



City of Hull



**HULL,
IOWA**



*Prepared with Planning Assistance from
Northwest Iowa Planning &
Development Commission*

2023 Zoning Ordinance

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ACKNOWLEDGEMENTS

CITY OF HULL

ZONING ORDINANCE

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**REPLACES THE PREVIOUSLY ADOPTED ZONING ORDINANCE
1995 HULL ZONING ORDINANCE
AND ALL AMENDMENTS THERETO**

**ZONING ORDINANCE OF THE CITY OF
HULL, IOWA**

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards and other open spaces; to establish minimum lot areas; to regulate the density of population and the percentage of lot that may be occupied; to require off-street parking; to regulate the location, size, and number of signs; to divide the city into districts for such purposes; to provide for the administration and enforcement of its provisions; to confirm the board of adjustment; and to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa;

WHEREAS, the city council of the City of Hull, Iowa deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings, to promote the conservation of energy resources; to promote reasonable access to solar and wind energy resources; and encourage the most appropriate use of land throughout the city, all in accordance with the City of Hull's comprehensive plan,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HULL, IOWA:

ARTICLE 1: BASIC PROVISIONS

Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Jurisdiction
- Section 1.3. Repeal and Saving Clause
- Section 1.4. Validity and Severability Clause
- Section 1.5. Interpretation of Regulations
- Section 1.6. General Purpose
- Section 1.7. Comprehensive Plan Relationship

Section 1.1. SHORT TITLE.

This ordinance shall be known and may be cited and referenced as the “Hull Zoning Ordinance to the same effect as if the full title were stated.

Section 1.2. JURISDICTION.

In accordance with the provisions of Chapter 414, Code of Iowa, and amendatory acts thereto, this ordinance is adopted by the City of Hull, Iowa, governing the zoning of all lands within the corporate limits of the city.

Section 1.3. REPEAL AND SAVINGS CLAUSE.

Effective on the effective date of this ordinance, the previous Hull Zoning Ordinance and amendments thereto are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof; and such ordinance and all parts thereof shall be treated as remaining in force for instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

Section 1.4. VALIDITY AND SEVERABILITY CLAUSE.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such ruling shall not affect the validity of the ordinance in its entirety or any part thereof not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

Section 1.5. GENERAL PURPOSE.

The various zoning districts, created by this ordinance and the various articles and sections of this ordinance, are adopted for the purpose among others to:

1. Promote public health, safety, morals, comfort, general welfare, and preserving the natural resources, and historically significant areas of the city.
2. Help achieve greater efficiency and economy of land development by promoting the grouping of those activities which are compatible.
3. Encourage classification of land use and distribution of land development within the city to

facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements.

4. Ensure all residential, commercial, and industrial structures as well as other types of structures will be accessible to firefighting and other emergency equipment.
5. Promote the development of residential neighborhoods in which each dwelling is assured the provision of light, air, and open spaces.
6. Discourage nonconforming uses of land, buildings, and structures which negatively affect the character and value of development in each district.
7. Minimize the effects of nuisance producing activities.
8. Preserve the taxable value of the land and buildings throughout the city.
9. Define the powers and duties of city council, board of adjustment and zoning administrator.

Section 1.6. COMPREHENSIVE PLAN RELATIONSHIP.

These regulations are designed to implement and support various elements of the city's comprehensive land use plan as required by Iowa Code. Any amendment to the district regulations or map shall conform to the Hull Comprehensive Plan.

ARTICLE 2: DEFINITIONS

Article 2: Definitions

Section 2.1. General Zoning Definitions

Section 2.2. Specific Land Use Definitions

Section 2.1. GENERAL ZONING DEFINITIONS

For the purpose of interpreting this ordinance certain words, terms and expressions are herein defined as follows.

- Words used in the present tense include the future;
 - Singular number includes the plural and the plural includes the singular;
 - The word “may” is discretionary and the word “shall” is always mandatory;
 - The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
 - The word “lot” includes the words plat or parcel.
 - The words “used” or “occupied” as applied to any land or building shall be construed to include the words intended, designed or arranged to be used or occupied;
 - The word “includes” means including but is not limited to.
1. **ACCESSORY USE (OR STRUCTURE):** A structure or use which is subordinate to and serves a principal building or use; is subordinate in area, extent, or purpose to the principal building or use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use and is located on the same zoning lot as the principal building or use.
 2. **ADDITION:** Any construction which increases the site coverage, height, length, width, or gross floor area of a structure.
 3. **ALLEY:** A public or private thoroughfare not more than twenty feet (20') in width, for the use of vehicles, which affords only a secondary means of access to abutting properties.
 4. **ALTERATION:** Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.
 5. **ATTACHED:** Having one or more walls common with a principal building or joined to a principal building by a covered porch or passageway, the roof of which is a part or extension of a principal building.
 6. **BASEMENT:** Any building or structure having any portion of such structure with more than one half (½) of its height below the curb level or the level of the adjoining ground. A basement shall have a floor to ceiling dimension of at least six and one-half feet (6½').
 7. **BLOCK:** Property abutting on one side of a street within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
 8. **BUILDABLE AREA:** A portion of a lot or parcel remaining for allowable buildings after required yard setbacks has been provided.
 9. **BUILDING:** A structure having a roof supported by columns or walls designed or intended for

the support, enclosure or shelter of persons, animals or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.

10. **BUILDING, HEIGHT OF:** The vertical distance from the average natural grade at the building line to the highest point of the roof. Where a dwelling is situated on a lot with more than one grade or level, the measurements shall be taken from the main entrance elevation.
11. **BUILDING, PRINCIPAL:** A building in which the primary use of the lot or parcel is conducted.
12. **BUILDING LINE:** The setback distance from the front property line, rear lot line, and side lot lines as provided in the ordinance.
13. **BUILDING WALL:** The wall of the principal building forming a part of the main structure. The foundation walls of enclosed porches or piazzas, steps, walks and retaining wall or similar structures shall not be considered as building walls under the provisions of this ordinance.
14. **CARPORT:** Space for the housing or storage of vehicles and enclosed on not more than 2 sides by walls. An attached carport is considered a part of the principal building.
15. **CITY:** The City of Hull, Iowa.
16. **COMMISSION (PLANNING COMMISSION):** The Hull Planning & Zoning Commission.
17. **COMPREHENSIVE PLAN (MASTER PLAN):** A compilation of policy statements, goals, maps, and pertinent data relative to past, present and future trends of Hull Iowa including, but not limited to population, housing, economics, social patterns, land use, transportation, utilities, and public facilities as prepared by the Planning Commission for the City Council.
18. **COUNCIL:** The Hull City Council.
19. **COURT (COURTYARD):** An open space fully enclosed on at least three (3) adjacent sides by walls of a building. An outer court is any court facing for its full width on a street, or on any other required open space not a court.
20. **DECK:** A non-roofed structure open on two (2) or more sides projecting from the front, side or rear wall of a building. Decks higher than twelve (12) inches above the average grade of the ground shall be subject to required yard setbacks. If is under twelve (12) inches it is considered patio.
21. **DETACHED:** Fully separated from any other building or joined to another building by structural members not constituting an enclosed or covered space.
22. **DISTRICT:** A part, zone, or geographic area within the city within which certain zoning or development regulations apply.
23. **DRIVEWAY:** A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.
24. **DRIVEWAY WIDTH:** The width of a driveway, for purposes of parking a vehicle on, shall be determined by the width of the parking garage or structure and no more than 10 feet of surfaced parking on either side of the space immediately in front of a parking garage or structure.
25. **DUPLEX:** A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. *See DWELLING, TWO FAMILY.*
26. **DWELLING:** Any building or portion thereof designed or used exclusively for human habitation but not including a tent, trailer or mobile home.
27. **DWELLING, MULTIPLE FAMILY:** An apartment house or residence designed for or occupied by three (3) or more families living independently of each other, and containing three or

- more dwelling units with separate entrances, housekeeping and cooking facilities.
28. DWELLING, SINGLE FAMILY: A building that is arranged, designed for or occupied exclusively for residential purposes by one (1) family, and containing one dwelling unit.
29. DWELLING, TWO FAMILY: A building that is arranged, designed for or occupied exclusively for residential purposes by two (2) families living independently of each other with separate entrances, housekeeping and cooking facilities, and containing two dwelling units.
30. EASEMENT: A grant of one or more of the property rights by a property owner to and/or for use by the public, a corporation, or another person or entity.
31. ENCROACHMENT: Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.
32. ENGINEER, CITY: A duly qualified individual or firm designated by the Hull City Council.
33. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by developers, public utilities or governmental agencies of underground or overhead gas, telecommunications, electrical, wastewater or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with and necessary for the furnishing of adequate service by such public utilities, governmental agencies, and/or for the public health, safety or general welfare, but not including buildings.
34. FAÇADE: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.
35. FAMILY: A group of individuals who are related by blood, marriage, guardianship, adoption or foster arrangement living together on the premises as one housekeeping unit but does not include more than four (4) unrelated persons living together by joint agreement and occupying a dwelling unit on a nonprofit cost sharing basis.
36. FARM: An area of ten (10) acres or more which is used for the growing of the usual farm products such as vegetables, fruits, trees, grains, and other agricultural commodities and their storage on the area. The term "farming" includes the operating of such an area for one (1) or more of the above uses including the necessary accessory uses for treating or storing produce or grains; provided, however, that the operation of accessory uses shall be secondary to the normal farming activities and provided further that farming does not include commercial feeding of swine or other animals.
37. FENCE: Any manufactured barrier of any material or combination of materials erected or located so as to enclose or screen areas of land.
38. FLOOR AREA: The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space in a basement that is not living space or used for storage or other incidental uses.
39. FRONTAGE: All property on one side of the street between two (2) intersecting streets (crossing or terminating), measured along the line of a street, or if the street is dead ended, then all of the property abutting one side between an intersecting street and the dead end of the street. The front of a double fronted lot shall face the street upon which the lot will be addressed.
40. FOUNDATION: The lowest and supporting part or member of a wall, including the base course and footing courses; the whole substructure.

- 41. **GARAGE:** An accessory building or portion of a building used only for the enclosed parking of or storage of one or more vehicles by the occupants of the premises or the leasing of space as provided herein, including covered parking space or carport; but in which no business services or industry connected with motor vehicles is carried on other than leasing of space.
- 42. **GOVERNMENTAL ENTITY:** The state, political subdivisions of the state, public schools, corporations, and all officers, boards, or commissions empowered by law to enter into contracts of public improvements, excluding the state board of regents and the state department of transportation.
- 43. **GRADE:** The lowest horizontal elevation of a finished surface of the ground, paving, or sidewalk at a point where the height is to be measured.
- 44. **HEDGE:** linear growths of organic vegetation located so as to form a barrier for the enclosure or screening of areas of land.
- 45. **HOME OCCUPATION:** An accessory use or occupation conducted entirely within a dwelling unit by the inhabitants thereof and complies with the home occupation requirements outlined in Section 15.5.
- 46. **HOUSEHOLD:** A family living together in a single dwelling unit, with common access to all living and eating areas and all areas and facilities within the dwelling unit.
- 47. **HOUSING UNIT:** See DWELLING
- 48. **INCIDENTAL:** Subordinate and minor in significance and bearing a reasonable relationship.
- 49. **INSTITUTION:** A building or premises occupied by a non-profit corporation or establishment for public use.
- 50. **JUNK (OR SALVAGE):** Any scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery, or appliances; iron, steel, or other old scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware. Junk shall also mean waste, reclaimable material or debris whether stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other disposition. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
- 51. **JUNK VEHICLE OR JUNK MACHINERY:** Shall mean any vehicle or portion thereof not in running condition and/or not licensed for the current year as provided by law, or any other non-operating vehicle or machinery located in open view to the public for a period of more than 30 days which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to the public health, welfare, or safety.
- 52. **JUNKYARD (or SCRAP YARD):** Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment, scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations. A solid waste transfer station is

not considered a junk or salvage yard for the purposes of this ordinance.

53. LAND USE: A description of how land is occupied or utilized.

54. LANDSCAPED: An area devoted to or developed predominantly with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces or rock, stone, brick, block or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements, provided that the use of brick, stone, aggregate, or other inorganic materials shall not predominate over the use of plant material.

55. LOADING SPACE: An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

56. LOT: A parcel of land as established by plat, subdivision, or as otherwise permitted by law, which may be owned, used, developed, or built upon, having its frontage upon one (1) or more streets or an officially approved public place.

57. LOT AREA: The net horizontal area bounding by front, side and rear lot lines, providing access to a street and excluding any public or private easement or right of way providing access to another lot not to exclude utility easements.

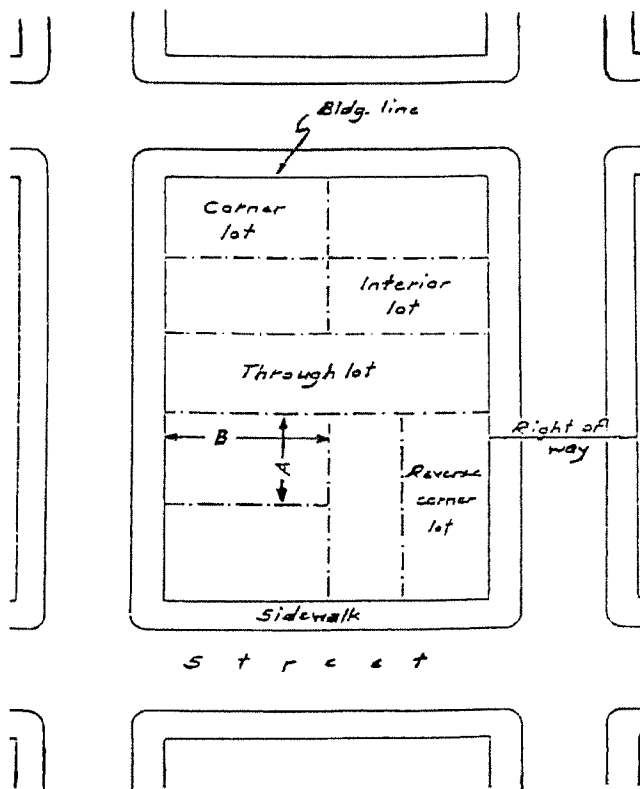
58. LOT, CORNER: A lot fronting on two (2) intersecting streets. On "corner lots", parties must designate which is the principal entrance, and said entrance will designate front yard; the side yard will be equal to the setback of the front yard.

59. LOT, INTERIOR: A lot other than a corner lot.

60. LOT, THROUGH: An interior lot having frontage on two parallel or approximately parallel streets. Also known as a double frontage lot.

61. LOT (or BUILDING) COVERAGE: The area of a lot covered by buildings or roofed areas, excluding incidental projecting eaves and gutters, balconies, and similar features; and also excluding ground level paving or decks below twelve inches in height, landscaping, and open recreational facilities.

62. LOT DEPTH: The distance from the front lot line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.



A - Width of lot

B - Depth of lot

63. LOT WIDTH: The distances between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.
64. LOT TYPES: The chart seen below illustrates terminology used in this chapter with reference to lot types as described below:
- a. Corner Lot: A lot fronting on the intersection of two (2) or more streets.
 - b. Interior Lot: A lot other than a corner lot having frontage on a one street or public thoroughfare, other than an alley.
 - c. Through Lot: A lot other than a corner with frontage on more than one street, other than an alley. Lots running through the block from street to street may be referred to as "through" lots.
 - d. Reversed Corner Lot: A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
65. LOT LINES: The lot lines of a tract, lot, or parcel are defined and determined as follows:
- a. Front Lot Line: In the case of an interior lot abutting only one street, the "front lot line" is the street line of such street, except as provided in subpart f.
 - b. Corner Lot Line: The front property line of a corner lot shall be the shorter of the two lines adjacent to the streets as platted, subdivided, or laid out.
 - c. Through Lot Line: The property owner shall decide which property line fronting a street shall be determined as the front lot line. If a through lot exceeds 200 feet in depth, it shall be considered as being two separate lots with a front lot line abutting both streets.
 - d. Rear Lot Line: The boundary line that is opposite and most distant from the front lot line.
 - e. Side Lot Line: Any boundary line not a front or rear lot line.
66. MANUFACTURED HOUSING: A factory-built structure which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. (*Code of Iowa, Sec. 435.1*)
67. MOBILE HOME: Any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and Generals and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals. (*Code of Iowa, Sec. 435.1*) All mobile homes shall be located within a mobile home park.
68. MOBILE HOME PARK: Any site, lot, field or tract of land upon which three (3) or more occupied mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer, or septic, and electrical services available. A mobile or manufactured home park shall not be construed to include mobile or manufactured, buildings, tents, or other structures temporarily maintained by any individual, educational institution or company on their

own premises and used exclusively to house their own labor or students. (*Code of Iowa, Sec. 435.1*)

69. **MOBILE HOME OR MANUFACTURED HOUSING CONVERTED TO REAL PROPERTY:** An unencumbered manufactured home attached to a permanent foundation on real estate owned by the manufactured homeowner, which has had any vehicular or transportation frame destroyed, rendering it impossible to reconvert to a mobile structure. If a manufactured home is placed in a manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate. (*Code of Iowa, Sec. 435.2*)
70. **MODULAR HOME:** Factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7 Code of Iowa, and must display the seal issued by the state building code commissioner. A modular home shall be considered real property. (*Code of Iowa, Sec. 435.1*)
71. **NONCONFORMING LOT:** A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the zoning district in which it is located, but which complied or was conforming with applicable requirements when it was placed on record prior to the enactment of this zoning ordinance.
72. **NONCONFORMING USE:** A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.
73. **NONCONFORMING STRUCTURE (OR BUILDING):** A structure or building in size, dimensions, or location of which was lawful prior to the adoption or amendment to the zoning ordinance, but which fails to conform to present requirements of the zoning district.
74. **OCCUPANCY (or OCCUPIED):** The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.
75. **OFFICIAL (ZONING) MAP:** An ordinance in map form adopted by the governing body that conclusively shows the location of zoning district's boundaries, proposed streets, public areas, and other data referencing the distinction and separation of zoned land uses.
76. **OPEN SPACE:** Any parcel or area of land unimproved and set aside, designated or reserved for the use or enjoyment of the owners, occupants, neighbors or the public. Such open space is not occupied by structures or impervious surfaces.
77. **PARKING AREA:** An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this ordinance. Parking areas shall include parking lots, garages, and parking structures.
78. **PARKING LOT:** An off-street, ground level open area usually improved for the temporary storage of motor vehicles. *See also:* PARKING AREA.
79. **PARKING SPACE:** An area, enclosed or unenclosed, having dimensions of not less than nine (9) feet by twenty (20) feet (180 sq. ft.) plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords

satisfactory ingress and egress for automobiles. Space required for maneuvering or incidental to parking shall not encroach upon any public right-of-way. Driveways for one- and two-family structures may be considered as parking spaces.

