 3. The maximum area of an EMC sign shall not exceed sixty-four (64) square feet, and is in addition to other sign allowances. As an EMC sign is a form of reader board, the EMC sign square footage may not be coupled with any other form of reader board.
 - 4. Minimum separation between EMC signs is 70', unless approved by the Planning Director based on visibility needs.
 - 5. EMCs may be used for all or part of an on-premise sign that displays a commercial or noncommercial message. EMCs may not display off-premises commercial advertising, unless located in DBAC properties within the downtown planning area defined in the Comprehensive Plan and meeting all requirements of subsection 16. below;
 - 6. All EMC signs shall have a minimum hold of three (3) seconds, plus one (1) second for each additional line of copy over three (3) lines. (Ord. No. O-2010-119; 11/10/10)
 - 7. No animation of any type, or flashing light, or "spell on" display mode is allowed on any EMC.
 - 8. All EMC signs shall be antiglare. All EMCs must be equipped with an automatic dimmer device.
 - 9. As measured at the property line, the maximum light emanation from an EMC sign shall be no greater than .2 footcandles.
 - 10. No EMC signs are allowed within or facing historic districts.
 - 11. Any malfunctioning EMC must be turned off or display a blank screen until repaired.

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12. All electrical equipment used to operate or install an EMC must be UL listed.
13. All electrical power to an EMC sign must be supplied via underground carrier, inside approved conduit, and must be installed according to the city electrical requirements.
14. All EMC signs shall be kept in good operating condition and maintained with good external appearance.
15. EMC signs must not face single family zoned property consisting of the following zoning designations: RE, R-1A, R-1B, R-1C, R-1D, R-2, PXR and PUR or property used for single family regardless of zoning. Property used for institutional uses regardless of zoning may face single family zoned property or property used for single family.
 - (a) Property used for institutional uses regardless of zoning is allowed one EMC sign that shall not exceed 24 square feet; display must be turned off between 9:30 p.m. and 6:00 a.m. Signs within 50 feet of a property line of an adjacent residentially-used property are limited to amber light only. (Ord. No. 0-2016-8; 1/27/16)
 - (b) Where the subject property has multiple frontages, EMC signs must be placed on the frontage with the higher road classification.
16. EMC marquee signs in DBAC properties within the downtown planning area defined in the Comprehensive Plan shall be placed on a projecting marquee feature for on-premise and/or off-premise advertising and may only be permitted through a Special Use Permit approved by City Council. When considering a Special Use Permit for an EMC marquee sign, the City Council may consider the following:
 - (a) Sign is contextual to the architecture and/or historical image of building and DBAC district in general.
 - (b) Sign includes time dedicated to promoting downtown Tyler.
 - (c) Sign meets the intent to restore and rehabilitate historically used marquees.
 - (d) Sign color scheme promotes downtown sense of place.
 (Ord. No. 0-2013-41; 5/22/13)
17. EMC signs in INT and C-1 districts are permitted additional area allowances given the speed limit of the street adjacent to the sign, as shown in the following table supplied by United States Sign Council:

Speed of street adjacent to sign (MPH)	Sign Size (square feet)
40	32
45	40
50	50
55	60

(Ord. No. 0-2013-41; 5/22/13)

- b. If any non-conforming existing EMC sign is damaged so that repairs would cost as much as 60 percent of the value of the sign, the sign may be repaired only if it is

brought into conformance with this ordinance. (ORD. 0-97-62, 12/10/97) (Ord. No. 0-2007-94; 7/25/07). (Ord. No. 0-2009-100, 9/23/09) (Ord. No. 0-2011-45; 6/8/11)

Sec. 10-416. Temporary Signs and Holiday Decorations

a. General Requirements

Only temporary signs listed in this section are allowed.

1. Term

Each type of temporary sign that is allowed under this section may be displayed on a property year round.

2. No Permit Required

The display of temporary signs does not require a Temporary Sign Permit (TSP) or further approval, unless otherwise stated in this Section.

3. Number

One temporary sign is allowed per lot, per street frontage. If the lot has more than 500 feet of frontage, one temporary sign per 500 feet of frontage may be displayed on the same lot.

4. Other Conditions

A temporary sign is allowed only in designated districts and is subject to all other requirements of that district.

5. Maintenance

All allowed temporary signs must be kept in good condition. Temporary signs that do not meet maintenance requirements must be removed.

6. Location

A temporary sign must be placed on the property which it is advertising and not in the public right-of-way. Pole-mounted banners on all street frontages must be setback a minimum of 60 feet from the property line to be considered interior to the lot. (Ord. No. 0-2011-45; 6/8/11) (Ord. No. 0-2013-41; 5/22/13)

b. Temporary Sign Types

1. Commercial Banners and Coroplast Signs

Commercial banners and coroplast signs are subject to the requirements set forth in the table in Sec. 10-409 and of this section. There are two types of commercial banners:

- (a) Pole-mounted banners, which are displayed vertically, mounted on two rods that extend perpendicularly to a pole. Such banners may be part of an overall exterior signage package.
- (b) Wall mounted banners, which are typically displayed horizontally on a exterior building wall, face, or side. Wall mounted banners typically display information regarding commercial events, such as grand openings, sales, or property leasing information.

