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COMMUNITY DEVELOPMENT

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

MEMORANDUM

To: Planning and Zoning Commission

From: Andrew Fangman, City Planner

Date: April 14, 2015

Re: Initial Draft of the Portion of the New Zoning Ordinance that Deals Signs

The process to rewrite Muscatine's 40 year old zoning ordinance and implement the vision contained within the recently adopted Comprehensive Plan. Attached is the draft of the chapter dealing with sign regulations. Based on public feedback received during the process to create the Comprehensive Plans no radical changes to way that signs are regulated are being proposed.

The main aim of the rewrite of this portion of the zoning ordinance is to make it more user friendly and understandable. To that end this draft chapter is being initially provided with minimal background information or explanation. Please read over and be prepared to offer comments on its readability and understandability of these regulations for someone picking them up for the first time. At the meeting staff will provided an in-depth presentation what is being proposed.



Title 10 – Zoning

Chapter XXX – Sign Regulations

10-XXX-1 Purpose

The purpose of this chapter is to promote public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements, including the following specific purposes.

- A.** To balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages.
- B.** To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage.
- C.** To protect the aesthetic beauty of the City’s natural and built environment.
- D.** To prevent property damage, personal injury, and litter from signs which are improperly constructed, poorly maintained, or of flimsy materials.
- E.** To protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape.
- F.** To provide consistent sign design standards.
- G.** To provide an improved visual environment for the citizens of and visitors to the City and to protect prominent view sheds within the community.
- H.** To enable the fair and consistent enforcement of these sign regulations.

10-XXX-2 Applicability

A. Applicability

This Chapter applies to all signs, of whatever nature and wherever located, within the City.

B. Interpretations

Any classification of signs in this Chapter that permits speech by reason of the type of sign, identity of the sign user, or otherwise, shall also be interpreted to allow non-commercial speech on the sign. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. To the extent any provision of this Chapter is ambiguous, the term shall be interpreted not to regulate on the basis of the content of the message.



C. Exemptions

The following types of signs are exempt from the provisions of this Chapter, except for those contained in Section 10-XXX-4, Section 10-XXX-5, and Section 10-XXX-7(A).

1. Street and Residence Identification Signs

Street identification and residence identification signs.

2. Governmental Signs

Signs installed by the City, County, or a Federal or State governmental agency for the protection of public health, safety, and general welfare, including, but not limited to, the following:

- i. Emergency and warning signs necessary for public safety or civil defense; Traffic signs erected and maintained by an authorized public agency.
- ii. Signs showing the location of public facilities.
- iii. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety, and general welfare.

3. Flags

Official flags of national, state, or local governments.

4. Certain Historic and Architectural Features

Historical plaques erected and maintained by non-profit organizations, memorials, building cornerstones, and date-constructed stones.

5. Signs Required by Law.

6. Scoreboards at public schools or institutional athletic fields.

7. Gravestones or cemetery markers.

8. Religious symbols.

9. Noncommercial holiday decorations.

10. Political signs.

11. Internal Signs

Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way, including signs within an enclosed mall or shopping center.



10-XXX-3 Permit Required for Permanent Signs

It shall be unlawful for any person to erect, or cause to be erected or constructed within the City, any permanent sign or awning without having first secured a permit therefore from the Community Development Department. A permit fee, as designated in the City Code for each sign or awning shall be charged to the applicant securing the required permit. Said fees may be subject to change from time to time by resolution of the City Council.

10-XXX-4 General Restrictions Applying to All Signs

A. Location Restrictions

Except where specifically authorized in this Chapter, signs are prohibited in the following locations:

1. Any sign, not owned by the City of Muscatine, located within a City right-of-way, except for as provided by in this Chapter.
2. Any sign located within, on, or projecting over a property line which borders a public or private street, highway, alley, lane, avenue, road, sidewalk, or other right-of-way, except as specifically provided in this Chapter.
3. Any sign attached to any public utility pole, structure or street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs approved as part of a special event permit on City property or banner signs permitted by the City on light poles in certain zones within the City. Nothing in this Section shall be construed to prohibit a person from holding a sign while located on City property so long as the person holding the sign is located on public property determined to be a traditional public forum and does not block ingress and egress from buildings or create a safety hazard by impeding travel on sidewalks, bike and vehicle lanes, and trails.
4. Any sign, which by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device
5. Any sign, which by reason of its location, will obstruct the view of any street or railroad track to the extent it makes it dangerous to use the street.
6. Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the Building Code.