- 80. PATIO: An unenclosed, roofless structure adjoined to the principal building and elevated less than one foot above the ground.
- 81. PERMANENT FOUNDATION (for manufactured housing or mobile homes): A mobile home or manufactured housing located outside of a manufactured housing community or mobile home park shall be placed on a permanent frost-free foundation which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundations systems of surrounding residential structures. (*Code of Iowa, Sec. 414.28*)
- 82. PERSONAL UTILITY STORAGE: Storage for personal effects and household goods within enclosed storage areas having individual access, and including use as personal workshops and hobby shops, but excluding manufacturing or commercial activity.
- 83. PLANNED UNIT DEVELOPMENT (PUD): An area of minimum contiguous size, as specified by ordinance, developed according to plan as a single entity and containing one or more structures and/or land uses with appurtenant or adjacent common areas.
- 84. PORCH, OPEN: A roofed structure, open or screened on two (2) or more sides, projecting from the front, side or rear wall of the building.
- 85. PRINCIPAL PERMITTED USE: See USE: 1. principal Permitted Use; the main use of land or structures as distinguished from an accessory use.
- 86. PROHIBITED USE: Any use not permitted by right or by Special Exception use in a zoning district.
- 87. PROPERTY: A lot, parcel, or tract of land together with buildings and structures located thereon.
- 88. PUBLIC NOTICE: A publication of the time and place of any public hearing not less than four (4) days and not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the City as provided in the *Code of Iowa*.
- 89. RECREATIONAL VEHICLE: A vehicle or structure or designed and constructed in such a manner as will permit occupancy for one or more persons, or the conduct of any business or profession, occupation, or trade. A recreational vehicle may be towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for occupancy, recreational or sporting purposes. Recreational vehicles shall include, but shall not be limited to, travel trailers, pick-up campers, camping trailers, mobile homes, motor coach homes, converted trucks and buses, boats, personal watercraft, all-terrain vehicles (ATVs) or snowmobiles.
- 90. RESIDENTIAL CONVENIENCE SERVICE: A use or activity of a commercial nature conducted as an accessory use to multiple family residential or mobile home park residential use and intended solely for the convenience of residents thereof.
- 91. ROOMS, HABITABLE: A room which provides the required area and window area to provide necessary light and ventilation of occupants and shall be clean and sanitary at all times.
- 92. SETBACK: The required distance between any lot line and the supporting walls or associated structural supports of any building, deck, or other above ground structure.
- 93. SETBACK LINE: A line within a lot parallel to and measured from a corresponding lot line,

forming the boundary of a required yard and governing the placement of structures on the lot.

94. **SITE PLAN:** A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses, and the principal site development features including parking, access, and landscaping and screening, proposed for a specific parcel of land.
95. **SITE DEVELOPMENT REGULATIONS:** The combinations of controls that establish the maximum size of a building and its location on the lot. Components of Site Development Regulations include size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.
96. **SPECIAL EXCEPTION:** A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the Board of Adjustment.
97. **SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.
98. **STREET:** A public thoroughfare that affords a primary means of access to abutting property.
99. **STREET LINE:** The dividing or right-of-way line between a lot and a public street, alley or roadway.
100. **STRUCTURAL ALTERATION:** Any replacement or changes in the type of construction or in the supporting members of a building beyond ordinary repairs and maintenance, such as bearing walls or partitions, columns, beams or girders.
101. **STRUCTURE:** Anything built, constructed, moved, erected or located on or within a fixed location on the ground or attached to something having a permanent location on the ground. Structures include buildings, walls, fences, swimming pools, signs, towers, tanks and billboards. Structures shall not include a sidewalk, utility poles, street signs, streetlight fixtures, other public items or tombstones.
102. **TEMPORARY STRUCTURE:** A structure without any foundation or footings and that is removed when the designated time period, activity, or use has ceased.
103. **TOWNHOUSE:** A dwelling having a common wall with or abutting adjoining dwellings in a group of at least three (3) dwellings together.
104. **USE:** The conduct of an activity or the performance of a function or operation.
- a. **Principal Use:** Any use which is the primary function of a lot or building.
 - b. **Permitted Use:** Any use permitted as a matter of right or under a Special Exception use when conducted in accord with the regulations established by this ordinance; of which fulfills the primary function of a household, establishment, institution, or other entity.
 - c. **Special Exception Use:** A use allowable solely on a discretionary and Special Exception basis subject to a Special Exception use permit, and all other regulations established by this ordinance.
 - d. **Accessory Use:** A use or activity that is incidental to and customarily associated with a specific principal use on the same site.
105. **UTILITY, PUBLIC:** A utility owned and operated by the City of Hull, Iowa.

105. **VACANCY:** Any unoccupied land, structure, or part thereof available or suitable for occupancy.

106. **VALUATION:** The estimated cost to replace a building; based on current cost of replacement.

107. **VARIANCE:** The relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions and peculiarity of the property and not the results of actions of the applicant, a literal enforcement of the zoning regulations would result in an unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

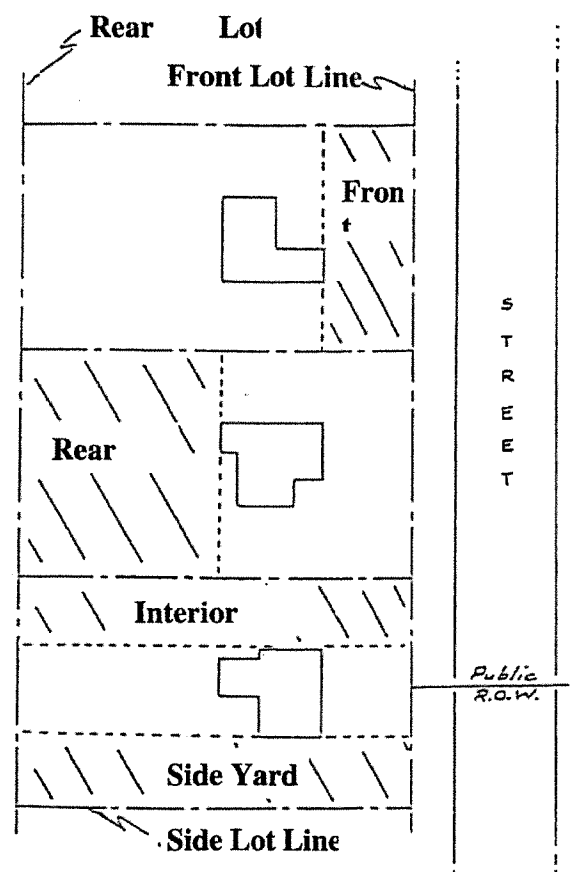
108. **VIOLATION:** The doing of any act prohibited or declared to be unlawful by the Code of Ordinances, the omission or failure to do, or perform any act or duty required by the Code of Ordinances or any rule, regulation, ordinance or code herein adopted by reference or the failure to obtain a license required by the Code of Ordinances or any rule, regulation, ordinance or code herein adopted by reference.

109. **YARD:** An open space on the same lot adjoining a lot line, containing only landscaping and such uses and facilities as may be permitted by this ordinance. In measuring a yard for the purpose of determining the depth of a front yard or rear yard, the least distance between the lot line and the nearest principal building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest principal building shall be used. A yard shall be measured exclusive of any dedicated or undedicated right-of-way.

a. **Front Yard:** An area of yard extending across the full width of a lot and measured between the front lot line and the building wall or other supporting element thereof, other than the projection of typical steps and eaves. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street where the principal building has its main entrance.

b. **Interior Yard:** Any area of yard, not adjacent to a street, which is determined on the basis of an interior lot line.

c. **Rear Yard:** An area of yard extending across the full width of a lot and measured between the rear lot line and the building or other supporting element other than steps or unenclosed balconies, but excluding any area located within the street side yard of a



corner lot. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.

- d. Side Yard: An area of yard extending the depth of a lot from the front yard to the rear yard and measured between the side lot line and the nearest principal building. A side yard is not only the yard space between separate lots but also setbacks for side yards on the same lot.

110. **ZONING**: The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

111. **ZONING ADMINISTRATOR**: The individual appointed by the Hull City Council to administer and ensure compliance with the zoning ordinance and issue zoning permits.

112. **ZONING COMPLIANCE PERMIT**: A permit issued and enforced by the zoning administrator, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the zoning ordinance, Special Exception use, or authorized variance.

113. **ZONING DISTRICTS**: A section the city designated in the text of the zoning ordinance and delineated on the zoning map in which requirements for the use of land, the building and development standards are prescribed.

Section 2.2. SPECIFIC LAND USE DEFINITIONS

The purpose of specific land use definitions is to provide a consistent set of terms encompassing and defining those uses permitted by right or Special Exception use in each of the city's zoning districts, and to provide a procedure for determination of the applicable land use of any activity not clearly defined herein. In event of any question as to the appropriate use classification of any existing or proposed use or activity, the zoning administrator shall have the authority to determine the classification, subject to the right of appeal pursuant to Section 19.8 of this ordinance. In making such determinations, the zoning administrator shall consider the characteristics of the use in question, and consider any functional, product, service, or physical requirements common with or similar to uses cited as examples of land use definitions.

2.2.1. AGRICULTURE LAND USE DEFINITIONS:

Agricultural land use types include, but not limited to the following.

1. ***Agriculture***: The use of land for agricultural purposes, including animal husbandry, agriculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary accessory uses for packing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agricultural activities.
2. ***Agricultural Storage Buildings***: Buildings or structures used and intended for the housing, storage and maintenance of machinery, equipment, supplies, agricultural products, and vehicles used for agricultural purposes. This does not include the use of storage buildings or other agricultural buildings for rent or profit, or any commercial purposes for non-agricultural related vehicles including recreational vehicles.
3. ***Agricultural Support Housing***: The occupancy of living accommodations by one agricultural

employee and their family, without regard to duration, which occurs exclusively in association with the performance of agricultural labor, on the same property as the support housing.

4. *Animal Husbandry*: The raising of cattle, swine, poultry, horses, sheep, goats or other similar animals for reproductive stock or for slaughter in which such uses are conducted in either confined animal feeding operations or open yards, including pasture.
5. *Crop Production*: The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
6. *Dairy Farm*: Any place upon which milk is produced for sale or other distribution.
7. *Fuel Storage (Bulk Storage)*: Includes the storage and handling of fuels for agricultural and support vehicles and machinery, and not intended for commercial resale or profit.
8. *Horticulture*: The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.
9. *Pesticide/Fertilizer Storage*: Includes the storage and handling of pesticides, fertilizers and other commonly associated farm or agricultural chemicals used for farm or agricultural purposes, and not intended for any commercial application or for resale or profit.
10. *Stables (Commercial or Riding Stables)*: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include but not limited to horse ranches, boarding stables or public stables.
11. *Conservation Areas*: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to wetlands, floodways, floodplains, drainage ways, river or stream banks, and areas of significant biological uniqueness.
12. *Critical Area*: A critical area is a natural feature in need of preservation from encroaching land uses. Such areas may include sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service, areas of excessive slope, natural marshes, woodlands, and floodplains.
13. *Floodplain*: The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.
14. *Undeveloped or Unimproved Land*: Land in its natural state before development.
15. *Water Control Structures, Irrigation or Retention Basins*: Those man-made structures which are intended to direct and/or control the water flow, drainage and percolation rate to aid in the prevention of flooding or to direct water away from tillable agricultural land.

2.2.2. RESIDENTIAL LAND USE DEFINITIONS:

Residential use types include the occupancy of living accommodations on a primarily non-transient basis or institutional living arrangements but excluding those providing forced residence such as prisons.

1. *Apartment*: A room or set of rooms, occupied as a dwelling unit, which is part of a multi-family structure containing cooking and housekeeping facilities for each dwelling unit.
2. *Condominium*: A multiple dwelling with three (3) or more units whereby the title to each

dwelling unit is held in separate ownership and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.

3. *Cottage*: A small single unit structure used for vacation or vacationer's occupancy, and not used as a residence for the entire year.
4. *Family Home (as per Chapter 414.22 Iowa Code)*: A community based residential home which is licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
5. *Mobile Home or Manufactured Housing*: The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Uses only include mobile home parks and manufactured housing subdivisions.
6. *Multiple Family Residential*: The use of a site for three (3) or more dwelling units within one or more buildings.
7. *Relocated Residential*: An existing, previously built residential structure, intended for occupancy, which has been moved into the community from a location outside of Hull, or an existing residential structure which has been relocated from another location from within the City of Hull to a new residential site. A relocated residential structure does not include the moving of a new manufactured, modular or mobile home into the city. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and a building permit prior to moving a building or structure into Hull.
8. *Residential Healthcare Facilities*: Any residential care services, intermediate care facility or skilled nursing home.
 - a. *Residential Care Services*: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
 - b. *Assisted Living Facility*: Residences for primarily senior or retired persons that provide dwelling units, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities are sometimes combined with other housing such as congregate housing, senior housing, or other care services.
 - c. *Skilled Nursing Facility*: Any institution or facility providing care for a period exceeding twenty-four hours for residency or medical services, the need for which is certified by a physician to three or more individuals, who by reason of illness, disease, or physical or mental illness require continuous care and medical services.
9. *Single Family Residential*: The use of a site for only one (1) single family dwelling unit.
10. *Townhouse Residential*: The use of a site for three (3) or more dwelling units, constructed with common or adjacent walls with each unit located on separate lots or all units located on the same lot within the total development site.
11. *Two Family Residential (duplex or twin home)*: The use of a site for two (2) dwelling units on a single lot or parcel.

2.2.3. COMMERCIAL LAND USE DEFINITIONS:

Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as industrial or civic uses.

1. *Administrative and Business Offices*: Office of private firms or organizations, which are primarily used for the provision of executive, management, or administrative services. Typical uses include but not limited to administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, and offices of public utilities or associations.
2. *Agricultural Sales and Services*: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include but not limited to nurseries, hay, feed and grain stores, and tree service firms.
3. *Automotive Repair Services*: Repair of automobiles, noncommercial truck, motorcycles, motor homes, and recreational vehicles; including the sale, installation, and servicing of equipment and parts.
4. *Automotive Sales or Rental*: Sales or rental of automobiles, noncommercial truck, motorcycles, motor homes, and recreational vehicles; including incidental storage, maintenance, and servicing. Typical uses include but not limited to new and used car dealerships, motorcycle dealerships, vehicle trailer and recreational vehicle dealerships.
5. *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to car washes or truck washes. Does not include large truck cleanouts or wash outs.
6. *Building Maintenance Services*: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include but not limited to janitorial, landscape maintenance, or window cleaning services.
7. *Business Support Services*: Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include but not limited to office equipment and supply firms, small business machine repair shops or supply firms.
8. *Cocktail Lounge*: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses.
9. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
 - a. *Indoor Recreation and Entertainment*: Uses conducted within an enclosed building. Typical uses include but not limited to bowling alleys, billiard parlors, skating rinks, arcades, theaters, meeting halls, community centers, or dance halls.
 - b. *Outdoor Recreation and Entertainment*: Uses conducted in open or partially enclosed or screened facilities. Typical uses include but not limited to golf courses, swimming pools, gaming courts, racing facilities, go-kart track, driving range, or miniature golf

course.

10. *Communications Services*: Establishments primarily engaged in the provision of broadcasting and information relay services accomplished through the use of electronic and telephonic mechanisms but exclude those classified as Major Utility Facilities. Typical uses include but not limited to telecommunication services; radio, television, cellular and other similar receiving antennas, towers, or structures; and fiber optic lines and transmission facilities.
11. *Construction Sales and Services*: Establishments primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale of materials used in construction of building or other structures; but excludes those classified as one of the automotive and equipment services. Typical uses include but not limited to building materials stores, tool and equipment rental or sales, or building contractors.
12. *Consumer Repair Services*: Establishments primarily engaged in repair services to individuals or households rather than firms, excluding automotive and equipment uses. Typical uses include but not limited to appliance repair, watch or jewelry repair.
13. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage having individual access but excluding manufacturing or commercial activity. Typical uses include but not limited to mini warehousing.
14. *Convenience Store*: An establishment engaged in the retail sale of food and household products, including gasoline. However, the repair, storage or servicing of vehicles shall be prohibited.
15. *Equipment Repair Services*: The repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include but not limited to truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling or salvage.
16. *Equipment Sales*: Sale of trucks, tractors, construction equipment, agricultural implements, mobile homes and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include but not limited to truck dealerships, construction equipment dealerships, and mobile home sales establishments.
17. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, lending activities, and similar services.
18. *Funeral Services*: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include but not limited to funeral homes, crematoriums or mortuaries.
19. *General Retail Sales*: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section. Typical uses include but not limited to department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and

appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories sales.

20. *Golf Course*: Land area and buildings containing golf course, club house, pro shop, restaurant and lounge, swimming pool and tennis courts and other services and buildings typically associated with the operation of a golf course or country club.
21. *Greenhouse (Commercial)*: A building or premises used for growing plants, preparation of floral arrangements, cold storage of flowers or dry storage of materials used for agricultural purposes. This definition does not include the use or operation of "hobby" greenhouses for personal use.
22. *Health Recreation Facility*: An indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.
23. *Health Care Facilities (including Hospitals)*: A facility licensed or approved by the state or an appropriate agency, if required, used in any of the following: (1) Hospitals including offices or medical societies, offices of charitable public health associations, and private office space for the practice of medicine and dentistry under a license from the Department of Health; provided, that any such private offices for the practice of medicine and dentistry shall be occupied only by those on the staff of the hospital; (2) A facility for outpatient physical, occupational, or vocational therapy or rehabilitation; (3) Public health clinics and facilities; and (4) Ambulatory surgical care center which does not allow for overnight stay by patients. Except as herein provided, health care facilities do not include doctors or dentist's professional offices and private clinics.
24. *Kennel, Commercial*: A commercial establishment in which more than four (4) dogs, cats or domesticated animals at least six months of age are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. Typical uses include but not limited to boarding kennels, pet motels, or dog training centers.
25. *Liquor Sales*: Establishments engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores or bottle shops.
26. *Maintenance and Service Facilities*: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including equipment service centers and similar uses having characteristics of commercial services or contracting or industrial activities.
27. *Nightclub*: A commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. See also "Bar".
28. *Office*: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering, administrative or other occupation customarily considered as a profession.
29. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barbershops, seamstress, shoe repair, and laundromat or apparel cleaning services.
30. *Restaurant (Convenience)*: A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include but not limited to soda fountains, ice cream parlors, sandwich shops, cafes, and

coffee shops.

31. *Restaurant (General)*: A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include but not limited to restaurants, lounges, bar & grills, and other similar establishments with incidental alcoholic service. Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
32. *Vehicle Storage Yards*: Long term storage or parking of operating vehicles. Typical uses include but not limited to storage of private parking, tow-a-ways or impound yards, but exclude dismantling or salvage.
33. *Veterinary Services*: Veterinary services for animals and retail sales and grooming of animals customarily used as household pets. Typical uses include but not limited to pet clinics, animal hospitals, veterinary hospitals, pet stores or pet grooming shops.
34. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
 - a. *Campground*: Facilities or an area providing spaces for two (2) or more travel trailers, recreational vehicles, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public. Typical uses include but not limited to campgrounds or recreational vehicle parks.
 - b. *Hotel-Motel*: A building containing guest rooms primarily intended for temporary occupancy to guests for compensation and provides parking. Accessory uses associated with a hotel-motel may include a swimming pool, restaurant, meeting/conference rooms, management office and quarters for the use of operating personnel.
 - c. *Bed & Breakfast Inn*: A private, owner-occupied housing unit, or portion thereof where short term lodging and meals are provided for rent to the general public. Meals may be provided, but only served to those taking lodging in the facility. Individual units designed as rentals shall contain no cooking facilities.
 - d. *Boarding House*: A building, other than a hotel or motel, where for compensation, meals and lodging are provided for more than three (3) persons not defined as a family
35. *Wind Energy Devices*: Wind Energy Conversion Systems (WECS) or other similar wind machines are those devices including but not limited to wind charger, windmill, wind turbine or wind generators that converts wind energy to a form of usable energy.

