

Title 10 – Zoning
Chapter 19 – Other Use Regulations

SECTIONS:

- 10-19-1 Accessory Buildings
- 10-19-2 Signs, Canopies, and Awning Regulations
- 10-19-3 Fence Regulations
- 10-19-4 Mobile Home Regulations
- 10-19-5 Nonconforming Use Regulations
- 10-19-6 Cemetery Development Standards

10-19-1 Accessory Buildings. Accessory buildings and uses are permitted when in accordance with the following:

- A. In the AG District, accessory buildings and uses are limited to:
 - 1. Dwellings for persons employed on the premises, including mobile homes, provided such mobile homes are occupied by persons employed on the premises or immediate members of the family and do not exceed one (1) per farm tract.
- B. In the R Districts, accessory buildings and uses are limited to:
 - 1. A noncommercial greenhouse that does not exceed in floor area twenty-five percent (25%) of the ground floor area of the main building.
 - 2. In the R-1, R-2, and R-3 Districts, accessory buildings, which includes garages for the storage of non-commercial vehicles, shall not exceed one thousand, four hundred forty (1,440) square feet. This maximum square footage is determined by conforming to the setback requirements for the District Zone and by not exceeding forty percent (40%) coverage of the rear yard. The square footage of any existing accessory building or garage, whether attached or detached, is deducted from the computation derived. In the R-4, R-5, and R-6 Districts, required parking is determined by the appropriate ratio based on the required number per full baths or the required number per dwelling unit. All required parking shall be located in the side or rear yard. All required parking may be enclosed, provided appropriate setbacks are maintained.
 - 3. Home occupation.
 - 4. Raising and keeping of small animals and fowl, not on a commercial basis, not to exceed twenty-four (24) in number, with no grain fed species to exceed twenty-five (25) pounds in weight, on a site of not less than two (2) acres.
 - 5. Tennis court, swimming pool, garden house, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential uses.
- C. In commercial districts, there may also be:
 - 1. Parking lots and garages conforming with the requirements of Chapter 21 hereof.
 - 2. Use of not more than forty percent (40%) of the floor area of a building for incidental storage or light industrial activity.
- D. There shall be the following additional regulations for accessory buildings:
 - 1. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material, and equipment by a contractor during building construction.

2. No accessory building may be erected in front of a main building, unless the accessory building is attached to the main building by a common wall.

10-19-2 Signs, Canopies, and Awning Regulations. Regulations regarding signs shall be as follows:

- A. General. Permit Required. It shall be unlawful for any person to erect, or cause to be erected or constructed within the City, any sign or awning without having first secured a permit therefore from the Building and Zoning Administrator. A permit fee, as designated in this Ordinance, 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.
- B. The following signs are allowed in all districts:
 1. Temporary signs not exceeding twelve (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.
 2. 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 thirty two (32) square feet in area or remain longer than six (6) months. "For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed forty eight (48) square feet or remain for more than ninety (90) days after the building is completed.
 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 LED message center not to exceed eighteen (18) square feet in area, be turned off between the hours of 11 p.m. and 7 a.m. and shall be set back from all property lines a minimum of twenty-five (25) feet, or the same distance as the principal structure; whichever is less. Electronic message centers (EMC) permitted by this section shall be restricted to red or amber alpha numeric displays on a dark background. Message changes shall not occur more frequently than once in every four (4) seconds.
 4. Traffic and public signs.
- C. In the R-5, R-6, and S-2 Districts, there may be one (1) wall sign related to the name or use of each occupant, and not more than one (1) electronic message center, per parcel, set back from the front property line the distance at least equal to the square footage of the EMC, but in no case shall the EMC exceed twenty-five (25) square feet in area. EMC's permitted in this section shall be restricted to red or amber alpha numeric display on a dark background. Message changes shall not occur more frequently than once in every four (4) seconds.
- D. In the C-1, C-3, M-1, and S-1 Districts, there may be roof signs, wall signs, projecting signs, post signs, marquee signs, electronic message centers, and awning signs when displaying no advertising matter, except pertaining to the business conducted in the building on the premises on which such sign is placed. Exception: The use of signs to promote not-for-profit communitywide events or activities. The total square foot area of all signs attached or affixed to any building or wall 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 maximum square foot area of all such signs exceed two hundred forty (240) square feet.