B. Feature Restrictions

The following sign features are prohibited:

1. No sign may be lighted so it impairs the vision of any motor vehicle driver.



2. Any sign which emits sound, odor, smoke, laser or hologram lights, or other visible matter, including any sign that uses motion picture projection.
3. No sign may imitate or resemble an official traffic control sign, signal or device.
4. Portable signs or paper posters applied directly to the wall, building, pole, or other support and letters or pictures in the form of advertising, printed or applied directly on the wall of a building, are prohibited.

10-XXX-5 General Criteria and Regulations Applying to All Signs

A. Sign Message

Any permitted sign may contain, in lieu of any other message or copy, any lawful non-commercial message, so long as the sign complies with the size, height, area, location, and other requirements of this Chapter.

B. Sign Measurement Criteria

1. Sign Area Measurement

Sign area is measured as follows:

- i. Sign copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.
- ii. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.
- iii. Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy. Such elements may include, but are not limited to, lit canopy fascia signs, spanner board signs, and/or interior lit awnings.
- iv. Multi-face signs, are measured as follows if the interior angle between the and two sign faces is 45 degrees or less, the sign area is of one sign face only. If the angle between the any two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.
- v. Spherical, free-form, sculptural or other non-planar sign area is measured as 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure.



2. Sign Height Measurement.

Sign height is measured as follows:

i. Freestanding Signs

Sign height is measured as the vertical distance from the average elevation of the finished grade within an eight-foot radius from all sides of the sign at the base of a sign to the top of the sign, exclusive of any filling, berming, mounding or landscaping solely for the purpose of locating the sign.

a. If natural grade at the base of a sign is higher than the grade of the adjacent road, sign height shall be measured from the base of the sign.

b. If natural grade at the base of a sign is lower than the grade of an adjacent road, the height of the sign shall be measured from the top of curb elevation.

ii. Building Mounted Signs

The height of wall, fascia, mansard, parapet, or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.

C. Structure and Installation

1. Raceway Cabinets

Raceway cabinets, where used as an element of building mounted signs, shall match the building color at the location of the building where the sign is located. Where a raceway cabinet provides a contrast background to sign copy, the colored area is counted in the aggregate sign area permitted for the site or business.

2. Support Elements

Any angle iron, bracing, guy wires, or similar features used to support a sign shall not be visible.

3. Electrical Service

When electrical service is provided to freestanding signs or a landscape wall sign, all such electrical service is required to be underground and concealed. Electrical service to building mounted signs, including conduit, housings, and wire, shall be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A building permit (electrical) shall be issued prior to installation of any new signs requiring electrical service.

4. Durable Materials

All permanent signs permitted by this Chapter shall be constructed of durable materials capable of withstanding continuous exposure to the elements and the conditions of an urban environment.



D. Maintenance

All signs, whether or not in existence prior to adoption of this Chapter, shall be maintained. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this Chapter.

E. Obsolete Signs

Sign structures permitted as on-premises business signs may remain in place after the business vacates the premises, provided the sign is left non-illuminated and sign copy is removed within 30 days after the business vacates the premises. If an on-site use for the sign is not commenced within six months of the termination of the previous on-site use, the sign shall be deemed abandoned, and is subject to the provisions of Section..... (Non-conforming signs.).

F. Unused Sign Support Structures

Any vacant and/or unused sign support structures, angle irons, sign poles, or other remnants of old signs which are not currently in use, or proposed for immediate reuse evidenced by a Sign Permit application for a permitted sign, shall be removed.

G. Nonconforming Uses

All legal nonconforming uses at the effective date of the passage of this Chapter are entitled to maintain sign(s) until said sign(s) are changed, altered, or replaced at which time they shall be brought into conformance with all regulations set out herein.

H. Violation

It shall be unlawful for any owner of record, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land to fail to maintain the property and all signs in compliance with this Chapter. Any person who violates any of the provisions contained herein shall be guilty of a misdemeanor and each day of the violation may be considered a separate and distinct offense.