2.2.4. INDUSTRIAL LAND USE DEFINITIONS:

Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

1. *Custom Manufacturing*: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves the use of hand tools or mechanical equipment and the incidental direct sale to consumers of only those goods produced on-

site. Typical uses include but not limited to ceramic studios, candle making shops or custom jewelry.

2. *Heavy Industry*: A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing which involve hazardous or commonly recognized offensive conditions.
3. *Light Industry*: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
4. *Railroad Facilities*: Including but not limited to rail yards, equipment servicing facilities, loading and unloading facilities and rail terminal facilities.
5. *Research and Production Services*: Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include but are not limited to animal or human research laboratories, research and development firms, or animal or human pharmaceutical research labs.
6. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
7. *Sanitary Landfill*: An area of land designated for the disposal of garbage, refuse, waste, rubbish, and other solid or semisolid materials, of which are buried between layers of earth.
8. *Scrap and Salvage Services*: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse. Typical uses include but not limited to scarp or storage yards, junkyards or salvage yards.
9. *Warehousing and Distribution*: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. Typical uses include but not limited to wholesale distributors, storage warehouses, moving and storage firms, open-air storage, and grain elevators.

2.2.5. CIVIC AND PUBLIC LAND USE DEFINITIONS:

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses strongly vested with public or social importance.

1. *Cemetery*: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
2. *Club or Lodge*: A use providing meeting, recreational, or social facilities for the promotion of some nonprofit who are bonafide members paying annual dues, which owns, hires, or leases a building, or portion thereof by a private or non-profit association, primarily for use by members and guests.
3. *Cultural Services*: A library, museum, art gallery, or similar nonprofit use affording display, preservation and exhibition of objects of permanent interest in the arts and sciences.

4. *Daycare Center*: A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals. This term may include day care centers for children or adults, and similar uses.
5. *Educational Facilities*: A public, private, or parochial school offering instruction at the nursery school, pre-kindergarten, elementary, junior and senior high school or collegiate level.
6. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include but not limited to federal, state, county, and city offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.
7. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles.
8. *Major Utility Facilities*: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities of public use, and firms having potentially significant impact upon surrounding uses.
9. *Park and Recreation Services*: Publicly or privately owned and operated parks, playgrounds, open spaces, and swimming pools.
10. *Public Assembly*: Publicly owned or operated facilities for public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
11. *Religious Assembly*: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, excluding primary or secondary educational facilities.
12. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

ARTICLE 3: ZONING DISTRICTS ESTABLISHED

Article 3: Zoning Districts Established

- Section 3.1. Zoning Districts Map
- Section 3.2. Interpretation of Regulations
- Section 3.3. Interpretations of Districts Boundaries
- Section 3.4. Road or Public Right-of-Way Vacation
- Section 3.5. Annexed Territory

Section 3.1. ESTABLISHMENT OF ZONING DISTRICTS

The city council shall cause to be prepared and approved, an official zoning districts map showing the various districts, which may be changed or corrected from time to time as recommended by the planning commission and enacted by the city council.

1. *Districts Established:* For the purpose and intent of this ordinance the City of Hull is hereby divided into the following types of zoning districts:

| | |
|-----|--|
| A | Agricultural District |
| R-1 | Single Family Residential District |
| R-2 | Multiple Family Residential District |
| MH | Mobile & Manufactured Housing District |
| C | Commercial District |
| C-1 | Downtown Commercial District |
| C-2 | Highway Commercial District |
| I | Industrial District |
| PUD | Planned Unit Development |

2. *Boundaries:* The boundaries of zoning districts are indicated and established as the “Official Zoning Map of the City of Hull, Iowa”, which, with all notations, designations, references, and other matters shown thereon, shall be as much a part of this zoning ordinance as if fully described and set forth herein. Amendments, supplements, or changes to the boundaries of districts shown on the official zoning map shall be made by an ordinance amending this zoning ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the city clerk. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The official zoning map, together with amending ordinances, shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the city.
3. *Official Map:* Such districts are bounded and defined as shown by a map entitled “Official Zoning Map of the City of Hull, Iowa”, of which map shall be permanently displayed in the city offices. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use or the nature of number of changes and additions, the city council may, by resolution, adopt a new official zoning map which shall supersede the prior zoning map. The

new official zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such corrections shall have the effect of amending the original official zoning ordinance or subsequent amendments.

Section 3.2. INTERPRETATION OF REGULATIONS

In interpretation and application, the provisions of this ordinance shall be considered minimum requirements. Where this ordinance imposes a greater restriction than imposed by other provisions of law, other rules, regulations, or ordinances, the provisions of this ordinance shall govern. This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern. No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area or have narrower or smaller rear yards, side yards, inner or outer courts other than specified herein for the district in which such building is located. In enforcement of this provision, the board of adjustment may consider the undue financial burden of the individual (casualties sustained due to fire, hail, etc.) upon proper application to the board of adjustment.

Section 3.3. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to a district's boundaries on the official zoning map, the following apply.

1. Boundaries indicated as approximately following the center lines of streets, Generals, alleys or other public rights-of-way shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as parallel to or extensions of features indicated in subsections 1-3 above shall be so construed.
5. Where physical features existing on the ground are at variance with those shown on the zoning map, or in other circumstances, the board of adjustment shall interpret district boundaries.

Section 3.4. ROAD OR PUBLIC RIGHT-OF-WAY VACATION

Whenever any road, street, or other public right-of-way is vacated by the official action of the city council, the zoning district(s) adjoining each side of such road or public right-of-way shall automatically extend to the center of such vacation and all area included in such vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

Section 3.5. ANNEXED TERRITORY

Any lands being annexed into the City of Hull shall, by default, be immediately zoned (A) Agricultural

District. If the existing or proposed land use of the property is such that it necessitates a zoning change, the planning and zoning commission shall make a recommendation of a change of zoning classification to the city council.

ARTICLE 4: (AG) AGRICULTURE DISTRICT

Article 4: Agriculture District

- Section 4.1. Intent
- Section 4.2. Principal Permitted Uses
- Section 4.3. Special Exception Uses
- Section 4.4. Accessory Uses and Structures
- Section 4.5. Site Development Regulations
- Section 4.6. Off-Street Parking
- Section 4.7. Sign Regulations
- Section 4.8. Zoning Permit Required

Section 4.1. INTENT.

The intent of the agricultural district is to preserve land best suited for agriculture (especially prime agricultural soils) from the encroachment of incompatible uses and to preserve, in agricultural use, land suited to eventual development in other uses pending proper timing for economical and practical provisions of streets, utilities and other community facilities which may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to nonagricultural use.

Section 4.2. PRINCIPAL PERMITTED USES.

Within the (AG) agricultural district, unless otherwise provided, only the following uses and structures shall be permitted by right.

| Agriculture | Residential Uses | Civic Uses |
|---|---|--|
| Agriculture Agricultural Support Housing Crop Production Critical Area Horticulture Undeveloped or Unimproved Land Water Control Structures/Irrigation/Retention Basins | Single Family Residential - Only when it is the owner or renter of a farm or associated with agricultural purposes. | Cemetery Local Utility Services Government/Public Services |

Section 4.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (AG) agricultural district subject to provisions of Articles 22 and of this ordinance and with specific conditions and requirements as approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

| Agriculture | Residential Uses | Civic Uses |
|---|--|--|
| Animal Husbandry Fuel Storage Pesticide/Fertilizer Storage Stables | Relocated Residential - Only when it is the owner or renter of a farm or associated with agricultural purposes. | Major Utility Facilities Park and Recreation Services Religious Assembly |
| Commercial Uses | | Industrial Uses |
| Commercial Recreation, both Indoor Recreation and Entertainment and Outdoor Recreation and Entertainment Kennel, Commercial Wind Energy Devices | | Fuel Storage Resource Extraction Sanitary Landfill |

Special exception industrial uses and major utility facilities shall be conducted in a manner and method approved by the Iowa State Health Department and the Iowa Department of Natural Resources, Environmental Quality Division.

Section 4.4. ACCESSORY USES AND STRUCTURE

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses, and structures shall be permitted:

1. Essential services
2. Private garage or carport
3. Barns and other agricultural related buildings
4. Private parking lots
5. Radio, television, satellite dish, and other similar receiving antennas *(for personal use)*
6. Personal utility sheds, garden buildings or greenhouses not used for commercial purposes
7. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3
8. Roadside stands for the sale of agricultural produce or products grown on the premises
9. Kennel, private
10. Home occupations in compliance with Section 15.5
11. Accessory uses, buildings and structures normally incidental and subordinate to the principal use or building and in compliance with Section 15.1

Section 4.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses and structures in the (AG) agricultural district, and subject to the supplemental district regulations.

| | |
|-----------------------|---|
| Lot Area - | 1 acre - minimum lot area |
| Lot Width - | 300 feet - minimum lot width |
| Front Yard - | 50 feet - minimum required setback |
| Side Yard - | 25 feet - minimum required setback |
| Rear Yard - | 50 feet - minimum required setback |
| Street Side Yard - | 50 feet - minimum required setback |
| Maximum Height - | 35 feet height for dwellings and non-agricultural buildings and structures, except for height exemptions in accordance with Section 14.11. No limitation, for agricultural buildings provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport. |
| Residential Density - | Not more than one (1) principal residential dwelling unit per lot, and not more than one (1) agricultural support housing per lot. |

No minimum requirements for local utility facilities and essential services, except those buildings other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All dwelling units must be constructed in compliance with the minimum requirements for residential structures outlined in Section 15.7.

Section 4.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (AG) agricultural district in accordance with the provisions of Article 16 of this ordinance.

Section 4.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (AG) agricultural district in accordance with the provisions of Article 17 of the ordinance.

Section 4.8. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 19.3 of this ordinance.

ARTICLE 5: (R-1) SINGLE FAMILY RESIDENTIAL DISTRICT

Section 5: Single Family Residential District

- Section 5.1. Intent
- Section 5.2. Principal Permitted Uses
- Section 5.3. Special Exception Uses
- Section 5.4. Permitted Accessory Uses and Structures
- Section 5.5. Site Development Regulations
- Section 5.6. Off Street Parking
- Section 5.7. Sign Regulations
- Section 5.8. Zoning/Building Permits Required

Section 5.1. INTENT.

The intent of the single-family residential district is to promote and encourage suitable environments for low density residential development with a limited number of opportunities for public, civic or recreational facilities.

Section 5.2. PRINCIPAL PERMITTED USES.

Within the (R-1) single family residential district, unless otherwise provided, only the following uses and structures shall be permitted by right.

| Residential Uses | Civic Uses | Agriculture |
|--|--|---|
| Single Family Residential Two Family Residential Family Home Townhome Residential | Government/Public Services Local Utility Services Religious Assembly Park and Recreation Services | Crop Production Horticulture Critical Area Undeveloped/Unimproved Land Water Control Structures, Irrigation, or Retention Basins |

Section 5.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (R-1) single family residential district subject conditions and requirements from the Board of Adjustment as provided for by Article 22 of this ordinance intending to make them compatible with adjacent uses.

| Residential Uses | Civic Uses | Commercial Uses |
|---|---|---|
| Relocated Residential Residential Healthcare Facilities - Residential Care Services - Assisted Living Facility - Skilled Nursing Facility | Daycare Center Educational Facilities Safety Services | Golf Course Funeral Services Visitor Habitation -Bed & Breakfast Inn Wind Energy Device |

Section 5.4. ACCESSORY USES AND STRUCTURES.

Accessory uses are not intended to be the principal structure on any lot, and remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and

structures shall be permitted:

1. Essential services
2. Private garages or carports
3. Personal recreational facilities for use by residents
4. Patios, cabanas, porches, gazebos, and incidental or portable household storage buildings
5. Personal greenhouses, not operated for commercial purposes
6. Radio, television, satellite dish, solar collector and other similar devices for residential use
7. Home occupations, in compliance with Section 15.5
8. Private kennel
9. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 15.3
10. Other accessory uses of land and structures determined by the zoning administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 15.1

Section 5.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (R-1) single family residential district shall be subject to the following minimum regulations, and subject to supplemental district regulations.

| | | |
|-----------------------|--|---------------|
| Minimum Lot Area - | single family dwelling | 8,000 sq.ft. |
| | two family dwelling | 12,000 sq.ft. |
| | non-residential uses | 15,000 sq.ft. |
| Minimum Lot Width - | 80 feet, except at entry points off cul-de-sacs | |
| Residential Density - | Not more than one (1) dwelling unit per lot, except for two-family residential. | |
| Front Yard - | 25 feet - minimum required setback | |
| Side Yard - | 10 feet - minimum required setback | |
| Rear Yard - | 25 feet - minimum required setback | |
| Street Side Yard - | 25 feet – minimum required setback | |
| Maximum Height - | 35 feet, except for height exemptions in accordance with Section 14.11. | |
| Common Wall - | When a two-family dwelling can be divided by a common party wall, the front, rear, and side yard requirements shall apply to the total building unit and not be required for each individual housing unit. | |

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the minimum requirements for residential structures outlined in Section 15.7. Manufactured or mobile homes placed in

designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa.

Section 5.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (R-1) single family residential district in accordance with the provisions of Article 16 of this ordinance.

Section 5.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-1) single family residential district in accordance with the provisions of Article 17 of this ordinance.

Section 5.8. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 19.3 of this ordinance.

ARTICLE 6: (R-2) MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 6: Multiple Family Residential District

- Section 6.1. Intent
- Section 6.2. Principal Permitted Uses
- Section 6.3. Special Exception Uses
- Section 6.4. Accessory Uses and Structures
- Section 6.5. Site Development Regulations
- Section 6.6. Design Standards for Multiple Family Residential
- Section 6.7. Off-Street Parking
- Section 6.8. Sign Regulations
- Section 6.9. Zoning Permit Required

Section 6.1. INTENT.

The intent of the (R-2) multiple family residential district is to provide for various types of residential dwellings and development at a higher density than the single-family residential district. This district also allows for the provision of certain civic and commercial uses that are compatible in character and density with and complement the multiple family residential environment.

Section 6.2. PRINCIPAL PERMITTED USES.

Within the (R-2) multiple family residential district, unless otherwise provided, only the following uses and structures shall be permitted by right.

| Residential Uses | Civic Uses | Commercial Uses |
|--|--|---|
| Apartment Condominium Family Home Multiple Family Residential Residential Healthcare Facilities <ul style="list-style-type: none">- Residential Care Services- Assisted Living Facility- Skilled Nursing Facility Single Family Residential Townhouse Residential Two Family Residential | Governmental/Public Services Local Utility Services Park and Recreation Services Religious Assembly | Visitor Habitation - Bed & Breakfast Inn |

Section 6.3. SPECIAL EXCEPTION USES.

The following uses may be permitted in the (R-2) multiple family residential district subject to conditions and requirements from the Board of Adjustment as provided for by Article 22 of this ordinance intending to make them compatible with adjacent uses.

| Residential Uses | Civic Uses | Commercial Uses |
|--------------------------------------|--|--|
| Family Home Relocated Residential | Cultural Services Daycare Center Educational Facilities Safety Services | Communication Services Funeral Services Wind Energy Device |

Section 6.4. ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted:

1. Essential services
2. Private garages or carports
3. Private parking lots
4. Personal recreational facilities for use by residents
5. Patios, cabanas, porches, gazebos, and incidental or portable household storage buildings
6. Personal greenhouses, not operated for commercial purposes
7. Radio, television, satellite dish, solar collector and other similar devices for residential use
8. Home occupations in compliance with Section 15.5
9. Private kennel
10. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 15.3
11. Other accessory uses of land and structures determined by the zoning administrator to be normally incidental and subordinate to the principal use or building and in compliance with Section 15.1

Section 6.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (R-2) multiple family residential district shall be subject to the following minimum regulations, and subject to the supplemental district regulations.

| | |
|---------------------|--|
| Minimum Lot Area - | 10,000 sq.ft. + 2,000 sq.ft. for additional dwelling units in excess of two (2) |
| Minimum Lot Width - | 100 feet, except at entry points off cul-de-sacs |
| Front Yard - | 25 feet - minimum required setback |
| Side Yard - | 10 feet - minimum required setback |
| Rear Yard - | 25 feet - minimum required setback |
| Street Side Yard - | 25 feet – minimum required setback |
| Maximum Height - | 35 feet, except for height exemptions in accordance with Section 14.11. |

No minimum requirements for local utility facilities and essential services, except those buildings constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the minimum requirements for residential structures outlined in Section 15.7. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with Section 135D.26 of the Code of Iowa.

Section 6.6. DESIGN STANDARDS FOR MULTIPLE FAMILY RESIDENTIAL.

Design standards for multiple family residential developments within the R-2 district shall be subject to the following requirements:

1. The following requirements shall apply to group housing projects when two or more garden apartment buildings or mixture of housing types are located on the same lot.
2. The minimum horizontal distance between buildings (That is, front to front, rear to rear, or front to rear, as the case may be) shall be fifty feet (50') or buildings one story in height and shall be increased by no less than five feet (5') for each additional story in height. The minimum distance between buildings may be decreased by as much as ten feet (10') toward one end if it is increased by an equal distance at the other or if the buildings are staggered in location so as to allow ample sunlight at ground level.
3. The horizontal distance between ends of buildings shall be no less than twenty-five feet (25'). Where the end of one building is opposite the face or rear of another building the minimum horizontal distance between them shall be increased by no less than five feet (5') for each additional story in height of each building.
4. The horizontal distance between corners of adjacent buildings that do not face one another or overlap in any way shall be no less than thirty feet (30').
5. Courts completely enclosed by building walls shall not be permitted, provided that screens or fences not exceeding eight feet (8') in height shall not be deemed enclosing features.
6. Distance between wings of a building forming an open court shall not be less than the projection of such wings or less than the height of the highest wall of such wings, whichever is the greater. The depth of an open court formed by walls on three sides shall be not greater than one and one half (1½) times the width of such court.
7. No building shall be closer than twenty-five (25) feet to any street or private access drive; neither shall any main entrance to a dwelling unit be closer than fifteen (15) feet to any street, private access road, driveway or parking area.
8. Private access drives shall meet the following minimum requirements for safety and convenience:
 - a. All private drives and parking areas shall be paved. There shall be two (2) parking spaces provided for each dwelling unit.
 - b. No cul-de-sac shall be more than three hundred (300) feet in length. Minimum paved turning diameter of seventy-five (75) feet shall be provided at the terminus of each cul-de-sac.

- c. No dwelling unit in a development shall be located farther than one hundred twenty-five (125) feet from a street or private access drive.
- 9. Consistent modifications of the foregoing requirements may be made by the Board of Adjustment in order to accommodate site plans which these provisions do not apply; provided that such modifications shall not be less restrictive than those specified herein.
- 10. Two-family dwellings. 550 square feet of floor area at ground level per family for single story dwellings, and three hundred (300) square feet of floor area at ground level per family for dwellings over one story in height provided that the total area shall not be less than five hundred fifty (550) square feet per family.