Signs in the S-3 Mixed-Use Development (MXD) 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 (MXD) District may be appealed to the Zoning Board of Adjustment and the Planning and Zoning Commission.

In the C-2 District, Electronic Message Center (EMC) signs shall not exceed twenty-five (25) square feet in area and shall be restricted to alpha numeric displays on a dark background. Message changes shall not occur more frequently than once every four (4) seconds.

E. In a Large Scale Retail Development, the following sign regulations apply:

1. The total surface area in square feet of all signs on a building shall not be more than three (3) 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.

2. All signs shall be affixed on the building walls and/or canopies and shall not extend outward therefrom more than twelve (12) inches or project higher than thirty-five (35) feet above curb level or five (5) feet above building height, whichever is lower.
3. One (1) pylon sign for each public road frontage adjacent to the property; each of which may identify the name of the Large Scale Retail 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 in 10-19-2(D.1)a above. Such signs shall: have a total surface area of not more than five hundred (500) square feet on each side; not project higher than thirty-five (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 ten (10) feet of property lines. Should the sign height be three (3) feet or less in height measured from the ground elevation at the base of sign, no setback from property line is required.
4. Post Signs for Large Scale Retail Developments shall comply with all requirements of Section 10-19-2(F)4 with the exception of the quantity of Post Signs, which shall be proposed by the property owner and subject to the approval of the Site Plan Review Committee.
5. Ground Signs for Large Scale Retail Developments shall comply with all requirements of Section 10-19-2(F)1 with the exception that not more than one (1) ground sign is allowed per street frontage as otherwise permitted in the sign ordinance. Additional ground signs may be allowed at public access points into Large Scale Retail Developments but shall be limited to not more than ten (10) feet in height and subject to the approval of the Site Plan Review Committee.

F. In the C-2 and M-2 Districts, there may be any sign allowed in subsection (D) and ground signs; provided that no ground sign shall exceed four hundred (400) square feet in area; not more than one (1) ground sign shall be erected on any one (1) lot or tract of land, or one (1) sign for each four hundred feet (400') apart on such lot or

tract of land; and no ground sign, when erected on a lot fronting on intersecting streets, shall be erected within fifty feet (50') of the intersection of the streets.

G. The following additional sign regulations shall be observed:

1. **Ground Signs.** No ground sign shall be at any point over twenty-five feet (25') above the ground level. The ground sign shall be stoutly constructed in a secure and substantial manner and shall be at least ten feet (10') distant from any lot line.
2. **Wall Signs:** No wall sign shall extend beyond the building more than twelve inches (12"). No wall signs shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door, or any fire escape of any building.
3. **Projecting Signs.** Projecting signs may extend from the building into the front yard, provided that if the projecting sign is within ten feet (10') of any property line at its closest point, a minimum of ten feet (10') of vertical clearance must be maintained from ground level to the lowest edge of the sign.
4. **Post Signs.** The maximum square foot area for each face of a post sign shall not exceed two (2) square feet for each lineal foot of the longest dimension of that lot; however, the maximum square foot area for each face of a post sign shall not exceed two hundred forty (240) square feet. No post sign shall exceed thirty-five (35) feet in height. There shall be not more than one (1) post sign per lot. Post signs shall be wholly maintained within private property lines. Post signs constructed within ten feet (10') of any property line must maintain at least ten feet (10') of vertical clearance from the ground or pavement to the lowest edge of the sign. No post sign may be extended downward nearer than five feet (5') to the ground or pavement.
5. **Marquee Signs.** Marquees may extend eight feet (8') into a front yard. Marquees shall be not less than ten feet (10') above the ground at its lowest level. A sign may be placed on a marquee, provided such sign does not extend more than three feet (3') above nor one foot (1') below such marquee.
6. **Conditional and Nonresidential Permissive Uses** may have signs as allowed by the Zoning Board of Adjustment.
7. **Signs not Visible from a Public Street.** Existing signs, as of July 1, 1981, not visible from a public street, which are located on public property or private property, may remain if maintained in a reasonable manner.
8. **Paper Posters, Portable Signs, and Certain Signs or Devices Prohibited.** 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.

