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## COMMUNITY DEVELOPMENT

Planning,  
Zoning,  
Building Safety,  
Construction Inspection  
Services,  
Public Health

### MEMORANDUM

**To:** Planning and Zoning Commission

**From:** Andrew Fangman, City Planner

**Date:** July 14, 2015

**Re:** 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 has begun. 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, but rather the primary intent of the rewrite of this portion of the zoning ordinance is to make it more user friendly and understandable.

The attached draft reflects all comments received from the Commission since the initial draft of the proposed sign regulations were presented to the Commission at its April 14<sup>th</sup> meeting. Following is an overview of how the proposed sign regulations different from current sign regulates. Full text of the proposed sign regulations is attached.

- Added a section explaining the purpose of the sign regulations. This was done to provide the proper context for interpreting the provisions of the proposed sign regulations.
- Section 10-XXX-2(B) was added to ensure that commercial speech on signs in never regulated more leniently than non-commercial speech. This is being done to ensure compliance with all relevant court rulings on this topic.
- Section 10-XXX-5(D) will add a requirement that signs be maintained in a manner that does not create visual blight by requiring that, *"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*

"I remember Muscatine for its sunsets. I have never seen any  
on either side of the ocean that equaled them" — Mark Twain

*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.”*

- Section 10-XXX-5(E) and Section 10-XXX-5(F) were added to address concerns about obsolete and abandoned signs brought up in the public input process for the new Comprehensive Plan. The regulations contained in these two sections are structured to balance the community’s desire to reduce the visual blight caused by obsolete and abandoned signs, and the desire to preserve the investment by property owners in sign infrastructure. The proposed regulations would allow permitted sign structures permitted signs to remain in place after the business vacates the premises, provided:
  - The sign is left non-illuminated
  - Sign copy is removed by covering the sign face, or by replacing the sign face with a blank sign face, within 30 days after the business vacates the premises,
  - The maintenance provisions of Section 10-XXX-5(D) are met.

If these provision are not met the removal of obsolete or abandoned sign will be required.

- Section 10-XXX-6(C) regulates permanent signs in residential districts. The intent of this section is to balance the signage needs of allowed non-residential uses and the needs of surrounding residences. Parcels, in residential districts with a permitted or conditional non-residential use, of less than 20,000 square feet, will be permitted a wall sign of up to 18 square feet in size. Parcels, in residential districts with a permitted or conditional non-residential use, of greater than 20,000 square feet, will be permitted a wall or ground sign of up to 32 square feet in size. This section also for the first time explicitly allows for, and regulates subdivision entrance signs.
- Regulations covering temporary signs are the portion of the proposed regulations that differs most from current sign regulations. The proposed regulations will give better clarity on how temporary signs are regulated, and will regulate them in a more content neutral manner. Current temporary sign regulations lack clarity, are open to multiple interpretations, and have proved difficult to administer. Recent Supreme Court rulings, including one in June of this year, require greater content neutrality in sign regulations. Current temporary sign regulations deal with different type of commercial temporary signs very differently, which may no longer be permissible under the heightened standards for content neutrality. The proposed regulations on temporary signs are structured to be as content neutral as possible. The defining characteristic of temporary signs is their temporary nature. The regulations in this section are structured to ensure the temporary nature of temporary signs

- Following are the ways in which the proposed regulations on temporary signs differ from the current ones.
  - Prohibits the placement of any temporary signs on municipal right of way or property by any entity other than the City of Muscatine.
  - With the exception of interim signs, this section establishes a uniform amount of temporary signage allowed per parcel. It would permit up to 12 square feet in residential districts and up to 32 square feet in non-residential districts. Interim signs are permitted to be the same size as the permanent signs that they are substituting for.
  - Promotional signs, defined as 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, may be placed for a maximum of 15 days. Between instances when a promotional sign is displayed there must be a 60 day period during which there are no promotional signs displayed on the property. Current regulations have been interpreted as prohibiting this type of temporary sign. Despite this, this type of sign is seen frequently throughout Muscatine. The intent of the proposed change in regulations is to allow for the limited and infrequent use of this type of signage. For businesses that have a need for more frequent promotional signage, the proposed regulations allow for the installation of permanent signs with changeable copy, such as electronic message centers, bulletin board signs, etc.
  - Community event signs may be up for a maximum of 30 days, but must be taken down within 3 days of completion of the event.
  - Real estate signs must be removed upon sale of the property that they advertise.
  - Employment signs must be removed upon filling of the position that they advertise.
  - Seasonal use signs, temporary signs associated with permitted uses that operate on a seasonal basis, such as farm stands, Christmas tree lots, snow cone stands, etc. these signs will require a permit, but will be allowed to be in place for as long as the seasonal use operates or 6 months, whichever comes first. This replaces a section on signage for farm stand operation in current regulations. Giving farm stand operations more favorable treatment than other seasonal uses, would not likely stand a legal challenge.