For the purposes of this section, a set or group of up to 10 pole-mounted banners will be considered a single banner. (Ord. No. O-2010-119; 11/10/10)

2. Decorative and Noncommercial Banners

Non-Commercial banners placed on private property are limited to 50 square feet and one banner is allowed per street frontage. Banners proposed to be placed in the public right-of-way require a permit from the Planning Director and may be placed for no more than 30 consecutive days.

Such banners will be allowed for the following public events and entities and are permitted year round.

- (a) Charitable and humanitarian events;
- (b) Educational, scholastic, or artistic events;
- (c) Banners intended for use by sponsors of non-profit community activities such as festivals, conventions, major events, and general street beautification will be allowed within all districts if signed by the property owner and if approved by the planning director;
- (d) Banners displayed on publicly owned property (parks, convention centers, and buildings) must be approved by the designated representative of the property and are limited to activities occurring on the publicly owned property; or
- (e) Within schools, religious institutions, and facilities of similar use, and all office, commercial and industrial zoning districts.

3. Holiday Decorations

Holiday decorations for multi-family and nonresidential Districts are subject to the requirements set forth in the table in Sec. 10-409 and of this section.

- (a) Holiday decorations are allowed for a maximum of 14 days prior to a federally recognized holiday. All decorations must be removed immediately following the holiday. A 15 day extension may be allowed with a temporary sign permit granted by the Planning Director. In no case may holiday decorations ever be displayed more than 45 consecutive days.
- (b) All decorations must be specific to the holiday celebrated and non-commercial in nature.
- (c) Decorations on collector or arterial roadways must not flash, blink, move or otherwise be distracting to the motoring public. (Ord. 0-2010-20, 3/10/10)

Sec. 10-417. Political Signs

Pursuant to Section 216.903 of the Texas Statutes, or successor statute, the following conditions apply to signs in the City of Tyler that are placed on private property with the consent of the owner and that contain political messages. Such signs may:

- a. Be up to 36 square feet in area and eight feet in height; but
- b. May not be illuminated or have any moving elements.

Sec. 10-418. Sign Code Enforcement

a. Authority

The building official or designated code enforcement officer is hereby authorized to issue a citation and to order the repair or removal of any dilapidated, deteriorated, abandoned, illegal, or prohibited signs from property within the city limits of Tyler, in accordance with the enforcement mechanisms set forth in this section.

b. Notice of Violation

When the building official or designated code enforcement officer, determines that a dilapidated, deteriorated, illegal, prohibited, or abandoned sign located on private property within the city limits of Tyler requires removal by the owner, they must issue a notice of violation to the owner of the sign or to the owner, occupant, or person in control of the property on which the sign is located, except when the sign poses an immediate or imminent threat to public safety because of the condition of the sign, in which case it may be removed without notice.

- c. Enforcement and removal of abandoned signs adjacent to interstate and major highways is governed by the Texas Administrative Code.

d. Contents of Notice of Violation

The notice of violation must contain:

1. Name of the owner, occupant, manager, or other person in control of the property.
2. Street address sufficient to identify the property on which the alleged violation occurred.
3. Description of alleged violation and reference to the portion of this section that has been violated.
4. Statement of the action required to correct the violation and a deadline for completing the corrective action.
5. Statement that failure to take the corrective action within the time specified may result in a criminal penalty and possible filing of a civil action by the city against the owner seeking injunctive relief and/or civil penalties.
6. Statement informing recipient of their right to appeal the decision of the building official to the board of adjustment in accordance with Sec. 10-771.
7. Owners or the occupant, or person in control of the property on which the sign is located found to be in violation of this section may be assessed a fine in an amount established by the city council and kept on file in the planning department.

e. Service of Notice of Violation

The city manager, or designee, must serve a written notice of violation on the owner of the sign or the owner, occupant, or person in control of the property on which the sign is located for sign violations on private property within the corporate limits of the city of Tyler or ETJ. The notice of violation should be served by hand or by certified mail with a return receipt requested. Service by certified mail will be effective three days after the date of mailing.

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Sec. 10-430. Billboards

Billboards and similar outdoor advertising are allowed in M-1 and M-2 districts in the city and commercial properties in the ETJ provided the billboard meets all federal, state, and city requirements. (Ord. No. 0-2014-33; 4/23/14)

a. General Requirements

All billboards located within the city limits and extraterritorial jurisdiction must adhere to the following requirements. The city's regulations herein governing billboards in the extraterritorial jurisdiction hereby supersede the regulations imposed by or adopted under Chapter 394 of the Texas Transportation Code.