Section 6.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (R-2) multiple family residential district in accordance with the provisions of Article 16 of this ordinance.

Section 6.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-2) multiple family residential district in accordance with the provisions of Article 17 of the ordinance.

Section 6.9. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 19.3 of this ordinance.

ARTICLE 7: (MH) MOBILE & MANUFACTURED HOUSING DISTRICT

Section 7: Mobile & Manufactured Housing District

- Section 7.1. Intent
- Section 7.2. Principal Permitted Uses
- Section 7.3. Special Exception Uses
- Section 7.4. Accessory Uses and Structures
- Section 7.5. Site Development Regulations
- Section 7.6. Mobile & Manufactured Housing Park Requirements
- Section 7.7. Zoning Permit Required

Section 7.1. INTENT.

The intent of the mobile/manufactured housing district is to regulate the location and placement of mobile or manufactured homes not converted to real estate within the city to within designated mobile home parks or manufactured housing subdivisions. Furthermore, the intent of this article is to provide for residential areas now developed as mobile or manufactured housing parks which by reason of their design and location are compatible with surrounding residential uses and areas of the city where similar development seems likely to occur.

Section 7.2. PRINCIPAL PERMITTED USES.

Within the (MH) mobile/manufactured housing district, unless otherwise provided, only the following uses and structures shall be permitted by right.

| Residential Uses | Civic Uses |
|--|--|
| Mobile Home or Manufactured Housing - Located only in an approved mobile or manufactured housing park | Government/Public Services Local Utility Services Park and Recreation Services |

Section 7.3. SPECIAL EXCEPTION USES.

The following uses may be permitted in the (MH) mobile/manufactured housing district subject to conditions and requirements from the Board of Adjustment as provided for by Article 22 of this ordinance intending to make them compatible with adjacent uses.

| Residential Uses | Civic Uses | Commercial Uses |
|--|--|--|
| Relocated Residential Single Family Residential | Daycare Center Educational Facilities Religious Assembly | Communication Services Wind Energy Device |

Section 7.4. ACCESSORY USES AND STRUCTURES.

Accessory uses are not intended to be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory

uses, and structures shall be permitted:

1. Essential services
2. Private garages or carports
3. Private parking lots
4. Personal recreational facilities for use by residents
5. Patios, cabanas, porches, gazebos, and incidental or portable household storage buildings
6. Personal greenhouses, not operated for commercial purposes
7. Radio, television, satellite dish, solar collector and other similar devices for residential use
8. Home occupations in compliance with Section 15.5
9. Private kennel
10. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 15.3
11. Other accessory uses of land and structures determined by the zoning administrator to be normally incidental and subordinate to the principal use or building and in compliance with Section 15.1

Section 7.5. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (MH) mobile/manufactured housing district, and subject to modifications contained in the supplemental district regulations.

Mobile or Manufactured Home Lot Requirements:

| | |
|-----------------------|---|
| Minimum Lot Area - | 5,400 sq.ft. |
| Minimum Lot Width - | 50 feet |
| Front Yard - | 15 feet - minimum required front yard |
| Side Yard - | 15 feet - minimum required side yard, unless the side yard borders the perimeter of the park in which case no side yard is required |
| Rear Yard - | 15 feet - minimum required rear yard, unless the rear yard borders the perimeter of the park in which case no rear yard is required |
| Street Side Yard - | 15 feet - minimum required setback |
| Maximum Height - | 20 feet, except for height exemptions in accordance with Section 14.11 |
| Residential Density - | Not more than one (1) dwelling unit per mobile home lot |

For the purpose of this section, yard width shall be determined by measurement for the mobile home face (side) to the site boundary. The front yard is that yard which runs from the hitch end to the nearest site line. The rear is at the opposite end of the mobile home and side yards are at right angles to the front and rear ends.

Mobile or Manufactured Park Requirements:

Three (3) or more mobile or manufactured housing units not converted to real estate located adjacent to each other shall constitute a mobile home park or manufacture housing subdivision and shall be subject to the following requirements.

Park Area- Three (3) acres – minimum park area
Park Width- 300 feet - minimum park width

From all mobile home or manufacture housing pads, the following minimum distances shall be maintained:

Park Boundary- 50 feet – setback from the outside boundary of any park which is not a public street
Public Street- 100 feet – setback from right-of-ways of any public street or highway
Service Buildings- 50 feet – setback from any public service buildings within such park
Private Drive- 15 feet – setback from any collector or private drive within any park
Common Walkways- 8 feet – setback from any common or public walkway
Maximum Height- 20 feet unless otherwise provided

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements. Furthermore, mobile home lots and parks shall be developed in conformance with the following mobile/manufactured housing park requirements outlined in Section 7.6 below.

Section 7.6. MOBILE OR MANUFACTURED HOUSING PARK REQUIREMENTS.

All mobile home parks or manufactured housing subdivisions shall be developed subject to the following requirements. No mobile or manufactured home not converted to real estate shall be connected to water, sewer, or electrical services unless the mobile home complies with the standards, and requirements of the National Fire Protection Association (NFPA), the City of Hull, and state and local health departments. Compliance with these standards shall be determined by the zoning administrator.

1. *Development Plan*: No mobile or manufactured home shall be located in any mobile home park or manufactured housing subdivision, until a development plan is officially approved by the zoning administrator, and the required licensing provisions of the Code of Iowa are complied with. The following information shall be shown on the development plan or submitted in writing within:
 - a. The name of the proposed mobile or manufactured home park and its location;
 - b. Names, addresses, and telephone numbers of the developer or owner;
 - c. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding for subsequent development;
 - d. Location map showing the proposed development in relation to surrounding properties;
 - e. Present land use and existing zoning of the proposed development and the adjacent tracts;

- f. Interior streets, streets, street names, right-of-way and roadway widths;
 - g. All lot lines and open spaces with dimensions shown;
 - h. Topographic contours shall be shown on the plan at five (5) foot intervals where the slope is less than 10% and two (2) foot intervals where the slope is 10% or greater;
 - i. Location, dimensions, capacity, and design for a storm shelter, if such is proposed.
 - j. Delineation of all improvements required in this section.
2. *Maintenance of Streets and Infrastructure:* If said mobile or manufactured home park development plan contains no dedication to the city of streets or utilities, or should it be contemplated that the facilities of the city shall not be used for maintenance of streets, sidewalks, and water and sewer lines, garbage collection, or other related functions, then the owner of such mobile or manufactured home park shall be required to provide these services to residents within the park in a timely and manner.
3. *Permitted accessory uses and requirements thereof:*
- a. Accessory buildings or structures under park management shall be used only for park residents' use only. No accessory building or structure shall exceed twenty-five feet (25') in height and shall meet the site development regulations and other applicable ordinances;
 - b. Accessory structures may be no closer than 5 feet to any lot line;
 - c. A mobile or manufactured home may be displayed and offered for sale, provided that the mobile home is situated on a permanent pad within the mobile home park or manufactured housing subdivision;
 - d. One (1) identification sign shall be approved in conjunction with the development plan. In no case shall such sign be no larger than sixty (60) square feet in surface area and shall not have any moving parts or stand higher than ten feet (10') from the ground to top of the sign. Such sign shall not be closer than thirty feet (30') to any public right-of-way.
 - e. No more than one (1) entry and/or one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval. In no case shall the sign be larger than four (4) square feet, have no moving parts, or stand higher than five feet (5') from the ground to the top of the sign
4. *Design Standards Requirements:*
- a. The boundaries of each mobile or manufactured home lot shall be clearly marked on the ground by permanent markers driven into the ground with the top of said markers flush with the finish grade.
 - b. Each mobile home shall be anchored to the ground as provided in 661 IAC Chapter 16.626(103A).
 - c. Each mobile or manufactured home site shall be provided with a stand consistent with customary industry standards. Alternative pad and support mechanisms may be approved by the Planning Commission upon request if accompanied by sketches or other documentation.
 - d. Storage of goods and articles underneath any mobile or manufactured home is prohibited;
 - e. Exposed ground surfaces in a mobile or manufactured home park shall be covered with stone screening or other vegetative cover capable of preventing soil erosion and objectionable dust.

- f. A greenbelt buffer of trees and shrubs, not less than twenty-five feet (25') in width shall be located and maintained along all boundaries of such mobile or manufactured home park, except at established entrances and exits serving such park.
- g. Each mobile or manufactured home site shall have front, side and rear yards, and a double front yard setback will be required on corner lots;
- h. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths;
- i. If a temporary foundation or permanent pier or post foundation is provided, uniform skirting of each mobile home base shall be required, within thirty (30) days after initial placement. Such skirting shall be of noncorrosive metal or aluminum or material of equal strength and attached to the mobile home so as to prevent entry of rodents and insects;
- j. All mobile homes within such parks shall be suitably connected to common sewer and water services provided at each mobile homes site. Mobile or manufactured homes shall not be connected to water, sewer, or electrical services unless the housing unit complies with the local, county and state standards and requirements. Compliance shall be determined by the zoning administrator.
- k. Any common fuel oil and or gas storage shall be centrally located in accordance with applicable Federal, State & local regulations.
- l. One (1) parking space shall be provided for each mobile or manufactured home site. There shall be additional parking for storage of recreational type vehicles and visitor parking.
- m. A recreation space of at least three hundred (300) square feet of land per mobile home site in the park shall be developed and maintained by the management. Streets, sidewalks, parking areas, and accessory buildings are not to be included as recreation space in computing the necessary area.
- n. All parks shall be furnished with lighting units spaced and equipped with approved fixtures, placed at mounting heights that will provide the following average maintained levels of illumination for safe movement of pedestrians and vehicles at night.
- o. Adequate provisions shall be made to handle surface and storm drainage water as determined by the city's engineer.
- p. All street widths in mobile/manufactured home parks, whether private streets or dedicated to the city shall comply with the city's subdivision regulations in regards to street standards, paving and street widths.
- q. A written emergency plan submitted to the city and posted on site to advise all of the park residents of safety measures.
- r. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, tub or shower, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.
- s. All garbage and trash containers shall be placed in a conveniently located, similarly designed, enclosed structure. Individual incinerators shall be prohibited.
- t. All roads, driveways, motor vehicle parking spaces shall be paved and constructed to minimum local design standards as determined by the city engineer for public streets. All roads and driveways shall have curb and gutters, adequate lighting and drainage for safety and ease of movement for pedestrians and vehicles.
- u. Park owners and management are required to maintain the physical and natural facilities

and features of the park in a neat, orderly, and safe manner.

- v. The zoning administrator is granted the power and authority to enter upon the premises of any such park at any time for the purpose of determining and/or enforcing any provision of the ordinance to the conduct and operation of a mobile home park.

All mobile home parks shall conform to the above requirements in addition to all current city specifications and standards.

Section 7.7. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 19.3 of this ordinance.

ARTICLE 8: (C) COMMERCIAL DISTRICT

Section 8: General Commercial District

- Section 8.1. Intent
- Section 8.2. Principal Permitted Uses
- Section 8.3. Special Exception use Uses
- Section 8.4. Permitted Accessory Uses
- Section 8.5. Site Development Regulations
- Section 8.6. Open-air Sales, Display and Storage

Section 8.1. INTENT.

The intent of the Commercial District is to provide for an area consisting of a variety of retail stores and related service activities to serve the general shopping needs of the community and to permit those uses that will strengthen the downtown district. Additionally, those uses situated along the General or in other places of the community, outside of the downtown district, that are intended for service, retail, and other non-residential uses shall be permitted within the commercial zoning district.

Section 8.2. PRINCIPAL PERMITTED USES.

Within the (C) Commercial District, unless otherwise provided, only the following principal uses and structures shall be permitted by right.

| Commercial Uses | | Civic Uses |
|-------------------------------------|--------------------------------|------------------------------|
| Administrative and Business Offices | Health Care Facility | Club or Lodge |
| Agricultural Sales and Services | Maintenance/Service Facilities | Cultural Services |
| Automotive Sales and Rental | Office | Daycare Center |
| Building Maintenance Services | Personal Services | Educational Facilities |
| Business Support Services | Restaurant (Convenience) | Government/Public Services |
| Business or Trade School | Restaurant (General) | Local Utility Services |
| Cocktail Lounge | Veterinary Service | Park and Recreation Services |
| Commercial Recreation | Visitor Habitation-Hotel-Motel | Public Assembly |
| Communication Services | | Religious Assembly |
| Construction Sales & Service | | Safety Services |
| Consumer Repair Services | | |
| Convenience Storage | | Residential Uses |
| Equipment Repair Services | | Single Family Residential |
| Equipment Sales | | Multiple Family Residential |
| Financial Services | | |
| Funeral Services | | |
| General Retail Sales | | |
| Greenhouse | | |
| Health Recreation Facility | | |

Section 8.3. SPECIAL EXCEPTION USES.

The following uses may be permitted in the (C) Commercial District subject to conditions and requirements from the Board of Adjustment as provided for by Article 22 of this ordinance intending to make them compatible with adjacent uses.

| Commercial Uses | Civic Uses | Industrial Uses |
|--|--------------------------------------|--|
| Automotive Washing Automotive Repair Services <i>*(see below)</i> Commercial Recreation Kennel Liquor Sales Vehicle Storage Yards <i>*(see below)</i> | Cemetery Major Utility Facilities | Custom Manufacturing Warehousing and Distribution |

***Service Station or Automotive Repair Services:** Upon the approval of the Board of Adjustment and subject to such conditions and safeguards as deemed appropriate by such board and upon the securing of a permit therefore, subject to the following provisions:

1. Pumps, lubricating or other devices are located at least 20 feet from any lot line.
2. All fuel, oil, or similar substances are stored at least 35 feet from any lot line.

Other uses which in the opinion of the Board of Adjustment are of the same general character as those listed above as permitted uses and which will not be detrimental to the district in which they are located.

Section 8.4. ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses shall be permitted:

1. Essential services
2. Private garage or carport
3. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3.
4. Any other commercial use type that is not listed as a permitted use in the same district and complies with all the following criteria.
 - a. Operated primarily for the convenience of employees, clients, or customers of the principal use.
 - b. Occupies less than 10 percent of the total floor area of the principal use.
 - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
5. Other customary accessory uses and buildings provided such uses are incidental to the principal use and do not include any activity conducted as business, and in compliance with Section 15.1.

Section 8.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (C) Commercial District shall be subject to the following minimum regulations, and subject to the supplemental district regulations.

| | |
|---------------------|---|
| Minimum Lot Area - | 2,500 sq. ft. |
| Minimum Lot Width - | 50 feet |
| Front Yard - | 10 feet from the curb |
| Side Yard - | 10 feet - minimum required setback |
| Street Side Yard- | 10 feet - minimum required setback |
| Rear Yard - | 10 feet - minimum required setback |
| Lot Coverage - | All buildings, including accessory buildings, within the commercial district shall not cover more than 90% of the area of a lot |
| Maximum Height - | 35 feet |

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Zoning permits shall be required in accordance with the provisions of Section 19.3 of this ordinance.

Section 8.6. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales, display, and storage for automotive, equipment or recreation vehicle sales and/or storage shall comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard setback line,
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard,
3. No lighted flashing signs or revolving beacon lights shall be permitted,
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

Section 8.7 USE OF YARDS

An owner is allowed to use any required yard provided in this ordinance for aerial structures under the following conditions:

1. The site is located in a "C" Commercial District;
2. The owner owns multiple sites which are separated only by a city street or alley;
3. Any structure is at least twenty-five feet above the street pavement in all places;
4. The owner of a site receives written authorization from the City Council; and
5. No structures supporting the aerial structure are placed in the applicable setbacks.

In granting the authorization required under this section, the Council may impose additional terms as it sees fit, which shall be set forth in the written authorization.

ARTICLE 9:(C1) DOWNTOWN COMMERCIAL DISTRICT

Section 9: Downtown Commercial District

- Section 9.1. Intent
- Section 9.2. Principal Permitted Uses
- Section 9.3. Special Exception Uses
- Section 9.4. Accessory Uses and Structures
- Section 9.5. Site Development Regulations
- Section 9.6. Additional Regulations
- Section 9.7. Off-Street Parking
- Section 9.8. Sign Regulations
- Section 9.9. Zoning Permit Required

Section 9.1. INTENT.

The intent of the downtown commercial district is to establish a district consisting of a variety of retail stores and related activities and services to serve the general shopping needs of the community and to permit those uses that will strengthen the center of trade, commerce, services, governmental and cultural activities in downtown Hull.

Section 9.2. PRINCIPAL PERMITTED USES.

Within the (C-1) downtown commercial district, unless otherwise provided, only the following principal uses and structures shall be permitted by right.

| Commercial Uses | | Civic Uses |
|--------------------------------------|----------------------------|---|
| Administrative/Business Offices | Funeral Services | Club or Lodge |
| Automotive Repair Services | General Retail Services | Cultural Services |
| Automotive Sales or Rental | Health Care Facilities | Daycare Center |
| Automotive Washing | Personal Services | Government/Public Services |
| Building Maintenance Services | Offices | Local Utility Services |
| Business Support Services | Restaurant (Convenience) | Park and Recreation Services |
| Commercial Recreation | Restaurant (General) | Educational Facilities |
| -Indoor Recreation and Entertainment | Veterinary or Pet Services | Public Assembly |
| Consumer Repair Services | Visitor Habitation | Religious Assembly |
| Convenience Store | - Hotel/Motel | Safety Services |
| Financial Services | - Bed & Breakfast Inn | |
| | - Boarding House | |
| | | Residential Uses |
| | | Relocated Accessory Building |
| | | Single Family Residential |
| | | Multiple Family Residential (<i>only upper floors and/or adjacent to commercial uses</i>) |

Section 9.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (C-1) downtown commercial district subject to conditions and requirements from the Board of Adjustment as provided for by Article

22 of this ordinance intending to make them compatible with adjacent uses.

| Commercial Uses | Civic Uses | Industrial Uses |
|--|--|--|
| Cocktail Lounge Communication Services Construction Sales & Service Convenience Storage Equipment Repair Services Equipment Sales Liquor Sales | Major Utility Facilities Educational Facilities | Custom Manufacturing Warehousing and Distribution |

Section 9.4. ACCESSORY USES AND STRUCTURES.

Accessory uses are not intended be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted:

1. Essential services
2. Private garages or carports
3. Private parking lots
4. Stormwater retention ponds or other water control structures
5. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
 - d. Operated primarily for convenience of employees, clients or customers of the principal use.
 - e. Occupies less than 10 percent of the total floor area of the principal use.
 - f. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
6. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 15.3.
7. Other accessory uses, buildings or structures as determined by the zoning administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 15.1.

Section 9.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (C-1) downtown commercial district shall be subject to the following minimum regulations, and subject to supplemental district regulations.

| | |
|---------------------|--|
| Minimum Lot Area - | No minimum required |
| Minimum Lot Width - | No minimum required |
| Front Yard - | No minimum required |
| Side Yard - | No minimum, except 10 feet minimum setback if a side yard abuts a lot used for residential purposes |
| Rear Yard - | No minimum, except 25 feet minimum setback if a rear yard is provided or abutting a residential district |

Street Side Yard Setback -
Maximum Height -

No minimum required
35 feet, except for height exemptions in accordance with
Section 14.11.