# **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.
- 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. Gravestones or cemetery markers.**

### **7. Religious symbols.**

### **8. Noncommercial holiday decorations.**

### **9. Political signs, except when meeting the definition of a billboard as defined in this chapter.**

### **10. 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.

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

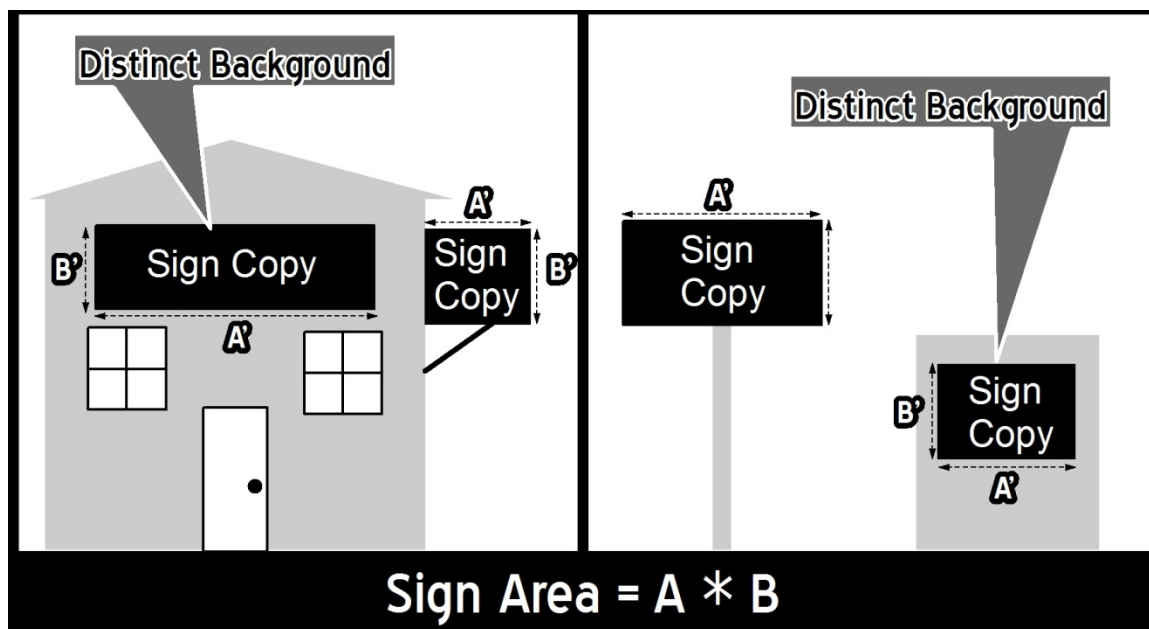
### A. Sign Message

Any permitted sign may contain, in lieu of any other message or copy, any lawful non-commercial message, a message that does not advertise, identity or otherwise direct attention to a product or business but instead conveys an opinion, idea, concept or similar message, so long as the sign complies with the size, height, area, location, and other requirements of this Chapter.