Temporary signs may be displayed in or attached to the inside of show or display windows, provided the total sign area does not exceed twenty percent (20%) of the show or display window area. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited. No sign shall contain flashers, animators, or mechanical movements or contrivances of any kind, excepting time and temperature devices. However, temporary signs promoting yard sales, political campaigns, referendums, public notices, and similar purposes shall be permitted, provided such signs shall be removed within three (3) days after the date the event, sale, election, etc., occurs.

9. **History Consideration.** Repairs or alterations necessary for the preservation, restoration, or continued use of a sign, awning, marquee, or canopy may be

made without conformance to all the requirements of this Ordinance when authorized by the Zoning Board of Adjustment provided:

- a. The building or structure to which it is affixed has been designated by official action as having special historical or architectural significance.
- b. All unsafe conditions are corrected.

10. In the Agricultural District (AG), farm produce signs are permitted accordingly:

- a. Permanent Sign. One on-premises sign not to exceed 32 square feet is allowed. Special exceptions may be approved by the Zoning Board of Adjustment for approval of any permanent monuments, insignia, device, symbol, or object regardless of the nature of the material thereof and manner of composition or construction.
- b. Temporary Signs. Permits for farm-related produce operations in the Agricultural District (AG) shall be for temporary signs not exceeding the period of June 1st through November 10th, at which time they shall be removed. Permits shall be renewed annually. A permit for a temporary sign shall include all such temporary signs on the premises.

11. Large Scale Development Guidelines. For those developments exceeding the Sign Code provisions of 10-19-2(F)4 which permits a maximum size sign of 240 square feet with 120 linear feet of frontage along a public street, the following guideline applies. To exceed the 240 square foot maximum with 120 feet of street frontage, an additional 1 square foot of sign is permitted for every two linear feet of public street frontage. However, no single sign exceeding 600 square feet in size is permitted.

12. Community Sponsored Events. That is, signs that denote public, civic, or educational activities or events shall require City Council approval for any signs located in the public right-of-way under the terms and conditions as the City Council may require. Approved sign permits shall remain effective only for the duration granted by City Council and shall then be removed by the sponsor.

13. Grand Openings and Special Events. Banners, pennants, propellers, valances, balloons, sandwich boards, and similar advertising display shall require a sign permit for a period not to exceed 14 days. Under appropriate circumstances, the 14 day period permit may be renewed once by the Building and Zoning Administrator. Appeals may be made to the Zoning Board of Adjustment. These displays shall not interfere with traffic or pedestrian safety when erected.

H. Signs, Canopies, and Awnings Constructed on or Over Public Right-of-Way. General. Signs, canopies, and awnings constructed on or over public right-of-ways are prohibited, except as otherwise allowed herein.

1. Face mounted signs not exceeding twenty percent (20) of the face of the building on which they are attached and not exceeding more than twelve inches (12") from the building.
2. 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 eighteen inches (18") in height, and a vertical clearance of seven feet (7') is maintained from the lowest point of the sign to the ground or pavement.
3. Canopies and Awnings. All canopies and awnings shall be constructed on private property only and cantilevered over public right-of-ways. They shall be of stoutly constructed materials capable of withstanding imposed loads and shall provide a minimum of seven feet (7') of vertical clearance from the bottom edge of the canopy or awning to grade.

4. Historic Consideration. Repairs or alterations necessary for the preservation, restoration, or continued use of a sign, awning, marquee, or canopy may be made without conformance to all the requirements of this Ordinance when authorized by the City Council following a review and recommendation of the Zoning Board of Adjustment provided:
 - a. The building or structure to which it is affixed has been designated by official action as having special historical or architectural significance.
 - b. All unsafe conditions are corrected.
5. 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 (\$100,000).
6. Signs, awnings, or canopies referenced in Title 10, Chapter 19, Section 2(G)5 shall be brought into compliance with all provisions of this ordinance when they are changed, altered or replaced.
7. Proposals for any new sign, canopy, or awning which will overhang public right-of-ways shall be reviewed by the Zoning Board of Adjustment with a recommendation forwarded to the City Council for their approval or denial.

- I. Nonconforming Uses. All legal nonconforming uses at the effective date of the passage of this Ordinance 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.
- J. Violation. 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.