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 9.6. ADDITIONAL USE REGULATIONS.

1. All business establishments shall be retail or service establishments dealing directly with consumers;
2. All business, servicing or processing, except for off-street loading, shall be conducted within completely enclosed buildings;
3. Dwelling units shall not be located below the second floor nor contain less than 400 square feet of floor area.

Section 9.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (C-1) downtown commercial district in accordance with the provisions of Article 16 of this ordinance.

Section 9.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-1) downtown commercial district in accordance with the provisions of Article 17 of this ordinance.

Section 9.9. ZONING PERMIT REQUIRED.

Zoning permits are required in accordance with the provisions of Section 19.3 of this ordinance.

ARTICLE 10: (C2) Highway COMMERCIAL DISTRICT

Section 10: Highway Commercial District

- Section 10.1. Intent
- Section 10.2. Principal Permitted Uses
- Section 10.3. Special Exception Uses
- Section 10.4. Permitted Accessory Uses and Structures
- Section 10.5. Site Development Regulations
- Section 10.6. Residential Site Development Regulations
- Section 10.7. Off-Street Parking
- Section 10.8. Sign Regulations
- Section 10.9. Zoning/Building Permits Required

Section 10.1. INTENT.

The intent of the highway commercial district is designed to establish the location of areas predominately for service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to a major trafficway. Site development regulations are intended to ensure larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.

Section 10.2. PRINCIPAL PERMITTED USES.

Within the (C-2) highway commercial district, unless otherwise provided, only the following uses and structures shall be permitted by right.

| Commercial Uses | | |
|-----------------------------------|-----------------------------------|--------------------------|
| Administrative & Business Offices | Consumer Repair Services | Restaurant (Convenience) |
| Agricultural Sales & Service | Convenience Storage | Restaurant (General) |
| Automotive Sales or Rental | Commercial Recreation | Service Station |
| Automotive Repair Services | Equipment Sales | Visitor Habitation |
| Automotive Washing | Equipment Repair Services | - Campground |
| Building Maintenance Services | Financial Services | - Hotel/Motel |
| Business Support Services | Funeral Services | - Bed & Breakfast Inn |
| Cocktail Lounge | General Retail Sales | - Boarding House |
| Communication Services | Health Care Facilities | |
| Construction Sales & Service | Personal Services | |
| Civic Uses | Residential Uses | Agricultural Uses |
| Club or Lodge | Residential Healthcare Facilities | Crop Production |
| Daycare Center | - Residential Care Services | Horticulture |
| Government/Public Services | - Assisted Living Facility | |
| Local Utility Services | - Skilled Nursing Facility | |
| Park and Recreation Services | | |
| Public Assembly | | |
| Religious Assembly | | |
| Safety Services | | |

Section 10.3. SPECIAL EXCEPTION USES.

The following uses may be permitted in the (C-2) highway commercial district subject to conditions and requirements from the Board of Adjustment as provided for by Article 22 of this ordinance.

| Commercial Uses | Civic Uses | Industrial Uses |
|---|--|---|
| Kennel Liquor Sales Vehicle Storage Yard Veterinary & Pet Services Wind Energy Device | Cemetery Daycare Center Detention Facilities Education Facilities Major Utility Facilities | Custom Manufacturing Light Industry Research and Production Services Warehousing and Distribution |
| | | Residential Uses |
| | | Condominium Residential Multiple Family Residential |

Section 10.4. ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and are to remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses and structures shall be permitted:

1. Essential Services
2. Private garages or carports
3. Private parking lots
4. Stormwater retention ponds or other water control structures
5. Any other commercial use type that is not listed as a permitted use in the same district and complies with all the following criteria
 - a. Operated primarily for convenience of employees, clients or customers of the principal use
 - b. Occupies less than 10 percent of the total floor area of the principal use
 - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity
6. Temporary buildings for uses incidental to construction work, of which shall be removed upon completion or abandonment of construction and in compliance with Section 15.3
7. Other accessory uses determined by the Zoning Administrator to be normally incidental and subordinate to the principal use or building, and in compliance with Section 15.1

Section 10.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (C-2) highway commercial district shall be subject to the following minimum regulations, and subject to supplemental district regulations.

| | |
|---------------------|---|
| Minimum Lot Area - | 10,000 square feet |
| Minimum Lot Width - | 100 feet |
| Front Yard - | 35 feet - minimum required setback |
| Side Yard - | 10 feet – minimum required setback |
| | Unless, if adjacent to a residential district the side yard shall be 20 feet. |

| | |
|----------------------------|---|
| Rear Yard - | 10 feet – minimum required setback Unless, if adjacent to a residential district the rear yard shall be 35 feet. |
| Street Side Yard Setback - | 35 feet - minimum required setback |
| Maximum Height - | 35 feet - maximum height |
| Maximum Ground Coverage - | 90% including ground level paving and accessory buildings. |

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 10.6. RESIDENTIAL SITE DEVELOPMENT REGULATIONS

Residential use sites in the (C-2) highway commercial district occupied by existing residential or permitted residential uses shall be subject to the following site development regulations in lieu of any corresponding regulation in Section 10.5.

| | |
|---------------------------|--|
| Residential Lot Area - | 12,000 sq. ft. - minimum lot area + 2,000 sq. ft. for each additional dwelling unit in excess of two (2). |
| Residential Lot Width - | 75 feet - minimum lot width |
| Front Yard - | 35 feet - minimum required setback |
| Side Yard - | 10 feet - minimum required setback |
| Rear Yard - | 35 feet - minimum required setback |
| Street Side Yard - | 35 feet – minimum required setback |
| Maximum Height - | 35 feet - maximum height |
| Maximum Ground Coverage - | 60% including ground level paving and accessory building |

Section 10.7. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (C-2) highway commercial district in accordance with the provisions of Article 16 of this ordinance.

Section 10.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-2) highway commercial district in accordance with the provisions of Article 17 of the ordinance.

Section 10.9. ZONING/BUILDING PERMITS REQUIRED.

Zoning/building permits shall be required in accordance with the provisions of Section 19.3 of this ordinance.

ARTICLE 11: (I) INDUSTRIAL DISTRICT

Article 11: Industrial District

- Section 11.1. Intent
- Section 11.2. Principal Permitted Uses
- Section 11.3. Special Exception use Uses
- Section 11.4. Permitted Accessory Uses
- Section 11.5. Site Development Regulations
- Section 11.6. Open-air Sales, Display and Storage

Section 11.1. INTENT.

The intent of the Industrial District is to provide for a wide range of industrial uses and structures that are permitted to allow certain manufacturing, processing or warehousing which on the basis of actual physical and operational characteristics, would not be detrimental to surrounding uses or the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. In the best interest of the city, certain uses in the Industrial district shall be subject to Special Exception approval to ensure that proper safeguards are taken. No residential uses are permitted in this district.

Section 11.2. PRINCIPAL PERMITTED USES.

Within the (I) Industrial District, unless otherwise provided, only the following uses and structures shall be permitted by right.

| Commercial Uses | Industrial Uses |
|---|---|
| Administrative and Business Offices Agricultural Sales and Services Automotive Repair Services Automotive Sales or Rental Automotive Washing Building Maintenance Services Business Support Services Communication Services Construction Sales and Services Convenience Storage Equipment Sales Equipment Repair Services Kennel, Commercial Service Station Vehicle Storage Yards Veterinary Services | Custom Manufacturing Light Industry Research and Production Services Resource Extraction Warehousing and Distribution |
| | Civic Uses |
| | Club or Lodge Government/Public Services Local Utility Services Major Utility Services Park and Recreation Services Public Assembly Safety Services |

Section 11.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (I) Industrial District subject to conditions and requirements from the Board of Adjustment as provided for by Article 22 of this ordinance.

| Industrial Uses | Commercial Uses |
|--|-----------------------|
| Heavy Industry Sanitary Landfill Scrap and Salvage Services <i>*(see below)</i> | Commercial Recreation |

***Scrap or Salvage Services:** Junk yards or automobile wrecking yards, scrap iron, scrap paper or rag storage. Sorting or baling must be entirely enclosed within a fence, or by other means of concealment as approved by the board of adjustment.

1. A fence required hereunder shall be a "chain-link" fence, with permanent screening material included, at least six feet in height, of uniform and substantial construction, constructed and located as provided by this ordinance section 14.7.
2. Such fence shall completely confine and enclose the businesses described herein. Any openings shall be provided with gates of consistent construction and height which shall be securely closed and locked at all times when the business is not open and operating.
3. Said fence at all times shall be constructed and maintained so as to remain essentially vertical and without opening except where gates are installed. All business operations described herein shall be conducted only within the confines of the fence and no materials shall be maintained, stored or kept outside the fence.

Other uses which in the opinion of the board of adjustment are of the same general character as those listed above as permitted uses and which will not be detrimental to the district in which they are located.

Section 11.4. ACCESSORY USES AND STRUCTURES.

Accessory uses shall not be the principal structure on any lot, and remain incidental and secondary in size, use, and nature to the principal use. The following accessory uses shall be permitted:

1. Essential Services
2. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3.
3. Any commercial use type or any other industrial use type that is not a permitted use in the same district, and complies with all the following criteria:
 - a. Operated primarily for the convenience of employees, clients, or customers of principal uses.
 - b. Any accessory building may not be larger than twenty-five percent (25%) of the principal building's square feet.
 - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
4. Other customary accessory uses and buildings provided such uses are incidental to the principal use and do not include any activity conducted as business, and in compliance with Section 15.1.

Section 11.5. SITE DEVELOPMENT REGULATIONS.

Each development in the (I) Industrial District shall be subject to the following minimum regulations, and subject to supplemental district regulations.

| | |
|---------------------|---|
| Minimum Lot Area - | 20,000 sq. ft. |
| Minimum Lot Width - | 100 feet |
| Front Yard - | 45 feet - minimum required setback |
| Side Yard - | 10 feet - minimum required setback If adjacent to a residential property, the minimum setback shall be 25 feet. |
| Interior Side Yard | Minimum required setback, 10 feet, unless abutting a Residential District, in which case the Minimum required setback is 50 feet. |
| Street Side Yard | 35 feet-minimum required setback |
| Rear Yard - | Minimum required setback, 25 feet |
| Maximum Height - | None |
| Lot Coverage - | All buildings, including accessory buildings, within the Industrial District shall not cover more than 90% of the area of a lot. |

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Zoning permits shall be required in accordance with the provisions of Section 19.3 of this ordinance.

Section 11.6. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales, display, and storage for automotive, equipment and recreational vehicle sales and storage shall comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard setback line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
3. No lighted flashing signs, or revolving beacon lights shall be permitted;
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

“QUICK REFERENCE GUIDE”
HULL ZONING DISTRICT SITE DEVELOPMENT REGULATIONS & SETBACKS

| | | | | | | |
|--|------------------------------------|--------|---|---|--------|--|
| 1 acre | 300 ft. | 50 ft. | 25 ft. | 25 ft. | 50 ft. | 35 ft. (for dwellings) No height on ag uses |
| 5,000 sq.ft. | 8,000 SF 12,000 TF 15,000 NR | 25 ft. | 10 ft. | 25 ft. | 25 ft. | 35 ft. |
| 10,000 sq. ft. + 2,000 sq. ft for add. dwelling units in excess of 2 | 200 ft. | 25 ft. | 10 ft. | 25 ft. | 25 ft. | 35 ft. |
| 5,400 sq. ft. | 50 ft. | 15 ft. | 15 ft. | 15 ft. | 15 ft. | 20 ft. |
| 2,500 sq.ft. | 50 ft. | 10 ft. | 10 ft. | 10 ft. | 10 ft. | 35 ft. |
| None | None | None | None | None, except 25 ft. next to residential | None | 35 ft. |
| 10,000 sq. feet | 100 ft. | 35 ft. | 10 ft. | 10 ft. | 35 ft. | 35 ft. |
| 20,000 sq.ft. | 100 ft. | 45 ft. | 10 ft. 25 ft. if adjacent to residential | 25 ft. | 35 ft. | None |

Note: SF= Single Family Residential; TF= Two Family Residential; MF= Multiple Family; DU= Dwelling Unit

ARTICLE 12: PUD-Planned Unit Development

Article 12: PUD-Planned Unit Development

- Section 12.1. Purposes
- Section 12.2. Authorized Uses
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- Section 12.4. Planned Unit Development (PUD) – Application and Approval
- Section 12.5. R-PUD – Residential Planned Unit Development District (Liberty Heights)
 - Section 12.5.1. Intent
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- Section 12.7. R-PUD – Residential Planned Unit Development District (Walnut)
 - Section 12.7.1. Intent
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 - Section 12.7.3. Special Exception Uses.
 - Section 12.7.4. Permitted Accessory Uses and Structures
 - Section 12.7.5. Site Development Regulations
 - Section 12.7.6. Off Street Parking

Section 12.1 Purposes.

The PUD District is intended to provide for the development or redevelopment of land under the control and in accordance with a Master Plan and development standards in which the land uses and transportation elements provide greater flexibility of land uses, transfer of development rights with the PUD, and building locations than the conventional zoning district may permit. The PUD district is intended to maximize benefits from the use of open spaces, maximize aesthetics, encourage certain architectural standards for buildings, and permit mixed uses and diversity of bulk regulations without endangering the health, safety, welfare and land value of surrounding and internal properties. A PUD may consist of a mix of land uses or residential, commercial and limited industrial, provided such Planned Unit Development is compatible with the Comprehensive Plan of the City.

Section 12.2 Authorized Uses.

No use shall be established, and no development shall be permitted in the PUD District unless approved pursuant to the procedures and standards of Section 12. No use shall be approved within a PUD if it is found by the Planning and Zoning Commission to be contrary to the Comprehensive Plan or contrary to the health, safety and general welfare of the present and future residents of the City. The overall land use makeup of PUDs shall be consistent with the underlying land use designation and the following standards:

Residential PUDs: PUDs to be established on lands designated for residential land uses on the Comprehensive Plan's Future Land Use Map shall be considered "Residential PUDs". The following land-use standards shall apply to residential PUDs:

- a. *Residential and Public/Civic Uses:* The Planning and Zoning Commission may approve any residential and public/civic uses within residential PUDs. Permitted dwelling units shall include detached, clustered, semi-detached, attached, or multi-storied structures or combinations thereof. Customary accessory uses are also permitted.
- b. *Commercial Uses:* In addition to residential and public/civic uses, the Planning and Zoning Commission may approve commercial uses within residential PUDs; provided, that:
 - 1. Such uses are supported by a sufficient population within the PUD;
 - 2. Such uses are designed and located in such a manner as to protect the character of the affected project and surrounding land uses and natural assets; and
 - 3. Such uses do not occupy in total more than 25 percent of the total land area in the PUD.
 - 4. The limitation on commercial uses may be adjusted by the Planning and Zoning Commission up to a maximum of 50 percent of the land area based upon an acceptable demonstration by the applicant that a larger nonresidential allocation is a necessary convenience for a larger market area. The Planning and Zoning Commission shall decide whether a demonstrated need exists for additional nonresidential area after reviewing the applicant's report. Such report shall analyze the impact of the proposed nonresidential development on the quality and character of existing and anticipated future residential development within the neighborhood, including traffic impacts.

Commercial PUDs: PUDs to be established on lands designated for commercial, professional office, biotechnology, business park, or industrial park land uses on the Comprehensive Plan's Future Land Use Map shall be considered "Commercial PUDs". The following land-use standards shall apply to Commercial PUDs:

- a. *Residential and Public/Civic Uses:* The Planning and Zoning Commission may approve any residential and public/civic uses within commercial PUDs; provided, that the overall density of residential uses shall not exceed 16 units per acre.
- b. *Commercial Uses:* The Planning and Zoning Commission may approve any commercial uses within commercial PUDs.
- c. *Industrial Uses:* The Planning and Zoning Commission may approve any industrial uses within commercial PUDs.

Mixed-Use PUDs: PUDs to be established on lands designated for both residential and nonresidential (commercial, professional office, biotechnology, business park or industrial park) land uses on the Comprehensive Plan's Future Land Use Map shall be considered "mixed-use

PUDs.” Those portions of a mixed-use PUD that have an underlying residential land-use designation shall be regulated in accordance with the residential PUD standards of subsection 1 of this Section. Those portions of a mixed-use PUD that have another primary non-residential underlying land-use designation shall be regulated in accordance with the commercial PUD standards of subsection 2 of this Section.

Section 12.3 General Regulations.

A conditional use permit shall be required of all planned unit developments. The City may approve the planned unit development only if it is found that the development satisfies all of the following regulations:

- 1) *Review and Approval Procedure:* The plan and review procedure for a PUD shall be as outlined in this section.
- 2) *Conformance with the Comprehensive Plan:* The proposed planned unit development is in conformance with the Comprehensive Plan for Hull. At a minimum, the Planning and Zoning Commission shall find that the planned unit development does not conflict with the Comprehensive Plan with regard to the following:
 - a. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.
 - b. The use is reasonably related to the overall needs of the city and is compatible with the surrounding land use.
 - c. The planned unit development is an effective and unified treatment of the development possibilities on the project site and the development plans provide for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
 - d. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to surrounding uses.
- 3) *Ownership and Financing:* No application for a PUD shall be accepted or approved unless:
 - a. One (1) individual or entity has been designated by the property owner(s) to be in control of the development.
 - b. Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the planned unit development. To evidence this finding, if requested, the applicant shall submit a written statement of financial feasibility which is accepted by the city.
- 4) *Minimum Site Area:* The minimum contiguous site area included in a PUD shall be 5 acres. Property shall be deemed to be contiguous so long as all parts are under unified control of the applicant, and all parts abut or are separated by only a road, easement or right of way. A minimum of two (2) or more principal structures must be proposed.

- 5) *Preservation of Natural Features:* Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward:
- a. Enhancing the quality of new development;
 - b. Protecting the natural environment;
 - c. Providing buffering between new development and surrounding properties;
 - d. Preserving the character of existing neighborhoods;
 - e. Handling of storm water flows in natural channels;
 - f. Maintaining existing vegetation along stream corridors as water quality filters;
 - g. Maintaining upland forest areas.
- 6) *Common Open Space:* The applicant has made provision for sufficient open space in the PUD district.