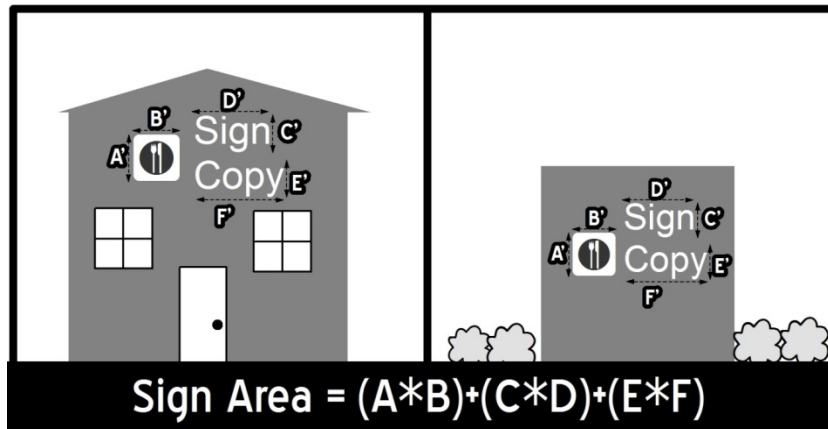
### B. Sign Measurement Criteria

#### 1. Sign Area Measurement

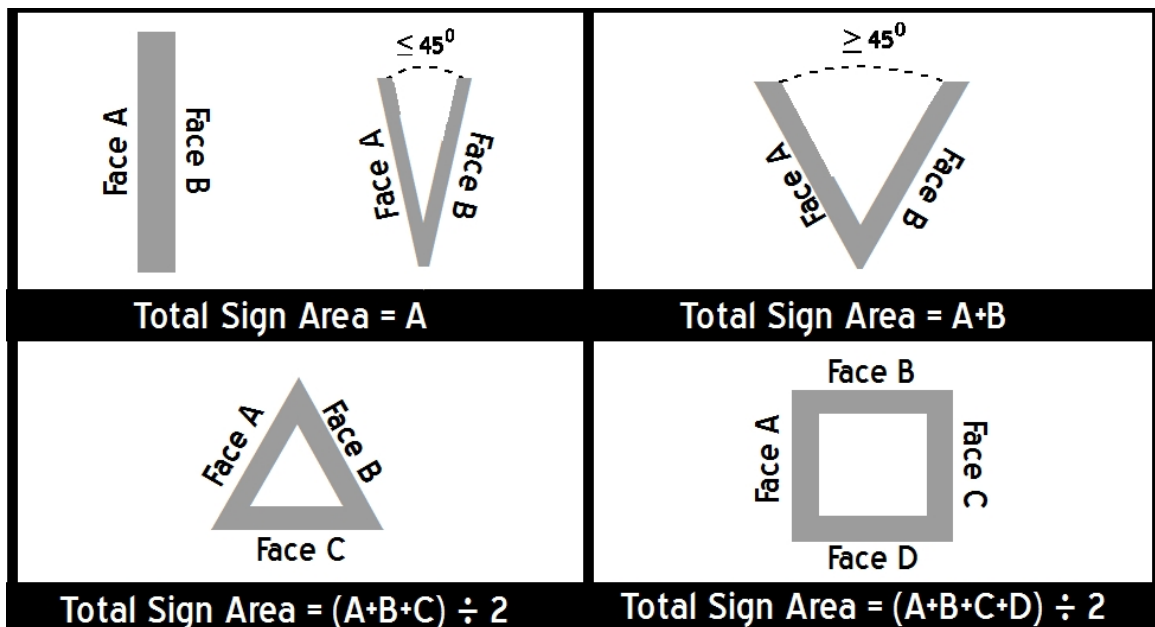
Sign area is measured as follows:



- 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. 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.



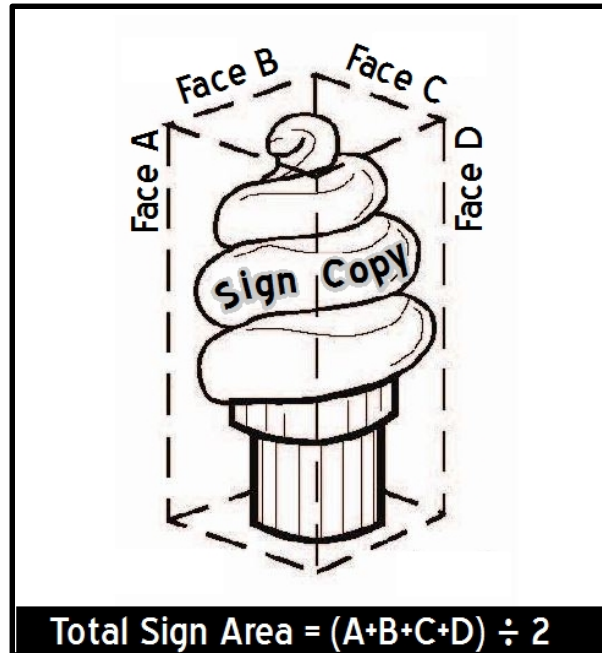


Figure X: Non-Planar Sign Area

- iv. 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.