10-19-3 Fence Regulations. Regulations regarding fences shall be as follows:

- A. No sign, fence, wall, shrub, or other obstruction to vision exceeding three feet (3') in height above the established street grade shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points thirty feet (30') distant from the intersection of the street lines.
- B. All newly constructed outdoor swimming pools shall be enclosed by a six (6) foot fence. Such fencing shall be of a material sufficient to prevent infant children from crawling through.
- C. Fences not exceeding six feet (6') in height may be located on any part of a lot except the area beyond the front of the dwelling or twenty-five feet (25') from the property line, whichever is less. Any fence located beyond the front of a dwelling or twenty-five feet (25') from the front property line, whichever applies, shall not exceed three feet (3') in height or may be six feet (6') in height with the provision that it shall be of an open type (at least 75% open) chain link or woven material that does not create a safety hazard for pedestrians or vehicular traffic.

10-19-4 Mobile Home Regulations. Regulations regarding mobile homes shall be as follows:

- A. All inhabited mobile homes shall be located in a mobile home court which has received a conditional use permit and which conforms with the requirements of the following paragraph. No mobile home outside of an approved mobile home court shall be connected to utilities, except those mobile homes being offered for sale and not inhabited.
- B. Mobile home courts shall meet the following minimum standards:
 - 1. Each lot provided for the occupancy of a single mobile home unit shall have an area of not less than four thousand (4,000) square feet and a width of not less than forty-five feet (45'), and no court shall be permitted an average density of mobile home lots of more than nine (9) per acre, and each mobile home court shall provide an area of not less than ten (10) acres. Each lot shall have provisions for at least two (2) frame ties and two (2) over-the-top tiedowns equal to or better than the specifications outlined in Booklet Tr-75 published by the Department of Defense.
 - 2. All mobile home courts shall provide lots sufficient in size that no mobile home or any structure, addition, or appurtenance thereto is located less than ten feet (10') from the nearest adjacent court boundary.
 - 3. Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet (10') from the nearest adjacent buildings.
 - 4. Each mobile home site shall abut or face a clear unoccupied space, driveway, roadway, or street of not less than twenty feet (20') in width, which shall have unobstructed access to a public highway, street, or alley.
 - 5. The mobile home court shall be surrounded by a landscaped strip of open space fifty feet (50') wide along the street frontage of a major street and twenty-five feet (25') wide along all other lot lines or street frontage.

10-19-5 Nonconforming Use Regulations.

- A. Nonconforming Use of Buildings. The lawful use of a building existing at the effective date of this Ordinance may be continued, although such does not conform to the provisions hereof, provided no structural alterations are made. A nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- B. New Structures. No new structures shall be erected nor shall any additional area of land be utilized other than that which is lawfully occupied and used at the time this Ordinance takes effect.
- C. Abandonment. A nonconforming building, structure, or use shall be deemed abandoned if the building, structure, or use is discontinued for a period of one (1) year. Said building, structure, or property shall not thereafter be returned to such nonconforming use and shall be used only in conformity to and with these regulations. A nonconforming use shall be considered abandoned:
 - 1. When the intent of the owner to discontinue the use is apparent; or
 - 2. When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one (1) year; or
 - 3. When a nonconforming use is replaced by a conforming use; or
 - 4. When a nonconforming use has been changed to another use under proper permit from the Board of Adjustment.
- D. Rebuilding or Restoration. If a nonconforming building or use is damaged by fire, explosion, or other catastrophe to such an extent that the cost of restoration would

be less than fifty percent (50%) of the assessed value of the building at the time of the catastrophe, such building or use may be rebuilt or restored and used again as previously. Such rebuilding or restoration shall be completed within twelve (12) months after such catastrophe, and the building as restored shall not be greater in volume or floor space than the original nonconforming structure. If destroyed to such an extent that the cost of restoration would exceed fifty percent (50) of said value, such building or use shall not be restored and may be replaced only by a conforming building and use.