The following areas shall qualify wholly or partially as common open space:

- a. *Major Recreation Areas:* The total area included within an improved recreation area may be counted as common open space; provided, that it is at least 15,000 square feet in size and is linked to all dwelling units within the PUD by a continuous pedestrian circulation system of sidewalks or trails.
 - b. *Mini-Parks:* The total area contained in mini-parks that have a minimum size of 5,000 square feet and that include benches, playground apparatus, barbecue pits, fire rings or other approved recreational amenities may be counted as common open space.
 - c. *Buffers:* Natural or man-made buffers, detention basins, or other open spaces.
 - d. *Recreational Buildings:* The area occupied by multiple-use recreation buildings or outdoor recreation facilities, including a golf course, may be counted as common open space.
 - e. *Pedestrian Open Space System:* The total area contained in a continuous open space pedestrian system, not less than 8 feet wide, consisting of permanently maintained walks and trails leading to a natural amenity, recreation facility or commercial use, offering circulation that is separate and apart from roads and streets may be counted as common open space.
 - f. *Environmental Features:* If natural habitats of significant value or environmentally sensitive areas are determined to exist, the Planning and Zoning Commission may require the area so defined to be left in an undisturbed state and adequately protected or incorporated into the design of the PUD as a passive recreation area with a minimum of improvements permitted.
- 7) *Maintenance of Common Open Space:* Any common open space established by an adopted final development plan for a PUD shall be dedicated to the City of Hull unless the city requires that it be maintained privately. If the City requires private maintenance, the following provisions apply:

- a. *Responsibility*: The landowner shall establish an organization for ownership and maintenance of common open space, and that organization shall not be dissolved, nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space). The conditions of any transfer shall conform to the adopted final development plan.
 - b. *Failure to Maintain*: In the event that the organization established to own and maintain common open space shall fail to maintain the common open space in reasonable condition, the Zoning Administrator shall serve written notice upon such organization defining the maintenance deficiencies. If such deficiencies of maintenance are not corrected after 30 days, the Zoning Administrator shall call upon any public or private agency to maintain the common open space. In such cases, the city shall annually notify Sioux County of the costs of such maintenance, and the Tax Assessor shall assess the costs proportionally against all properties within the PUD that have the right of use of the common open space.
- 8) *Arrangement of Structures and Common Area*: Structures and common areas shall be arranged in such a way as to best serve the needs of occupants and/or other users of the proposed development and minimize adverse effects on surrounding land uses and minimize site grading.
- 9) *Site Design and Buffering*: The PUD development shall provide perimeter screening as necessary to reduce noise, glare or other influences having an adverse impact either on the proposed development or on adjacent land. The PUD development shall provide interior screening as necessary to mitigate adverse impacts; to provide additional shade, screening and open space in parking areas and roadways and to provide additional shade and screening around structures and in open space areas.
- 10) *Integrated Architectural Design*: The plan for development shall integrate the architectural design for buildings, structures, landscaping and common open areas.
- 11) *Residential Density*: Residential density shall be controlled by the underlying Comprehensive Plan land use designation. In the case of PUDs with underlying commercial, office or business park land use designations, a maximum density of 16 units per acre shall apply. Residential dwelling units permitted by the maximum density standards of this Section may be allocated among different parcels within the PUD. In residential PUDs, the density may be increased if approved by the City.
- 12) *Neighborhood Relationship and Land Use Compatibility*: A PUD shall be harmonious and not conflict with surrounding neighborhoods and existing natural features. It shall be planned, designed and constructed so as to avoid undue traffic congestion in the surrounding area and provide a compatible land use relationship with the surrounding area, making use of landscaping, screening, natural streamways as storm water

management, open space and the placement of buildings where appropriate in accordance with accepted land use planning and design principles.

13) *Development Phasing*: The timely construction of any PUD authorized under this Article shall be undertaken to assure full completion of the development in accordance with the adopted preliminary and final development plan. Each phase of the proposed development must be of sufficient size, composition, and arrangement so that its construction, marketing, and operation are feasible as a complete unit, and that provision for and construction of dwelling units and common open space are balanced and coordinated. In addition, the total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

- a. *Staging of Development*: At the time of preliminary development plan approval, the City Council or Planning and Zoning Commission may require that a phasing plan be submitted, in which case, each phase shall be related to surrounding areas and available public facilities in such a manner that failure to proceed to subsequent phases will not adversely affect those areas or facilities. Each completed phase shall comply with all applicable standards. The infrastructure, as installed, shall be sufficient to accommodate each phase of the development.
- b. *Change of Conditions*: The City Council or Zoning Administrator may review approved development plans to determine if conditions have changed sufficiently to merit their cancellation. If the Zoning Administrator finds sufficient grounds for reconsideration, the City Council may revoke the approved development plan.

14) *Lighting*: All lighting from proposed developments shall be arranged to prevent direct glare or hazardous interference to adjoining streets or lands.

15) *Off-Street Parking and Loading*: Off-street parking and loading requirements shall be required for activities in the Planned Unit Development (PUD) District in accordance with the provisions of Article 16 of this ordinance, unless a deviation from those standards is specifically approved during the PUD approval process.

16) *On-Site Utilities*: Underground utilities shall be encouraged and provided wherever possible.

17) *Streets*:

- a. *Access onto Adequate Streets*: Principal vehicular access to PUDs shall be from primary arterial or collector streets. Any PUD containing over 50 dwelling units and/or 30,000 square feet of nonresidential floor space shall provide at least 2 access points, where feasible.
- b. *Access Point Design*: Access points shall be designed to provide smooth flow,

controlled turning movements and minimum hazard to vehicular or pedestrian traffic. Jog-type or non-right-angle intersections shall be avoided to the greatest extent possible.

- c. *Neighborhood Circulation:* Internal roads and external access points should be designed to encourage neighborhood circulation within the development and with adjacent parcels and to provide multiple entry points onto primary streets.

18) *Other Conditions:* The Zoning Administrator and the Planning and Zoning Commission shall have the authority to recommend, and the City Council shall have the authority to impose such other conditions as are necessary to accomplish the purposes of this Ordinance and the Hull Comprehensive Plan.

Section 12.4 PLANNED UNIT DEVELOPMENT (PUD) – APPLICATION AND APPROVAL.
A planned unit development to be eligible for application and approval, must meet all of the requirements of Section 12.3 and meet the following requirements:

Application Procedures: Planned Unit Developments shall be subject to the approval of the City Council based upon review and recommendations by the Planning and Zoning Commission.

1) *Pre-Application Meeting.* Prior to the submission of any plan to the Planning and Zoning Commission, the applicant shall meet with the Zoning Administrator to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for a special exception use permit. The applicant may submit a simple sketch plan at this stage for informal review and discussion.

2) *Development Plan.*

- a. An applicant shall make an application for a special exception use permit following the procedural steps as established by the Zoning Administrator.
- b. In order to grant approval to a special exception use permit, the City Council shall find that the planned unit development complies with the “General Regulations” criteria outlined in Article 12.3 and with the requirements as established in this section of this ordinance.
- c. *Development Plan Documentation* - the following information shall be submitted by the developer as part of the application for a special exception use permit.
 - i. An explanation of the character and need for the planned development and the manner in which it has been planned to take advantage of the planned development regulations.
 - ii. A statement of proposed financing of the Planned Unit Development (PUD).

- iii. A statement of the ownership of all of the land included within the planned development and a list of property owners and addresses within two hundred (200) feet of the property.
- iv. A general indication of the expected schedule of development including phasing schedules.
- v. A map giving the legal description of the property including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easement, street rights-of-way, utilities, and buildings.
- vi. Natural features map of the property showing contour lines, drainage patterns, wetlands, vegetation, soil and subsoil conditions.
- vii. A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.
- viii. Full description as to how all necessary infrastructure and municipal services will be provided, including sanitary sewer, storm sewer, water, streets and other public utilities.
- ix. Any additional information requested by the Zoning Administrator or Planning and Zoning Commission.

3) *Preliminary Plat.* The applicant shall also submit a preliminary subdivision plat. For purposes of administrative simplification, the public hearings required for the special exception use permit and preliminary subdivision plat may be combined into one hearing.

4) *Development Plan Procedures.*

- a. The applicant shall file a completed application together with required exhibits with the Zoning Administrator.
- b. The Zoning Administrator shall review for conformity and transmit the application and required exhibits to the Planning and Zoning Commission and notify all property owners within the affected zone and within two hundred (200) feet of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
- c. The Zoning Administrator shall set a date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than four (4) days and not more than twenty (20) days prior to said hearing.
- d. The Planning and Zoning Commission shall hold the public hearing and recommend and transmit to the City Council within thirty (30) days after the close of the public hearing, one of three actions - approval, denial, or conditional approval.
- e. The City Council shall act upon the application within twenty (20) days after receiving the recommendation of the Planning and Zoning Commission.

- f. Upon approval by the City Council, the Zoning Administrator shall issue a conditional use permit to the applicant. The final subdivision plat shall be submitted to the County Recorder's Office within ninety (90) days. If required, this shall include posting a performance bond or certified check with the City of Hull, Iowa, guaranteeing those required improvements will be constructed according to the approved implementation schedule.
- g. Once the development plan and final subdivision plat have been approved, the city may issue the building permit for the area complying with the plan and other laws of the city.

5) *Enforcing Development Schedule.* The provision of all of common open spaces and public or recreational facilities shown on the development plan must proceed at the same rate as the construction of the principal buildings. If city staff finds that the rate of construction of principal buildings is faster than the rate of public or recreational facilities, the city may revoke the special exception use permit.

6) *Review of Planned Unit Development.* If the Zoning Administrator finds that development has not occurred within one year after the original approval, the Planning and Zoning Commission may recommend that the City Council revoke the special use permit or make revisions or amendments.

7) *Amendments to Planned Unit Developments.* Amendments to the Planned Unit Development (PUD) may be made in the following manner:

- a. Changes in location, placement, and heights of buildings may be authorized by the Zoning Administrator.
- b. Approval by the Planning and Zoning Commission and City Council shall be required for other changes such as rearrangement of lots, blocks and building tracts.
- c. Amendments to the Planned Unit Development (PUD) shall follow the procedures used for a text amendment to the zoning ordinance.

Section 12.5 R-PUD – Residential Planned Unit Development District (Liberty Heights)

Section 12.5.1 Intent

The intent of the Residential Planned Unit Development District is to provide for the integration of larger lots into the City of Hull and to allow additional uses which may not be desirable on smaller lots, while maintaining the overall orderly growth and character of development in the city.

Section 12.5.2 Principal Permitted Uses.

Within the Residential Planned Unit Development District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

| Residential Uses | Civic Uses | Agricultural Uses |
|---|---|---------------------------------|
| Single Family Residential Duplex Residential | Park and Recreation Services Publicly Owned Facilities In-home Daycare Services Local Utility Services Religious Assembly | Horticulture and Home Gardening |

No special exceptions shall be allowed.

Section 12.5.3 Permitted Accessory Uses and Structures.

The following accessory uses, and structures shall be permitted:

1. Private Garages.
2. Private recreational facilities for use by residents (swimming pools, trampolines, play equipment).
3. Patios, cabanas, porches, gazebos, and incidental household storage buildings.
4. Private greenhouses, not operated for commercial purposes.
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes.
6. Home occupations, but subject to Section 15.5 Home Occupations and the following regulations:
 - a. One hundred percent (100%) of an accessory building may be used for a home occupation.
 - b. No more than thirty percent (30%) of the main floor area of the principal building may be utilized by the home occupation. However, this regulation shall not apply to day care services.
 - c. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk yards, restaurants, rental outlets, automotive repair, vehicle repair shops or massage parlors.
7. Temporary buildings or uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 15.3.
8. Other necessary and customary accessory buildings or uses.
9. All accessory structures shall comply with Section 15.1, except that 15.9, 15.12, and 15.14 do not apply.

Section 12.5.4 Site Development Regulations.

The following requirements shall be provided for light and open space around permitted uses and structures in the Residential Planned Unit Development District:

| | |
|----------------------|--|
| Minimum Lot Area - | 13,000 square feet - minimum lot area |
| Minimum Lot Width - | 100 feet - minimum lot width except at entry points off cul-de-sacs. |
| Front Yard - | 30 feet - minimum required setback |
| Street Side Yard - | 30 feet - minimum required setback |
| Interior Side Yard - | 10 feet - minimum required setback |

| | |
|------------------|---|
| Rear Yard - | 35 feet - minimum required setback |
| Maximum Height - | 45 feet |
| Lot Coverage - | Not more than two (2) dwelling units per lot. |

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Manufactured homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa.

Private, attached garages are limited to 400 square feet per stall, not to exceed four stalls or 1,600 square feet. In no event may the square footage of the private, attached garage exceed the square footage of the principal permitted residential use, except when the private, attached garage is considered an attached accessory building as permitted in Section 15.1.

Section 12.5.5 Off-Street Parking.

Off-street parking and loading requirements shall be required for activities in the Residential Planned Unit Development District in accordance with the provisions Article 16, except 3 and the provisions of this Section.

Each single-family residence shall have a minimum of two (2) off-street parking spaces. Each duplex unit shall have a minimum of four (4) off-street parking spaces.

All off-street parking areas as required in this Section shall comply with the following minimum area and surface requirements.

1. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use.
2. Parking spaces shall be surfaced with Portland Cement, concrete, asphaltic concrete, or equivalent hard surface; or two-inch (2") thickness pit run one inch (1") screened gravel with fifteen percent (15%) binder.
3. Requirements as to number and size of parking space in this section are minimum requirements only and shall not be construed as limitations.
4. No parking is allowed in front yards, except on a surfaced driveway or auxiliary parking area.
5. A driveway is considered the surfaced portion of the yard no wider than the width of the garage.
6. Additional parking of vehicles is permitted on a surfaced area or "wing" to the side of a driveway. An auxiliary surfaced parking or driveway "wing" is permitted only on one side of the driveway. Auxiliary "wing" parking areas may be no more than 10 feet (10') in width and may not encroach into the right-of-way.
7. Parking is not permitted on right-of-ways.

8. Parking spaces in auxiliary buildings shall not qualify to meet the minimum parking space requirements.
9. Willful failure to permanently maintain and provide parking spaces as required under this section shall be deemed in violation of this ordinance and subject to the penalty listed in Article 19.

Section 12.6 R-PUD – Residential Planned Unit Development District (Maple Heights)

Section 12.6.1 Intent.

The intent of the Residential Planned Unit Development District is to provide for a space for multi-family housing in the City of Hull and to integrate it into the character of the neighborhood.

Section 12.6.2 Principal Permitted Uses.

Within the Residential Planned Unit Development District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

| Residential Uses | Civic Uses | Agricultural Uses |
|---|---|---------------------------------|
| Single Family Residential Duplex Residential Multi-family Residential – but only on Lots 2–11, 19–22, and 30–33 Condominium residential – but only on Lots 2–11, 19–22, and 30–33 Townhouse residential – but only on Lots 2–11, 19–22, and 30–33 | Park and Recreation Services Publicly Owned Facilities Daycare Services (Limited) Local Utility Services Religious Assembly | Horticulture and Home Gardening |

Section 12.6.3 Special Exception Uses.

The following uses and structures may be permitted in this Planned Unit Development District subject to provisions of Article 22 of this ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

| Residential Uses | Civic Uses | Commercial Uses |
|--|--|---|
| Multi-family residential – Lots 13–18 and 24–30 Condominium residential – Lots 13–18 and 24–30 Townhouse residential – Lots 13–18 and 24–30 Residential Care Services | Cultural Facilities Day Care Services (General) Government/Public Services | Communication Services Funeral Services Personal Services Professional Office General Food Sales Service Station Restaurant |

| | | |
|--|--|----------------------------------|
| | | Visitor Habitation (Hotel-Motel) |
|--|--|----------------------------------|

Section 12.6.4 Permitted Accessory Uses and Structures.

The following accessory uses and structures shall be permitted:

1. Private Garages.
2. Private recreational facilities for use by residents (swimming pools, trampolines, play equipment),
3. Patios, cabanas, porches, gazebos, and incidental household storage buildings
4. Private greenhouses, not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes.
6. Home occupations, but subject to Section 15.5 Home Occupations and the following regulations:
 - a. No more than thirty percent (30%) of the main floor area of the principal building may be utilized by the home occupation. However, this regulation shall not apply to day care services.
 - b. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk yards, restaurants, rental outlets, automotive repair, or vehicle repair shops.
7. Temporary buildings or uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 15.3.
8. Other necessary and customary accessory buildings or uses.
9. All accessory structures shall comply with Section 15.1

Section 12.6.5 Site Development Regulations.

The following requirements shall be provided for light and open space around permitted uses and structures in the Residential Planned Unit Development District:

| | |
|---------------------|---|
| Minimum Lot Area – | 9,000 square feet |
| Minimum Lot Width – | 80 feet - except at entry points off cul-de-sacs. |
| Lot Coverage - | Not more than twelve (12) dwelling units per lot. |

For Lots 2–11, 19–22, and 30–33 the following requirements apply:

| | |
|----------------------|------------------------------------|
| Maximum Height – | 60 feet |
| Front Yard – | 25 feet - minimum required setback |
| Street Side Yard – | 20 feet – minimum required setback |
| Interior Side Yard - | 5 feet - minimum required setback |
| Rear Yard – | 10 feet - minimum required setback |

For Lots 1, 12–18, and 23–29 the following requirements apply:

| | |
|------------------|---------|
| Maximum Height – | 45 feet |
|------------------|---------|

| | |
|----------------------|------------------------------------|
| Front Yard – | 25 feet - minimum required setback |
| Street Side Yard – | 20 feet – minimum required setback |
| Interior Side Yard - | 5 feet - minimum required setback |
| Rear Yard – | 20 feet - minimum required setback |

No minimum requirements apply for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Section 12.6.6 Off-Street Parking.

Off-street parking and loading requirements shall be required for activities in the Residential Planned Unit Development District in accordance with the provisions Article 16, except 3 and the provisions of this Section.

Each single-family residence shall have a minimum of two (2) off-street parking spaces. Each duplex unit shall have a minimum of four (4) off-street parking spaces. Each multi-family or condominium unit shall have two off-street parking spaces per unit.

All off-street parking areas as required in this Section shall comply with the following minimum area and surface requirements.

1. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use.
2. Parking spaces shall be surfaced with Portland Cement, concrete, asphaltic concrete, or equivalent hard surface.
3. Requirements as to number and size of parking space in this section are minimum requirements only and shall not be construed as limitations.
4. No parking is allowed in front yards, except on a surfaced driveway or auxiliary parking area.
5. A driveway is considered the surfaced portion of the yard no wider than the width of the garage doors.
6. Additional parking of vehicles is permitted on a surfaced area or “wing” to the side of a driveway. An auxiliary surfaced parking or driveway “wing” is permitted only on one side of the driveway. Auxiliary “wing” parking areas may be no more than 10 feet (10’) in width and may not encroach into the right-of-way.
7. Parking is not permitted on right of way.
8. Parking spaces in auxiliary buildings shall not qualify to meet the minimum parking space requirements, except for multi-family or condominium units.
9. Willful failure to permanently maintain and provide parking spaces as required under this section shall be deemed in violation of this ordinance and subject to the penalty listed in Article 19.

Section 12.7 R-PUD – Residential Planned Unit Development District (Walnut Heights)

Section 12.7.1 Intent.

The intent of the Residential Planned Unit Development District is to provide for a space for multi-family housing in the City of Hull and to integrate it into the character of the neighborhood.

Section 12.7.2 Principal Permitted Uses.

Within the Residential Planned Unit Development District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

| Residential Uses | Civic Uses | Agricultural Uses |
|--|---|---------------------------------|
| Single Family Residential Duplex Residential Multi-family Residential – but only on Lots 3, 11, and 12 Condominium residential – but only on Lots 3, 11, and 12 Townhouse residential – but only on Lots 3, 11, and 12 | Park and Recreation Services Publicly Owned Facilities Daycare Services (Limited) Local Utility Services Religious Assembly | Horticulture and Home Gardening |

Section 12.7.3 Special Exception Uses.