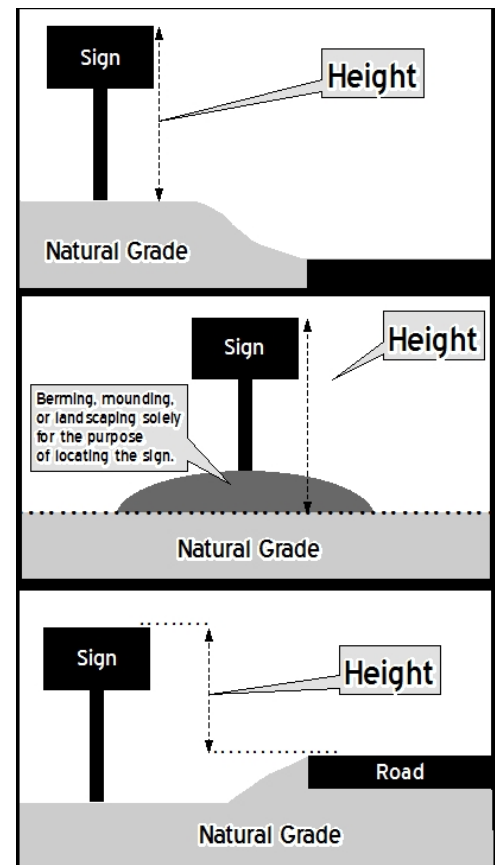
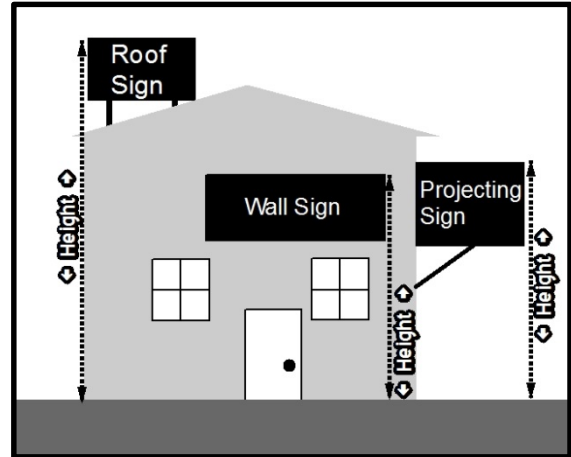


Figure X: Sign Face Height Measurement

**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. 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.

**3. 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 commercial signs may remain in place after the business vacates the premises, provided the sign is left non-illuminated and sign copy is removed by covering the sign face, or replacing the sign face with a blank sign face, within 30 days after the business vacates the premises, and the maintenance provision of Section 10-XXX-5(D).



## **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, do not meet the criteria for a permitted obsolete sign as set forth in Section 10-XXX-5(E), 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 400 square feet.
4. Regardless of parcel size billboard may be up to, but not exceed 400 square feet.
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. Billboards 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.



## **DRAFT City of Muscatine, Iowa—Zoning Ordinance**

### *Chapter XXX: Sign Regulations*

9. Signs in the S-3 Mixed-Use Development District, and the S-1 Special 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, or the S-1 Special Development District may be appealed to the Zoning Board of Adjustment.

#### **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 signs shall be permitted to encroach on or hang over Iowa Department of Transportation right-of-way.
3. Overhanging signs, canopies, and awnings which overhang public right-of-ways as of September 16, 1981, and which otherwise conform to all applicable provisions of this Ordinance may continue to be maintained, provided the owner(s) of said signs, awnings, or canopies shall agree in writing to indemnify the City of Muscatine from any and all claims or suits for damages caused by the signs, awnings, or canopies on forms provided by the City. Further, the owner(s) shall provide the City of Muscatine with proof of public liability insurance in the amount of one hundred thousand dollars

#### **C. Permanent Signs in Residential Districts**

Aside from the following exceptions, no permanent signs shall be permitted in any residential district, or the S-2 Institutional – Office District.