10-XXX-6 Regulations and Criteria Applying to Permanent Signs

A. Regulation Applying to All Permanent Signs

1. For parcels with less than 120 feet of frontage along a public street the sum total size of all permanent signs on single parcel shall not exceed 240 square feet.
2. For parcels with more than 120 feet of frontage along a public street the s the sum total size of all permanent signs on single parcel shall not exceed 240 square feet plus an additional 1 square foot for each additional 2 linear feet of frontage beyond 120 feet.
3. No single sign shall exceed 600 square feet.
4. Regardless of parcel size billboard may be up to, but not exceed 400 square feet.



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5. In AG districts a total of 32 square feet of permanent signs are allowed.
6. All signs which are affixed on building walls and/or canopies and shall not extend higher than 35 feet above curb level, the maximum structure height allowed in the zoning district in which it is located, or 5 feet above building height, whichever is lower.
7. Off premises advertising signs are only permitted in the C-2 and M-2 Districts.
8. Churches, and other permitted uses in single family residential zoning districts, shall be permitted to erect one bulletin board sign in addition to other signage permitted in this chapter. The bulletin board sign may be illuminated changeable letter or electronic message center not to exceed 18 square feet in area.
9. Signs in the S-3 Mixed-Use Development District shall be permitted through the process of Site Plan Review approval. The existing Sign Code Regulations contained herein for the respective uses in the residential, commercial, and light industrial zoning districts shall be construed as the guide in reviewing proposed signs in the Site Plan Review process. Resolution of sign size or location conflicts in the S-3 Mixed Use Development District may be appealed to the Zoning Board of Adjustment and the Planning and Zoning Commission.

B. Signs Projecting into Public Right-of-Way

1. Proposals for any new sign, canopy, or awning which will overhang public rights-of-way shall be reviewed by the Zoning Board of Adjustment with a recommendation forwarded to the City Council for their approval or denial.
2. No sign shall be permitted to encroach on or hang over Iowa Department of Transportation right-of-way.

C. Permanent Signs in Residential Districts

Aside from the following exceptions, no permanent signs shall be permitted in any residential district.

1. Exempt signs as listed in **Section 10-XXX-2(C)**.
2. A single wall sign in the R-5, R-6, and S-2 Districts related to the name or use of each occupant.
3. Churches, and other permitted uses in single family residential zoning districts, shall be permitted to erect one bulletin board sign in addition to other signage permitted in this chapter. The bulletin board sign may be illuminated changeable letter or electronic message center.



D. Wall Signs

1. Definition

A wall sign is a sign securely affixed to or painted on a wall the front, side, or rear wall of any building.

2. Size and Height Regulations

No single wall sign shall in size exceed 20% of the total square foot area of the face of the building on which it is placed.

3. Placement

No wall sign shall extend more than 12 inches beyond the building.

E. Ground Signs

1. Definition

Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial, and reading matter when such sign is supported by uprights, posts, or braces placed upon or affixed in the ground, not attached to any part of a building, and the bottom of the sign is flush with the ground. Does not included billboards

2. Size and Height Regulations

No ground sign shall be at any point over 25 feet above the ground level.

3. Placement

1. No ground sign shall be located within 10 feet of any parcel line.
2. No ground sign, when erected on a lot fronting on intersecting streets, shall be erected within 50 feet of the intersection of the streets.

F. Post Signs

1. Definition

Any permanent sign supported by one or more upright(s) or brace in or upon the ground and not attached to any building or wall, but not including a ground sign or billboard.

2. Size and Height Regulations

- i. The maximum square foot area for each face of a post sign shall not exceed 2 square feet for each lineal foot of the longest dimension of the parcel that it is located.
- ii. No post sign shall exceed 35 feet in height

4. Regulations Relating to the Area Beneath the Bottom of Pole Signs

- i. No post sign may be extended downward nearer than 5 feet to the ground or pavement.



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- ii. Post signs constructed within 10 feet of any property line must maintain at least 10 feet of vertical clearance from the ground or pavement to the lowest edge of the sign.
- iii. The area beneath a pole shall not be used for storage, nor shall any sign (permanent or temporary) or structure be located there.
- iv. Landscaping is permitted beneath the bottom of pole signs, provided it does not exceed a height of 3 feet and at least 5 feet of vertical clearance is maintained between the bottom of the pole sign and the top of any landscaping.