The following uses and structures may be permitted in this Planned Unit Development District subject to provisions of Article 22 of this Ordinance, and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

| Residential Uses | Civic Uses | Commercial Uses |
|---|--|---|
| Multi-family residential – Lots 4-10 Condominium residential – Lots 4-10 Townhouse residential – Lots 4-10 Residential Care Services | Cultural Facilities Day Care Services (General) Government/Public Services | Communication Services Funeral Services Personal Services Professional Office General Food Sales Service Station Restaurant Visitor Habitation (Hotel-Motel) |

Section 12.7.4 Permitted Accessory Uses and Structures.

The following accessory uses and structures shall be permitted:

1. Private Garages.
2. Private recreational facilities for use by residents (swimming pools, trampolines, play equipment).
3. Patios, cabanas, porches, gazebos, and incidental household storage buildings.
4. Private greenhouses, not operated for commercial purposes.

5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes.
6. Home occupations, but subject to Section 15.5 Home Occupations and the following regulations:
 - a. No more than thirty percent (30%) of the main floor area of the principal building may be utilized by the home occupation. However, this regulation shall not apply to day care services.
 - b. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk yards, restaurants, rental outlets, automotive repair, or vehicle repair shops.
7. Temporary buildings or uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 1.1002.
8. Other necessary and customary accessory buildings or uses.

All accessory structures shall comply with Section 15.1 except for the following provisions:

- a. Accessory buildings may not be attached to the principal building.
- b. Accessory buildings with a permanent foundation may not be erected within five (5) feet of any principal building, lot line, other utility or permanent easement.
- c. No accessory building shall be constructed, including siding and roofing materials, from galvanized metal, but not to exclude the use of standing seam metal roofs or other fabricated or painted metal roof shingles.
- d. 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.
- e. Accessory buildings shall not be used for dwelling purposes or commercial purposes, except a home occupation, as defined by the City of Hull Zoning Ordinance, and modified by this planned unit development.

Section 12.7.5 Site Development Regulations.

The following requirements shall be provided for light and open space around permitted uses and structures in the Residential Planned Unit Development District:

| | |
|-----------------------|---|
| Lot Area – | 9,000 square feet - minimum lot area |
| Lot Width – | 80 feet - minimum lot width except at entry points off cul-de-sacs. |
| Residential Density - | Not more than twelve (12) dwelling units per lot. |
| Height – | 45 feet - maximum height |
| Front Yard – | 25 feet - minimum required setback |
| Street Side Yard – | 20 feet – minimum required setback |
| Interior Side Yard - | 5 feet - minimum required setback |
| Rear Yard – | 20 feet - minimum required setback |

No minimum requirements apply for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or

essential services must comply with minimum yard setback requirements.

Section 12.7.6 Off-Street Parking.

Off-street parking and loading requirements shall be required for activities in the Residential Planned Unit Development District in accordance with the provisions Article 16, except 3 and the provisions of this Section.

Each single-family residence shall have a minimum of two (2) off-street parking spaces. Each duplex unit shall have a minimum of four (4) off-street parking spaces. Each multi-family or condominium unit shall have two off-street parking spaces per unit. All off-street parking areas as required in this Section shall comply with the following minimum area and surface requirements.

1. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use.
2. Parking spaces shall be surfaced with Portland Cement, concrete, asphaltic concrete, or equivalent hard surface.
3. Requirements as to number and size of parking space in this section are minimum requirements only and shall not be construed as limitations.
4. No parking is allowed in front yards, except on a surfaced driveway or auxiliary parking area.
5. A driveway is considered the surfaced portion of the yard no wider than the width of the garage.
6. Additional parking of vehicles is permitted on a surfaced area or "wing" to the side of a driveway. An auxiliary surfaced parking or driveway "wing" is permitted only on one side of the driveway. Auxiliary "wing" parking areas may be no more than 10 feet (10') in width and may not encroach into the right-of-way.
7. Parking is not permitted on right-of-ways.
8. Parking spaces in auxiliary buildings shall not qualify to meet the minimum parking space requirements, except for multi-family or condominium units.
9. Willful failure to permanently maintain and provide parking spaces as required under this section shall be deemed in violation of this ordinance and subject to the penalty listed in Article 20.

ARTICLE 13: SITE PLANS

Article 13: Site Plans

- Section 13.1. Intent
- Section 13.2. Scale
- Section 13.3. Legal Information
- Section 13.4. Site Plan

Section 13.1. INTENT.

Site plans are required for review and approval for new construction of any permitted or Special Exception use buildings and structures in any district. Accessory uses, buildings and structures, interior remodeling projects, and those exterior projects that do not change the size, cubic content or building footprint are exempt from site plan requirements. Although site plans, per these provisions, are not required for such accessory uses or other remodeling or interior projects, it does not imply that such uses are exempt from the zoning permit process and any site drawings or plans required in the zoning permit.

Section 13.2. SCALE.

All site plans shall be drawn at a scale that legibly shows and accurately depicts the proposed improvements, but not less than 1" = 100'. The site plan shall be submitted with a zoning permit application. Two (2) copies of the site plan shall be submitted with the zoning permit application.

Section 13.3. LEGAL INFORMATION.

The site plan shall include the following legal information:

1. Owner's name, date of application and legal description of property to be improved.
2. Applicant's name requested land use and zoning.
3. If the applicant is other than the legal owner, the applicant's interest shall be indicated.

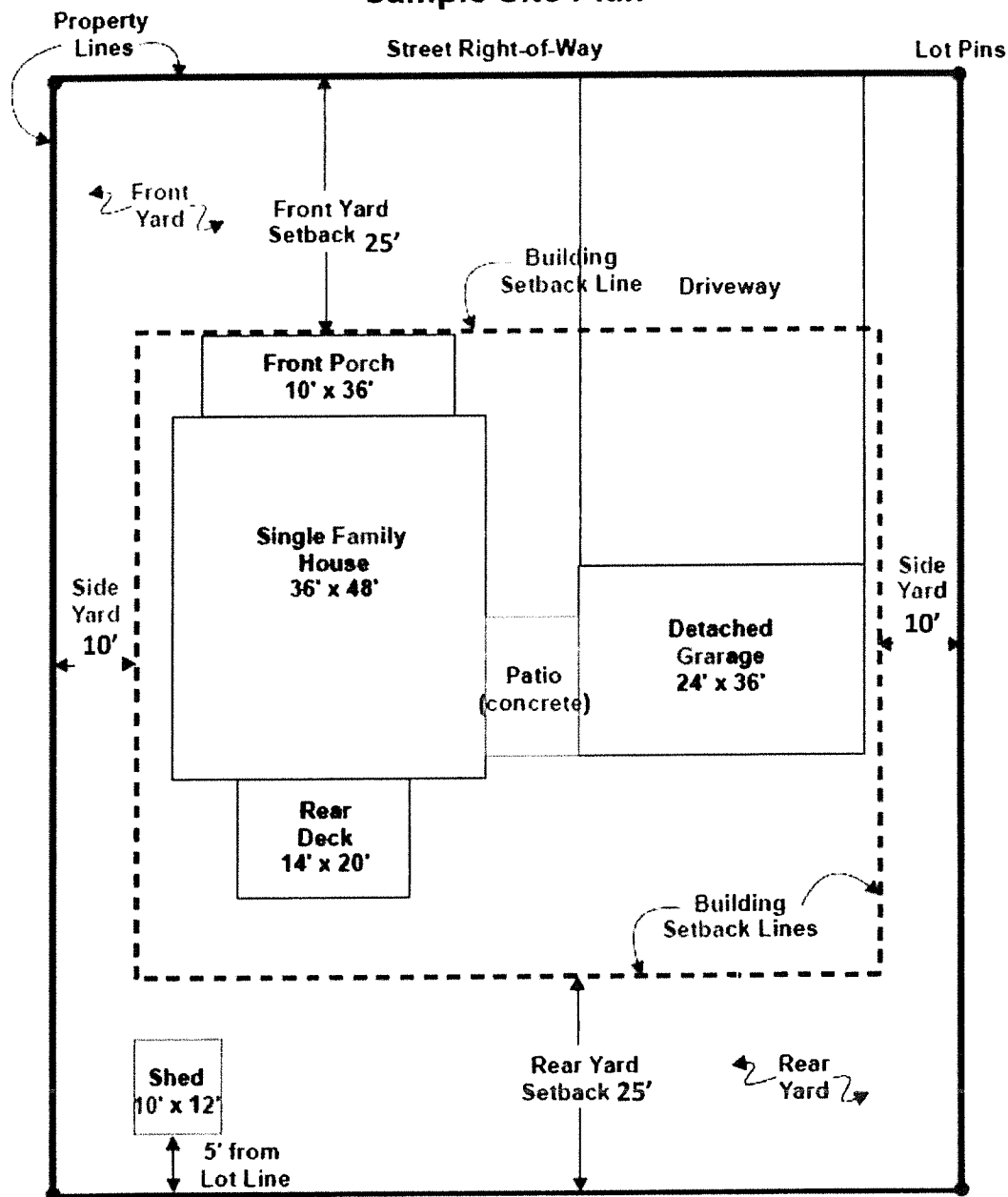
Section 13.4. SITE PLAN.

The site plan shall include and clearly illustrate the following information:

1. Property boundary lines, dimensions, and total area.
2. If substantial topographic change is proposed, contour lines at intervals of not more than one foot (1') may be requested by the zoning administrator.
3. The availability and location of existing utilities, if requested by the zoning administrator.
4. The proposed location, size, shape and type of all buildings or structures.
5. The total square feet of all proposed buildings.
6. The number and size of dwelling units, if applicable.
7. Parking areas, number of parking spaces proposed, and type of surfacing to be used, etc.
8. Walkways, driveways, lighting, walls, fences, signs, and other man-made structures.
9. Buffers, landscaping, permanent retaining walls, and other materials used for screening purposes shall be illustrated.
10. Erosion or sediment control plan, and proposed storm water management to be used, if any.
11. Traffic considerations, architectural themes, and any other considerations pertinent to the proposed use may be requested by the zoning administrator.

A preliminary site plan may be submitted for preliminary or tentative land use approval, providing, however, that a final site plan shall be submitted, reviewed, and approved in compliance with this ordinance. Such separate plans shall agree with one another as to both design and quantities. A survey of property may be ordered by the zoning administrator if the current lot lines are in question or in doubt of location. In the event of an ordered survey, such survey shall be at the expense of the property owner and all lot pins required to identify a lot must be located and marked by a certified land surveyor. No zoning permit will be issued until all required action has been taken.

Sample Site Plan



ARTICLE 14. SUPPLEMENTAL DISTRICT REGULATIONS

Article 14: Supplemental District Regulations

- Section 14.1. Intent
- Section 14.2. Lot of Record
- Section 14.3. One Principal Residential Dwelling per Lot
- Section 14.4. Multiple Principal Structures per Lot
- Section 14.5. Yard Regulations
- Section 14.6. Steps, Decks, and Patios
- Section 14.7. Fences, Hedges, and Retaining Walls
- Section 14.8. Buildings to Have Access
- Section 14.9. Use of Public Right-of-Way
- Section 14.10. Lot Frontage Continuity
- Section 14.11. Height Exemptions

Section 14.1. INTENT.

The regulations set forth in this article qualify, supplement, or modify the area and height regulations set forth elsewhere in this ordinance.

Section 14.2. LOT OF RECORD.

Any lot of record at the time of passage of this ordinance having less lot area or lot width than herein required may be used for any use where such uses are permitted as provided in this ordinance. Only one principal building shall be permitted on one lot of record. Any lot of record at the time of passage of this ordinance shall maintain the required front, side, and rear yards on each side of the principal building or structure. However, where two (2) or more contiguous and adjoining substandard or nonconforming lots are held in common ownership, they can be combined into one (1) zoning lot and thereafter maintained in common ownership; and be considered by the city joined together to form an effective and conforming zoning lot. The combining of contiguous substandard lots for purposes of zoning conformance does not automatically mean the property is rezoned. If two or more contiguous lots are within different zoning districts, a rezoning request may be necessary to accommodate proposed uses.

Section 14.3. ONE PRINCIPAL RESIDENTIAL DWELLING PER LOT.

Every building hereafter erected, structurally altered or moved shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building and permitted accessory buildings or structures on one lot except for a planned unit development or unless otherwise provided in this ordinance.

Section 14.4. MULTIPLE PRINCIPAL STRUCTURES PER LOT.

More than one principal structure not intended to be a single-family residential structure may be erected on a single lot, except within the R-1 and R-2 districts. Multiple principal structures per lot are subject to the following conditions.

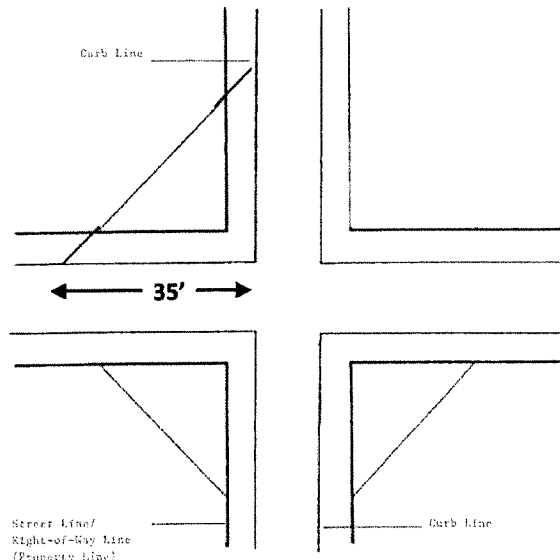
1. No principal building shall be located closer than twenty-five feet (25') in relation to another principal building on the same lot, or on an adjacent lot, to cause danger from fire.
2. All principal buildings on the lot shall be served by access ways suitable for police, fire, and

emergency vehicles, upon review and approval of Hull public safety officials.

3. All the multiple principal buildings on the same lot shall be accessible to pedestrians via required parking and emergency accesses to each building.

Section 14.5. YARD REGULATIONS.

1. *Projecting Overhang or Structure.* The ordinary horizontal projections from buildings including eaves, sills, fascia, cornices, or other similar architectural features, except for gutters, may not project or extend more than three (3) feet into a required yard. This provision does not include uncovered patios or other concrete slab structures.
2. *Shared Yard Space.* No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building.
3. *Yard Encroachments.* Air conditioning compressor(s), L.P. tanks, heat pumps, or other such similar devices may not encroach into the required side yard. Carports, bay windows, cantilevered projections, chimneys and structures may not project into any required yard. Typical utility boxes and other essential services are permitted within the required side yard.
4. *Through Lots.* Buildings on through lots, extending from street to street, shall provide the required front yard on both streets.
5. *Corner Lots.* Each yard abutting a public street on a corner lot shall be the same as the required front yard on such street. No accessory building shall project beyond the required front yard of either street.
6. *Line of Site Visibility (at Intersections).* On a corner lot in any district, except within the (C-1) downtown commercial district, no fence, wall, hedge, tree or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the ground shall be erected, placed or maintained within a triangular area formed by connecting two points in a straight line. Each point is thirty-five (35) feet from the corner of the intersecting streets. (See diagram)



Section 14.6. STEPS, DECKS, AND PATIOS.

Steps providing direct access to the ground level of a dwelling unit may encroach no more than three feet (3') into any required side yard or no more than five feet (5') into any required front or rear yard. Steps may also include a horizontal landing or platform of 48 square feet or less and not projecting more than six feet (6') into a required front or rear yard.

Decks higher than twelve inches (12") above the adjoining ground surface shall comply with required yard setbacks. No covered patios or other covered structures may project into the

required front yard or street side yard setback on a corner lot.

Patios and concrete, pavers or other hard surfaced areas or other concrete slab structures constructed at grade level shall be allowed to be constructed within the required front, side, or rear yards. If a railing, wall, terrace, or any other above ground structure is built as part of the patio, all above ground structures shall comply with required yard setbacks.

Driveways and parking areas within front yard areas of residential zoned properties are permitted if the designated surfaced or concrete driveway is no larger than the width of the garage or designated parking space it is designated for and runs from the garage or parking space to the street. Furthermore, additional off-street paved parking in the front yard shall be limited to no more than twelve feet (12') beyond either side of a driveway to be used for auxiliary parking spaces. A sidewalk on the property or paved access to the front door is also permitted.

Section 14.7. FENCES, HEDGES, AND RETAINING WALLS

For purposes of this section, the term "fence" means a constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Plants, shrubs, bushes, and trees are not normally considered fences.

1. Fences or hedges in residential districts shall not exceed four feet (4') in height in any required front yard. Fences less than four feet (4') may be located on any part of a lot.
2. No fences are allowed within the "sight triangle" in accordance with Section 14.5.6. No fence shall obscure clear view of traffic at street intersections or driveways so as to create a safety hazard to pedestrians or vehicular traffic.
3. Except as provided above, fences or hedges shall not exceed seven feet (7') in height in any required side or rear yards. Fences more than seven feet (7') may be allowed in the cases of tennis courts, swimming pools, other recreational amenities, or for commercial and industrial uses upon review by the zoning administrator.
4. Determining the maximum height for fences and walls shall be made by measuring from the natural grade of the lot adjacent to the fence to the top of the finished fence structure.
5. Fences or retaining walls shall not be closer than six inches (6") to any property line. Perennial plantings, including shrubs and hedges, shall not be planted closer than two and one-half feet (2½') to any property line. Except that fences, walls and perennial planting may be placed up to the property line by written mutual agreement of adjoining property owners.
6. If there is one side of the fence that is considered to be the decorative or "finished" side of the fencing material, such finished side of the fence shall be placed facing outward from the property it is installed on.
7. In the case of retaining walls, the height requirements specified in Section 14.7.3 above shall apply only to that part of the retaining wall above the ground surface of the retained land.
8. It is the responsibility of the property owner to locate all easements prior to constructing or placing a fence. Said fence construction over any easement requires written permission of the city. The city may remove such fence at any time for necessary relocation or repairs of city utilities. Replacement of any removed fence shall be at the expense of the property owner.
9. Fences shall not be constructed of non-treated or natural wood products; corrugated tin,

- corrugated metal, or corrugated fiberglass; or sheet metal. Fences may be constructed from chain link, non-decomposing wood products (e.g., pressure-treated, redwood, cedar, etc.), molded plastic, vinyl, or wrought iron. The zoning administrator may approve other materials.
10. Garden fences that are less than four feet, are exempt from zoning regulations except that no garden fence shall create a traffic or pedestrian hazard or be located within the front yard or street side yard.
 11. Fences inside and rear yards shall have at least one (1) access point, to allow for access for public safety and utility purposes.
 12. Disputes between property owners concerning fences and/or plantings, trees, bushes, hedges or other natural or manufactured structures obstructing views, sunlight or air shall be considered a civil matter between private parties and shall be resolved in a court of law.

Section 14.8. BUILDINGS TO HAVE ACCESS.

Every building or principal use hereafter erected or structurally altered shall be on a lot or parcel having frontage on a public street or road, except in the (C-1) Downtown Commercial District.

Section 14.9. USE OF PUBLIC RIGHT-OF-WAY.

No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by this ordinance.

Section 14.10. LOT FRONTAGE CONTINUITY.