1. Exempt signs as listed in Section 10-XXX-2(C).
2. Signs identifying platted subdivision of more than two parcels meeting all the following criteria:
  - i. No single entrance to a subdivision shall have more than one subdivision identification sign.
  - ii. Must be a ground sign.
  - iii. Maximum height of 10 feet.
  - iv. Maximum size of 32 square feet per sign.
3. Shall not count towards the maximum allowed signage on an individual parcel



## **DRAFT City of Muscatine, Iowa—Zoning Ordinance**

### *Chapter XXX: Sign Regulations*

4. All permitted or conditional non-residential uses on a parcel of at least 20,000 square feet may have signs meeting the following criteria:
  - i. No more than 32 square feet of signage .
  - ii. Only wall or ground signs are permitted.
  - iii. Shall not exceed 10 feet in height.
5. All permitted or conditional non-residential uses parcel of less than 20,000 square feet.
  - i. No more than 18 square feet of signage.
  - ii. Only wall signs are permitted.
  - iii. Shall not exceed 10 feet in height

#### **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**

A free-standing sign, generally having a low profile where the base of the sign structure is on the ground of a maximum of 12 inches above the lowest point of the ground adjacent to the sign such that the sign has the appearance of a solid base.

##### **2. Size and Height Regulations**

- i. No ground sign shall be at any point over 11 feet above the ground level.
- ii. The maximum length shall be 14 feet.

##### **3. Placement**

- i. No ground sign shall be located within 10 feet of any parcel line.
- ii. 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 Post Signs

- i. No post sign may be extended downward nearer than 5 feet to the ground or pavement.
- 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 post sign 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 post 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 post sign and the top of any landscaping.

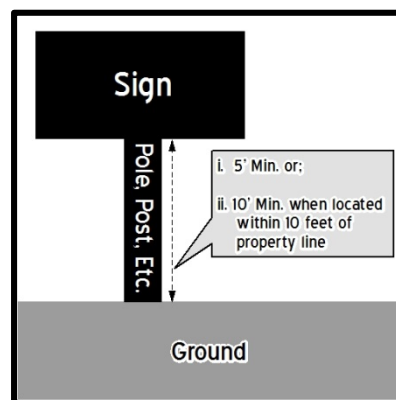
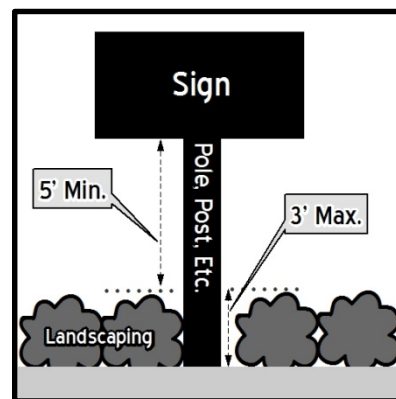


Figure X : Post Sign Requirements



## 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.

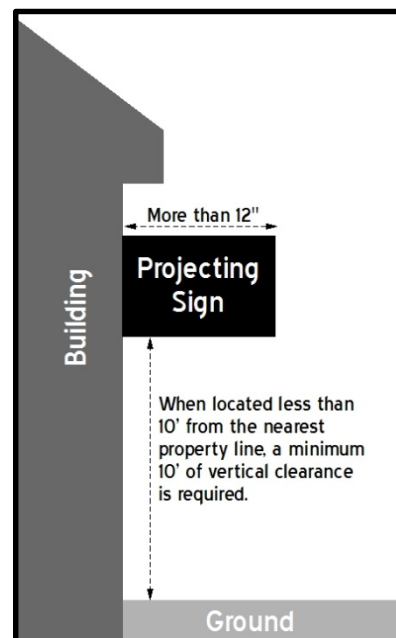


Figure X: Projecting Signs

## **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 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.



## **DRAFT City of Muscatine, Iowa—Zoning Ordinance**

### *Chapter XXX: Sign Regulations*

#### **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 sign that meets any one or more of the following criteria: a permanent structure sign that is used for the display of off-site commercial messages; or an outdoor sign on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel, in exchange for a rent, fee or other consideration.