1. Billboards may be up to 35 feet in height, measured from the highest point of the sign to ground level.
2. Billboards must not be located so as to create a safety hazard, or to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct the driver's view of approaching, merging, or intersecting traffic, or to be likely to cause a driver to be unduly distracted in any way.
3. Billboards may not be located within 1,500 feet of any public park, public forest, public playground or scenic area, designated as such by the city or any other governmental agency.
4. Billboard faces may not contain any flashing, fluttering, undulating, swinging, rotating, or other moving elements or any reflective material such as foil, that may simulate movement or that is intended to distract drivers or passers by. (Ord. No. 0-2009-70; 6/10/09)

b. Allowed Area and Height

1. The sign area of a billboard must be calculated as the area enclosed within the outer edge of the frame (border) of each sign face, multiplied by the number of faces.
2. The maximum area for any one billboard must not exceed 672 square feet.
3. Billboard panels may not be stacked, or placed side by side.
4. Billboards may have an interior angle with a maximum 15 foot separation at outer edge.
5. Billboards greater or equal to 400 square feet in gross area must observe the following location retirements:
 - (a) Spacing: The minimum sign separation is 750 feet from any other billboards. Separation between billboards will be measured by the linear distance on the same side of the street.
 - (b) Setback: A minimum distance of twice the sign height must be observed from any residentially zoned district.
6. Billboards less than 400 square feet in gross area must observe the following location requirements:
 - (a) Spacing: The minimum sign separation will be 300 feet from any other billboards. Separation between billboards will be measured by the linear distance on the same side of the street.

- (b) Setback: A minimum distance of twice the sign height from any residentially zoned district.
7. Any spherical, free-form, sculptural, or other non-planar sign element protruding outward, above, below, or to either side of the billboard will be measured as 50 percent of the sum of the areas of the four vertical sides of the smallest four-sided polyhedron that will encompass the protruding element. Inclusion of such elements will reduce the overall permitted size of the billboard.
 8. Billboards that are illuminated, may be lighted only by lights that are properly installed, shaded or concealed, and are aimed so that the light will project onto the sign face and will not interfere with the vision of motor vehicle operators, nor shine directly onto nearby residential property located in any residentially zoned district. Illumination of such signs must not be flashing or intermittent.
 9. Billboards will be considered a structure and must observe all setbacks and structure separation requirements of the zoning district in which they are located.
 10. Any non-conforming billboard that is damaged or deteriorated to an extent where restoration costs exceed 60% of the cost of erecting a new sign of the same type at the same location, must be removed. (Ord. 0-98-41, 5/27/98) (Ord. No. 0-2009-07; 6/10/09)

c. Billboard Cap and Reduce

The number of billboards in the City and ETJ is limited to the number of such signs in existence on April 24, 2008. To encourage the reduction of billboards, the owner of a sign that was lawfully erected in compliance with all standards then in effect or lawfully in place at the time it was annexed into the City, or that owner's designee, may be awarded credit for removing such sign. (Ord. No. 0-2014-97; 10/22/14)

1. One credit will be awarded for each face that is removed from a lawfully existing billboard. In order to receive a permit for the erection of a billboard, two credits must be used per each new face.
2. The City shall issue a permit to any billboard owner or designee holding sufficient credits, for erection of an billboard in a location approved by the City, in its sole discretion according to the requirements set forth in this section. The permit must state the number of faces to be erected and must address all requirements set forth in this section.
3. Credits are transferable.
4. Credit is received when a billboard owner or designee removes a sign voluntarily, even if the reason is loss of the lease. No credit may be awarded for the removal of a billboard that was in violation of Federal, State, or City laws when erected.
5. To be awarded a credit under the incentive program, a sign owner or designee must notify the City within 60 days of the removal of a billboard and receive a letter issued by the City awarding a credit. Failure to apply for a credit within 60 days from removal of a sign bars the awarding of credit for that sign. Any unused credits will be held in reserve indefinitely, in order to give incentive for immediate removal of current faces. (Ord. No. 0-2009-70; 6/10/09)

d. Billboard Inventory and Registration

In accordance with Title 43 of the Texas Administrative Code or successor, an inventory of billboards shall be maintained. The purpose of the billboard registration program is to

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maintain the billboard inventory and aid the City in enforcing the Billboard Cap and Reduce policy. All billboard owners in the City limits and extraterritorial jurisdiction are required to register their billboards in order for the City to maintain an accurate count and location database. A complete list of an owner's billboards, and locations must be submitted along with an annual fee listed in Section 10-776. The submittal must be made in the first month of each calendar year in order to remain in compliance with this section. (Ord. No. 0-2012-83; 10/10/12)

Sec. 10-431 - 439. Reserved

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