G. Roof Signs

1. Definition

Any sign erected, constructed, or maintained upon the roof of any building.

2. Size and Height Regulations

No single roof sign shall in size exceed 20% of the total square foot area of the face of the building on which it is placed.

H. Projecting Signs

1. Definition

Any sign affixed to a building in such a manner that which is not substantially parallel to the surface or plane of the supporting wall and its leading edge extends more than 12 inches beyond the surface of such building. Awnings and canopies are not considered projecting signs.

2. Size and Height Regulations

- i. Projecting signs may extend from the building into a yard, provided that if the projecting sign is within 10 feet of any property line at its closest point, a minimum of 10 of vertical clearance must be maintained from ground level to the lowest edge of the sign.
- ii. No single projecting sign shall in size exceed 20% of the total square foot area of the face of the building on which it is placed.

I. Awning/Canopy Signs

1. Definition

A sign incorporated into or attached to an awning or canopy.

2. Size and Height Regulations

No single awning/canopy sign shall exceed 20% of the total square foot area of the face of the building on which it is placed.

3. Placement

Signs constructed below a canopy or awning, provided the sign does not extend further than the outer edge of the canopy, the sign does not exceed



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18 inches in height, and a vertical clearance of 7 feet is maintained from the lowest point of the sign to the ground or pavement.

4. Canopy and Awning Regulations

- i. All canopies and awnings shall be constructed on private property only and may be cantilevered over public rights-of-way, with approval by City Council in accordance with Section XXXXXXX.
- ii. All canopies and awnings shall be made of stoutly constructed materials capable of withstanding imposed loads.
- iii. All canopies and awnings shall provide a minimum of 7 feet of vertical clearance from the bottom edge of the canopy or awning to grade.

J. Marquee Signs

1. Definition

Any sign which forms part of, or is integrated into, a marquee and which does not extend horizontally beyond the limits of such marquee. A marquee is defined as a permanent canopy structure constructed of rigid materials that are attached to and supported by the building and that projects over the entrance to a building.

2. Size and Height Regulations

- i. A sign installed on or as part of a marquee shall not extend more than 3 feet above nor 1 foot below such marquee.
- ii. No single marquee sign shall in size exceed 20% of the total square foot area of the face of the building on which it is placed.

3. Marquee Regulations

- i. Marquees shall not extend more than 8 feet into a front yard.
- ii. Marquees shall be not less than 10 feet above the ground at its lowest level.

K. Billboards

1. Definition

A billboard is an off-premises object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images.. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in



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residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.

2. Size and Height Regulations

- i. No billboard shall exceed 400 square feet in area.
- ii. No billboard shall exceed 25 feet in height.

3. Placement

- i. Allowed only in the C-2 and M-2 zoning districts.
- ii. On a single parcel no billboard shall be located within 400 feet of another billboard also located on that same parcel.
- iii. No billboard, when erected on a lot fronting on intersecting streets, shall be erected within 50 feet of the intersection of the streets.

4. Billboards Located in Vicinity of State Highway

State law requires that any billboard placed in location that is visible from a primary state highway and that is within 660 of Iowa Department of Transportation right-of-way obtain a permit from the Iowa Department of Transportation prior to erection of the billboard; additionally the following regulations apply:

- i. When a permit is required from the Iowa Department of Transportation is must be obtained prior to the issuance of a sign permit by the City of Muscatine.
- ii. When City of Muscatine and Iowa Department of Transportation regulations or rules regarding billboards conflict, the more restrictive regulation or rule shall apply.

L. Electronic Message Centers

1. Definition

A variable-message sign that utilizes computer generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or similar technology.

2. Applicability

EMCs are all a component of a defined type of sign, such as wall signs, ground signs, pole signs, roof signs, or projecting signs. An EMC must comply both the regulations that are specific to EMCs contained in this section in addition regulations applicable to the specific type of sign form that it takes. Where regulations conflict, the most restrictive regulation shall apply.



3. Size Regulations

- i. In the R-1, R-2, R-3, and R-4 Zoning Districts no EMC display area shall exceed 18 square feet in area.
- ii. In the R-5, R-6, S-2, and C-2 Zoning Districts no EMC display area shall exceed 25 square feet in area.