##### **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**





## **DRAFT City of Muscatine, Iowa—Zoning Ordinance**

### *Chapter XXX: Sign Regulations*

- 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 feet 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 it 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 with both the regulations that are specific to EMCs contained in this section in addition to 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**



## **DRAFT City of Muscatine, Iowa—Zoning Ordinance**

### *Chapter XXX: Sign Regulations*

- i. In all residential districts, S-1 and S-2 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 non-commercial messages, on-premises 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.

#### **M. Large Scale Commercial Developments**

In a Large Scale Commercial Developments, the following sign regulations apply:

1. "Large Scale Commercial Development" is defined as: A property of 20 acres or more including the main lot and subdivided lot(s), which is used primarily for allowed commercial uses. The Large Scale Commercial Development can be one or multiple owners for the entire property or any individual subdivided lot.
2. The total surface area in square feet of any signs on a building shall not be more than three times the number of lineal feet in the length of the longest elevation of the building, measured from exterior face of building wall to exterior face of building wall directly across the plane of the building elevation, not including building setbacks, nor protrusions, nor canopies, nor the like appurtenances of the building. Signs may be erected on each wall of the building and shall not exceed one fifth( 1/5) of the total square foot area of the face of the building on which they are placed, but in no event shall the total square footage of all such signs on a building exceed the total sign surface area as defined above.



## **DRAFT City of Muscatine, Iowa—Zoning Ordinance**

### *Chapter XXX: Sign Regulations*

3. All signs shall be affixed on the building walls and/or canopies and shall not extend outward therefrom more than 12 inches or project higher than 35 feet above curb level or five feet above building height, whichever is lower.
4. One post sign for each public road frontage adjacent to the property; each of which may identify the name of the Large Scale Commercial Development (and may also identify the name and services or merchandise of each or any of the retail stores, offices, cinemas and restaurants located in the development), may be erected in addition to the signs affixed to the building walls as permitted elsewhere in this chapter. Such signs shall: have a total surface area of not more than 500 square feet on each side; not project higher than 35 feet above grade at the sign; may be erected so that the sign begins directly at grade level; but may not be located within 10 feet of any parcel line, should the sign height be 3 feet or less in height measured from the ground elevation at the base of sign, no setback from property line is required.
5. Ground Signs for Large Scale Commercial Developments shall comply with all requirements of this chapter with the exception that not more than one ground sign is allowed per street frontage as otherwise permitted in this chapter. Additional ground signs may be allowed at public access points into Large Scale Commercial Developments, subject to the approval of the Site Plan Review Committee

### **10-XXX-7 Temporary Signs**

#### **A. Definition**

Temporary sign. Any sign or sign structure which is not permanently affixed or installed, and is intended to be displayed for a limited period only. Examples of such signs include, but are not limited to, the following: banners, pennants, propellers, valances, balloons, and sandwich boards.

#### **B. 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 not 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.



## **DRAFT City of Muscatine, Iowa—Zoning Ordinance**

### *Chapter XXX: Sign Regulations*

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.

#### **C. 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. General Regulations**

No off premise advertising

##### **3. Size Regulations**

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

##### **4. Placement**

- i. One per street frontage.
- ii. The vertical dimension of the sign shall not exceed the top of the eave line or parapet wall.

##### **5. Allowed Duration of Display**

- i. The maximum duration for promotional signs is 15 days.
- ii. Between instances when a promotional sign is displayed there must be a 60 day period during which there are no promotional signs displayed on the property.
- iii. Any promotional sign that relating to an event must be removed within 3 days of the end of that event.

#### **D. 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, but shall not be placed within the public right-of-way.
- 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.

## **E. 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.



## **F. 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.

## **G. Employment Signs**

### **1. Definition**

“Help wanted” signs soliciting employees.

2. Must be soliciting employees for an employer that is located on the parcel which the employment sign is placed.
3. Said signs shall be removed upon the filling of the advertised positions.

### **4. 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.

## **H. Seasonal Use Signs**

### **1. Definition**

Temporary signs associated with permitted uses that operate on a seasonal basis, such as farm stands, Christmas tree lots, snow cone stands, etc..

2. A permit is required for seasonal use signs that will be up for longer than 15 days.
3. Permits for t shall be for temporary signs not exceeding the operating period of the seasonal use or 6 months, whichever is shorter.
4. Permits shall be renewed annually.



## **DRAFT City of Muscatine, Iowa—Zoning Ordinance**

*Chapter XXX: Sign Regulations*

### **5. 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.