- E. Discontinuance. If a nonconforming building, structure, or use is abandoned for one (1) year after the adoption of this Ordinance, it shall not return to its nonconforming state, but must be brought into conformity with the regulations of the district in which it is located.
- F. Changes. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same or more conforming classification and such use thereafter shall not be changed to a less conforming classification.
- G. Alterations to Nonconforming Uses. The Board of Adjustment may, in appropriate circumstances and with appropriate safeguards, permit a nonconforming use to be changed to another nonconforming use, provided such changed use is more in conformity with the spirit and intent of this Ordinance than the prior use and is not more injurious, obnoxious, or offensive to the neighborhood. The Board of Adjustment may, in appropriate circumstances and with appropriate safeguards, permit an expansion of a nonconforming use if such expansion would not be injurious, obnoxious, or offensive to the neighborhood and would not constitute an expansion of more than fifty percent (50%) of the previous gross floor area.
- H. Existence of a Nonconforming Use. Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Adjustment after public notice and hearing and in accordance with the rules of the Board.
- I. Intermittent Use. The casual intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

10-19-6 Cemetery Development Standards.

New Cemeteries:

- A. An irrevocable permanent care and maintenance trust fund shall be established for all interment of the dead in burial plots, mausoleums and columbariums in accordance with the laws and regulations of the State of Iowa for perpetual care as presently set forth and as hereafter amended.
- B. An initial site plan shall be submitted for review and approval by the Planning and Zoning Commission and City Council prior to any site development. The Site Plan Review Process as adopted and amended shall be construed as the guide in developing a site plan for review. Any alteration or modification of the initially approved site plan shall require resubmission under the Site Plan Review Process.
- C. No mausoleum or columbarium shall be located within 300 feet of any cemetery property line or public street.
- D. All structures and buildings erected for incidental business uses of the cemetery shall comply with the Uniform Building Code and provide public parking in the ratio of one (1) space per three hundred (300) square feet of gross floor area and one (1) space per four (4) permanent seats in the case of chapels.

- E. A sign is permitted indicating the name of the cemetery, it shall not exceed twenty-five (25) square feet. Any other sign for incidental and accessory uses shall be face mounted on a building or structure and in total shall not exceed twenty-five (25) square feet. Internal signs not visible from the property line directing cemetery traffic, posting of cemetery rules, and designating areas within a cemetery are permitted.
- F. No above ground monument or structure shall be placed within 50 feet of any property line or public streets.
- G. Outside storage or display shall be screened from view of adjacent property and public streets by landscaping or fencing at least seventy-five percent (75) opaque. This includes, but is not limited to, trash bins and vaults or headstones for sale or future use.
- H. No burial plots or facilities are permitted on areas designated as flood plain by the City's Federal Flood Insurance Rate Maps.
- I. Assurances must be provided that water supplies of surrounding properties will not be adversely affected by cemetery operations.

Existing Cemeteries (as of the adoption of this amendment December 4, 1986):

- A. An irrevocable permanent care and maintenance trust fund shall be established for all interment of the dead in burial plots, mausoleums and columbariums in accordance with the laws and regulations of the State of Iowa for perpetual care as presently set forth and as hereafter amended.
- B. A site plan shall be submitted for review and approval prior to obtaining a permit for the erection of any building or structure in accordance with the site plan review process as adopted and amended. Any alteration or modification of an approved site plan shall require resubmission under the site plan review process.
- C. No mausoleum or columbarium shall be located within 200 feet of any cemetery property line or public street.
- D. All structures and buildings erected for incidental business uses of the cemetery shall comply with the Uniform Building Codes and provide public parking in the ratio of one (1) space per three hundred (300) square feet of gross floor area and one (1) space per four (4) permanent seats in the case of chapels.
- E. All existing signs shall continue to be permitted. In the event any existing sign visible from adjacent property or public street is to be changed or replaced, it shall comply with all other local regulations as well as the provisions of 10-19-6 (New Cemeteries) (E) above.
- F. Subsurface grave site interments in development areas may continue in accordance with the pattern established by existing burials. Undeveloped areas abutting adjacent residential lots are subject to a setback provision of 25 feet from said property line. The use of the first 25 feet of undeveloped areas adjacent to public streets shall be restricted to flush mounted subsurface gravesite interments only.
- G. Proposed outside storage or display shall be screened from view of adjacent property and public streets by landscaping or fencing at least seventy-five percent (75%) opaque. This includes but is not limited to, trash bins, and vaults or headstones for sale or future use.
- H. Subject to applicable property line and public street setback requirements as set out in 10-19-6II.C, a crematory shall be a permissive use within Memorial Park Cemetery.