3. Message Change Regulations

- i. In all residential districts, S-1 Districts, and C-2 Districts message changes shall not occur more frequently than once every 4 seconds.
- ii. In all other zoning districts changes shall not occur more frequently than once every 2 seconds.
- iii. Each change of message shall be accomplished in one second or less.
- iv. Traveling messages (e.g., moving messages, animated messages, full-motion video, scrolling text messages) are prohibited.

4. Additional Regulations

- i. The use of EMC's shall be restricted to on-site advertising and/or the promotion of not-for-profit communitywide events or activities.
- ii. In residential districts or, parcels where the front yard is adjacent to or across the street from a residential district, EMC's shall:
 - a. Be turned off between the hours of 11 p.m. and 7 a.m.
 - b. Set back from all property lines a minimum of 25 feet, or the same distance as the principal structure; whichever is less.
 - c. Shall be restricted to red or amber alpha numeric displays on a dark background.

10-XXX-7 Temporary Signs

A. General Temporary Sign Regulations

The following shall apply to all temporary signs:

- 1. Temporary signs are allowed only in compliance with the provisions of this Chapter.
- 2. The City may remove or cause to be removed any temporary or portable sign erected or displayed upon, or projecting into public property.
- 3. Temporary signs shall never be placed within public rights-of-way, including roadways, bicycle lanes, street shoulders, curbs, sidewalks, and trails
- 4. Temporary signs shall not be attached to utility poles or trees.



5. All temporary signs and related supports, including decorative covers, must be maintained in a graffiti-free and clean like-new condition. Temporary signs shall be repaired or replaced if they become damaged, defaced, torn, frayed, or faded.
6. Temporary signs may be displayed in or attached to the inside of show or display windows, provided the total sign area does not exceed 20% of the show or display window area.

B. Promotional Signs

1. Definition

Promotional signs are temporary business advertising signs such as banners, pennants, propellers, valances, balloons, sandwich boards, and similar advertising display intended to attract attention to a use or activity.

2. Except for as otherwise authorized by this chapter promotional sign are prohibited.

C. Community Event Signs

1. Definition

A temporary sign relating to public, civic, or educational activities or events.

2. Size Regulations

- i. Maximum area shall be 12 square feet in all residential zoning districts.
- ii. Maximum area shall be 32 square feet in all non-residential zoning districts.

3. General Regulations

- i. Community event signs promoting an event to take place off-premise are allowed.
- ii. For each parcel when a community event sign is display no other temporary sign may be displayed.
- iii. A community event sign must be removed within 30 days after it is placed, or 3 days after the end of the event it promotes, whichever comes first.



D. Interim Signs

1. Definition

Interim signs are temporary business advertising signs intended to provide interim signage while the permanent signage is being fabricated, repaired or prepared for installation.

2. Size Regulations

The maximum size of interim signs shall be the same as the size of permanent signs permitted by this chapter.

3. Placement

- i. The allowed location of interim signs shall be the same as it for permanent signs under by this chapter.
- ii. The maximum number of signs shall be the same number of permanent signs permitted by this chapter.

4. Allowed Duration of Display

Interim signs shall be removed within 3 month or installation of new signs whichever comes first.

E. Real Estate Signs

1. In commercial and industrial zoning districts temporary signs not exceeding 32 square feet in area advertising the sale or lease of real estate when located upon the property to which the sign refers. Said signs shall be removed upon sale or lease of the property.
2. In all other zoning districts temporary signs not exceeding 12 square feet in area advertising the sale or lease of real estate when located upon the property to which the sign refers. Said signs shall be removed upon sale or lease of the property.
3. Temporary ground signs advertising future use or development of property on which such signs are located may be maintained, subject to the provisions of this Chapter, provided such signs do not exceed 32 square feet in area or remain longer than 6 months.
4. Temporary ground signs advertising future use or development of property on which such signs are located may be maintained, subject to the provisions of this Section, provided such signs do not exceed 32 square feet in area or remain longer than 6 months.



F. Farm-Related Produce Operation Signs

1. Definition

Temporary signs associated with farm-related produce operations that operate on a seasonal basis.

2. Permits for farm-related produce operations shall be for temporary signs not exceeding the period of June 1st through November 10th, at which time they shall be removed.
3. Permits shall be renewed annually.
4. A permit for a temporary sign shall include all such temporary signs on the premises