In the case where a block is improved with buildings amounting to more than thirty percent (30%) of the total number of lots, on one side of a street between two intersecting streets, then no part of any new building or structure shall project beyond a line joining the two adjacent corners of the buildings on either side thereof. Where there is a building on only one side, then no part of any new building shall project beyond a line projected from the corresponding adjacent corners of the two nearest buildings. No building shall be required to provide a front yard greater than forty feet (40'). In the case where the block front improved with buildings amounts to less than thirty percent (30%) of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yard setbacks of the district shall be enforced.

Section 14.11. HEIGHT EXEMPTIONS.

Maximum height regulations shall not apply to television and radio towers, wind energy devices, wind towers, meteorological towers, cellular or other communications towers, ham radio or other personal communications towers used for entertainment purposes, receiving antennas, church spires, belfries, monuments, farm buildings, penthouses and domes not used for human occupancy, tanks, water and fire towers, water tanks, stage towers or scenery lofts, cooling towers, grain elevators, silos, utility poles, essential services, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatuses. These structures or accessories may be erected to a greater height provided all towers or structures exceeding height requirements shall conform where applicable to the requirements of the Federal Communications Commission, the Federal Aviation Administration

and other public authorities having jurisdiction. No tower or structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public.

Public or government buildings, hospitals or schools when permitted in any district may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot (1') in addition to the minimum yard requirements for each two feet (2') of additional building height above the maximum height permitted in the district.

ARTICLE 15. ADDITIONAL USE REGULATIONS

Article 15: Additional Use Regulations

- Section 15.1. Accessory Buildings
- Section 15.2. Portable Accessory Buildings and Storage Structures
- Section 15.3. Temporary Buildings
- Section 15.4. Gas Stations, Service Stations, or Convenience Stores
- Section 15.5. Home Occupations
- Section 15.6. Recreational Vehicles
- Section 15.7. Minimum Residential Dwelling Standards
- Section 15.8. Adult Entertainment Regulations
- Section 15.9. Communication Towers

Section 15.1. ACCESSORY BUILDINGS AND USES ON RESIDENTIAL LOTS.

Accessory buildings and uses on lots where the primary use is residential which are customarily incidental to the principal building may be erected or established as permitted, provided they comply with the following requirements:

1. Accessory buildings that are structurally part of or attached to the principal building shall conform to the site development regulations of the lot. In this instance, attached shall be considered a shared roof line or a shared common wall.
2. Accessory buildings may be located no closer than two feet (2') of the side or rear lot lines.
3. Accessory buildings or structures are not permitted within any front yard.
4. Accessory buildings located on a corner lot may be located no closer to any public street right-of-way than the setback requirements of the principal building on the same lot.
5. Accessory buildings shall not occupy more than thirty percent (30%) of the rear or side yard.
6. Accessory buildings shall not be used for dwelling purposes.
7. An open unenclosed porch or any deck structure may not project into a required front yard set back.
8. Accessory buildings shall not be erected within any required permanent easement.
9. Accessory buildings shall not have an overall height of more than twenty (20') feet and sidewalls may not exceed fourteen (14') feet.
10. Accessory buildings shall not be constructed upon a lot until the construction of the main building has commenced; and accessory buildings shall not be used unless the main building on the lot is also being used.
11. If any overhead door faces an alley or other public right-of-way, the minimum setback must be at least fifteen (15') feet.
12. All detached accessory buildings shall be no larger than 1,500 square feet, except for a garage which is an accessory building to a multiple-family residential structure, which may contain one stall per dwelling unit.
13. No more than two accessory buildings are permitted.
14. If the principal structure on the lot has an attached garage, the total square footage of all accessory buildings on the lot may not exceed 1,500 square feet. If there is more than one accessory building, the second accessory building may not be larger than 144 square feet.
15. In R-1 and R-2 zones, attached garages or other attached accessory buildings may not exceed 1,500 square feet.

Section 15.2. PORTABLE ACCESSORY BUILDINGS AND STORAGE STRUCTURES.

1. “Storage Structure” shall mean one of the following definitions:

Membrane storage structure: A temporary structure consisting of a frame covered with a plastic, fabric, canvas, aluminum, or other non-permanent material, which is used to provide temporary storage for vehicles, boats, recreational vehicles, or other personal property. The term also applies to structures commonly known as hoop buildings or tent garages; but shall not apply to carports permanently or physically attached to the ground or other structure or temporary tents and canopies used for special events such as weddings or graduations.

On-demand or on-site storage structure: Any portable or permanent storage container, storage pod, storage unit, receptacle or other portable structure that is used for the storage of personal or commercial property, which is located outside an enclosed building. The term does not include temporary or permanent sheds, garages, outbuildings, or membrane storage structures.

2. The term “storage structure” shall not apply to a truck trailer or semi-trailer while it is actively being used for the transportation of materials, inventory or equipment and is temporarily located adjacent to a loading dock. A storage structure may be used as a construction site trailer but only during construction on the site.

3. *All Residential zoning districts.*

Temporary membrane storage structures are not permitted on any residential properties. A permanent storage structure with a hard roof (such as a carport structure) may be permitted on any property if the structure is permanently attached to the ground, concrete driveway, or hard surface, or permanently attached to a principal or accessory structure. A temporary portable on-demand or on-site storage structure may be kept within the yard areas on any residential property for a maximum of 30 days for purposes of packing, shipping or moving materials from a permanent structure.

4. *All other zoning districts.*

A temporary storage structure for other than residential purposes is permitted as an accessory structure but shall be located on the property within the permitted rear or side yard areas so as not to obstruct any drive access or block required off-street parking spaces. Where a business or industry is located on a through lot or corner lot, any on-site storage structure must be screened appropriately from adjoining properties or streets. Membrane storage structures may be permitted for temporary storage or seasonal promotion or sale of products.

Section 15.3. TEMPORARY BUILDINGS AND USES.

Provisions authorizing temporary uses are intended to permit occasional, temporary uses when consistent with the purposes of this ordinance and when compatible with other nearby uses.

1. *Temporary Use Types:* The zoning administrator may authorize the following temporary uses, subject to specific limitations herein.

- a. Temporary building(s) for construction work may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be

removed within thirty (30) days after completion or abandonment of the construction work.

- b. Temporary residential occupancy on the site of an active construction project.
 - c. Religious, patriotic, or historic assemblies, displays, or exhibits.
 - d. Outdoor sales, including swap meets, flea markets, parking lot sales, or similar activities.
 - e. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to an existing residential dwelling.
 - f. Outdoor art and craft show and exhibits.
 - g. Christmas tree sales lots
 - h. Temporary use of trailer or storage units, or similar portable structures, limited to a maximum period of 6 months per calendar year.
 - i. Seasonal retail sales of agricultural or horticultural products raised or produced off the premises, when located not closer than 200 feet to an existing dwelling.
 - j. Additional similar uses determined to be temporary by the zoning administrator.
2. *Required Conditions of Temporary Use:* Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use. The zoning administrator may establish such additional conditions as deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, screening, or enclosure, and guarantees for site restoration and cleanup.
3. *Determination and Authorization:* The zoning administrator may authorize a temporary use when, in the zoning administrator's judgment, the temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site; will be compatible with nearby uses in the general vicinity and will not create traffic hazards or otherwise interrupt or interfere with the normal conduct of uses in the vicinity. Any temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

Section 15.4. GAS STATIONS, SERVICE STATIONS, AND CONVENIENCE STORES.

Gasoline service stations and convenience stores shall be subject to the following regulations:

- 1. *Location of Ingress and Egress.* No gasoline service station or automobile repair shop shall have an entrance or exit for vehicles within one hundred-fifty feet (150') as measured along the public street in which there exists a school, public playground, church, chapel, convent, hospital, public library or the property line of any residentially zoned district. Such access shall not be closer to any intersection than forty feet (40').
- 2. *Location of Oil Drainage Pits and Hydraulic Lifts.* All oil drainage pits, and hydraulic lifts shall be located within an enclosed structure.
- 3. *Gasoline Dispensing Pumps.* Gasoline service stations and convenience stores shall have their gasoline pumps, including other service facilities, set back at least twenty-five feet (25') from any public right-of-way. When located in commercial districts, gasoline dispensing pumps shall not be considered as accessory structures.

Section 15.5. HOME OCCUPATIONS.

Home occupations are an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a dwelling unit for residential purposes and which does not alter the exterior of the property or affect the residential character of the neighborhood.

1. A home occupation must be conducted entirely within a dwelling unit; or entirely within an attached or detached accessory building (not to include a carport, driveway, yard, or any outside area).
2. A home occupation must be carried on by a member of the family residing in the dwelling.
3. A home occupation may employ only one (1) unrelated person living outside of the residence and members of the immediate family.
4. The use must be conducted as a secondary use and in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term.
5. The home occupation shall not generate customer related vehicular traffic substantially more than the normal anticipated residential traffic.
6. The use must not infringe upon the right of neighboring residents to enjoy peaceful and healthy occupancy of their home for which purpose the residential district was created and primarily intended.
7. A home occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit.
8. A home occupation has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building, other than one exterior, flush mounted, non-illuminated sign not to exceed twelve (12) square feet in size.
9. Daycare facilities, as a home occupation, are permitted and regulated per state regulations.
10. The following businesses or occupations shall not be permitted as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk or salvage yards, restaurants, rental outlet, vehicular repair shops, tattoo or massage parlors, or any form of adult oriented business.

Section 15.6. RECREATIONAL VEHICLES.

For the purposes of this section, the term "recreational vehicles" shall mean a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Such vehicles include, but are not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, and converted trucks and busses. Recreational vehicles shall also include campers, boats, personal watercraft, snowmobiles, trailers, and other recreational based vehicles.

1. Recreational vehicles are permitted within designated campgrounds, recreational vehicle parks, and other typical recreational areas.
2. Outside of the aforementioned areas, in residential districts recreational vehicles may be parked for seasonal use (short term use or less than 30 consecutive days) on a driveway within a front yard, but not upon the right-of-way, provided the view of the street is not

obstructed as to vehicular ingress and egress. Recreational vehicles may be parked or stored (long term use or more than 30 consecutive days) within the side yard, rear yard or within an enclosed garage. Recreational vehicles parked or stored for long term use must be parked on a hard surfaced or otherwise appropriate parking area, but generally not consisting of grass, weed or dirt surfaces.

2. Recreational vehicles parked or stored on a premises, or any lot shall not be used for permanent human occupancy. In residential zoning districts, recreational vehicles shall only allow human habitation for not more than fourteen (14) consecutive days in a calendar year.
3. Recreational vehicles shall not be used for business purposes in any zoning district.

Section 15.7. MINIMUM RESIDENTIAL DWELLING STANDARDS.

All structures intended for residential occupancy placed, erected, assembled, or constructed after the effective date of this ordinance shall comply with the minimum requirements set forth below:

1. *Structure Size.* All residential structures, including site-built dwellings, factory-built (modular) houses, and mobile homes located outside of a mobile home park and converted to real estate, shall have a main body with a minimum exterior width of at least twenty-two feet (22') measured from outside of the exterior walls. A structure may include porches, sunrooms, garages and wings of lesser dimensions and area so long as the main body meets the minimum requirements. This provision does not apply to dwellings specifically intended for or designed as a "tiny house" as defined in this ordinance and approved by the board of adjustment.
2. *Minimum Floor Area.* All residential structures shall have a minimum floor area of not less than eight hundred (800) square feet, unless specifically intended for or designed as a "tiny house" as defined in this ordinance and approved as such by the board of adjustment.
3. *Foundation.* All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a mobile or manufactured home if a perimeter foundation is incompatible with the structural design of the building. For such a mobile or manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line or be an approved frost-free permanent foundation. The structure must be permanently attached to the foundation.
4. *Exterior Materials.* Exterior wall covering shall be wood or masonry finish, vertical or horizontal grooved siding or lap siding, or the typical residential appearance thereof. Roofing material shall be shingles (asphalt, fiberglass, or wood), slate, ceramic, concrete, or metal of a type customarily used for residential roofing material, such as "standing seam" or embossed or textured metal. Smooth, unfinished, or corrugated metal or fiberglass shall not be used for exterior wall or roof covering. Soffits, eaves, window, and door trim (not exceeding 18 inches in width), roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl, or wood or unfinished metal, such as copper, customarily used for residential structure trim. All exterior materials used need to blend in with the appearance of the neighborhood.
5. *Roof Pitch.* All dwelling units that have a pitched roof shall have a minimum roof pitch of at

least 3:12. This requirement shall not apply to mobile or manufactured housing if the structure complies with 42 U.S.C., Section 5403.

6. *Wheels, Axels, or Towing Device.* No residential dwelling shall have attached wheels, axels, or a towing device.
7. *Exemption.* The provisions of this section shall not apply to mobile homes and/or manufactured housing placed in mobile home park or manufactured housing subdivision in compliance with the remaining regulations of this ordinance.
8. *Tiny Houses.* The construction, placement, moving, or locating a “tiny” house consisting of any residential dwelling of less than the minimum required 800 square feet in size, may be permitted on any lot of record in the City of Hull only upon approval of a Special Exception use permit subject to the review by the board of adjustment. Tiny houses designed or constructed specifically to be on a portable trailer or frame on wheels may be parked on a lot and not subject to the foundation requirements stated in Part 3 above. A tiny house designed to be attached to a foundation shall comply with the foundation requirements stated in this Section. All tiny houses, at a minimum, shall have cooking, bathroom and sleeping quarters.

Section 15.8. ADULT ENTERTAINMENT BUSINESSES.

The city of Hull finds adult entertainment businesses require special consideration to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of the community. Such adult entertainment businesses, because of their very nature, have a detrimental effect on both existing uses surrounding them and adjacent residential areas. Adult entertainment businesses often have serious objectionable operational characteristics, thereby contributing to blight, and downgrading the quality of life in the adjacent area. The concern over sexually transmitted diseases is a legitimate health concern of Hull citizens that demands reasonable regulation of adult entertainment businesses to protect the health and well-being of the community. The community wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protect residents from increased crime; preserve the quality of life; preserve the property values and character of the surrounding area and deter the spread of blight. It is not the intent of these regulations to suppress any free speech activities protected by the First Amendment, but to address the secondary effects of adult entertainment businesses as well as the problems associated with such establishments.

1. *Adult Entertainment Defined.* Adult entertainment businesses consisting of, including, or having the characteristics of any or all the following.
 - a. *Adult Entertainment:* Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.
 - b. *Adult Entertainment Business:* Any establishment including bookstores, novelty stores, video stores, cabarets, nightclubs, bar, restaurants, motels, hotels, picture theatres or any other place offering adult entertainment, with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below. It further means any premises offering topless dancers, go-go dancers, strippers, male or female impersonators, or other similar entertainers. Adult entertainment establishments

further mean those places to which are arranged to provide booths, cubicles, rooms, compartments, or stalls separate from the common area for the purposes of viewing adult-oriented motion pictures, or adult entertainment dancing.

c. *Operators*: Any person, partnership, or corporation operating, conducting, maintaining, or owning any adult entertainment business.

d. *Specified Anatomical Areas*: Less than completely and opaquely covered female or male genitals or buttocks, and the fully exposed female breasts.

2. *Locational Requirements and Restrictions.*

An adult entertainment business shall be permitted within the City of Hull only in the (I) Industrial zoning district upon receipt of a site plan in accordance with Article 11, a Special Exception use permit in accordance with the procedures set forth in Article 21; and only if it meets all the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district from which the proposed adult entertainment business is to be separated.

a. Adult entertainment businesses shall be prohibited in or within 1,000 feet of the borders of a residential district.

b. Adult entertainment businesses shall be prohibited within 1,000 feet of any church, synagogue, mosque, temple, or other place of religious worship.

c. Adult entertainment businesses shall be prohibited within 1,000 feet of any public or private school.

d. Adult entertainment businesses shall be prohibited within 1,000 feet of any public park.

e. Adult entertainment businesses shall be prohibited within 1,000 feet of any other adult entertainment business.

3. *Development Design Standards.*

It shall be unlawful for an owner of an adult entertainment business to allow merchandise or activities to be visible from a point outside the business. Furthermore, adult entertainment businesses shall not allow the exterior portion to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities. In addition to the sign regulations identified elsewhere in these zoning regulations, the display surfaces of the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.

4. *Responsibilities of the Operator.*

Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs with the authorization, knowledge, or approval of the operator or because of the operator's negligent failure to supervise the employee's conduct. The operator shall be punishable for such act or omission in the same manner as if the operator committed the act or omission.

5. *Minors.*

It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult entertainment business at any time the establishment is open for business. The operator is responsible for monitoring public entrances during regular

business hours.

Section 15.9. COMMUNICATION TOWERS.

The purpose of this section is to provide for the regulation of contractors engaged in the construction, erection, placement, or location of freestanding communications towers in the city of Hull. These regulations do not apply to television, satellite dish, or other communication antennas attached to a structure or accessory building and primarily used for personal or residential enjoyment.

1. Communication towers shall be permitted under a Special Exception use permit in every zoning district within the city. The Special Exception use application shall include drawings, plans and other necessary documents describing the intent, layout, and construction or installation.
2. "Communication Tower" means a structure, tower, antenna, or other facility primarily engaged in the provision of broadcasting and information relay services accomplished using electronic, cellular, or other mechanisms but exclude those classified as major utility facilities. Typical uses include but not limited to telecommunication towers, radio, cellular and other receiving towers, antennas or structures and amateur radio communications including voluntary and noncommercial communication services.
3. The construction and maintenance of a communication tower shall be permitted to the owner of the tower as specified in the Special Exception use permit only upon compliance with all applicable ordinances of the city. The permit shall be of indefinite duration and remain in effect so long as the tower remains in compliance with applicable city ordinances. A Special Exception use permit for communication towers may be revoked upon notice to the owner and following opportunity for a public hearing before the board of adjustment, for a violation of any applicable city ordinance, state or federal statute or regulation.
4. The issuance of a Special Exception use permit for construction or installation of communication towers shall not relieve any permittee, applicant, or owner from compliance with all legal requirements or from liability for damage or loss resulting from the placement, construction, or maintenance of the tower. The city of Hull assumes no liability whatsoever by issuance of a Special Exception use permit for a communications tower.
5. The minimum distance from the base of the tower to the nearest property line of the tower site shall not be less than one hundred ten percent (110%) of the tower height, except that no setback shall be less than any required yard setbacks in the zoning district.
6. Communication towers are exempt from the height limitations in this ordinance. The height of a communication tower shall be measured from the base of the tower or structure of which it is attached, to the tip of the structure, antenna or tower being measured.
7. The communication tower base shall be designed or constructed to provide a secure environment and unauthorized access to the tower base.
8. All towers shall be maintained and operated in compliance with the standards adopted by the Federal Communications Commission concerning electromagnetic field emissions.
9. The city shall not restrict or deny the use of amateur radio antennas or towers for the personal enjoyment and use of the owner(s) and shall comply with Title 47 of the Code of Federal Regulations, Part 97 (FCC rules for amateur radio).

10. Abandoned or decommissioned communication towers shall be removed within twelve (12) months of the discontinuance of such use, and it shall be the responsibility of the property owner to have such tower properly removed or dismantled.

ARTICLE 16. OFF STREET PARKING REQUIREMENTS

Article 16: Off Street Parking and Loading Space

| | |
|---------------|---------------------------------|
| Section 16.1. | Intent |
| Section 16.2. | General Parking Requirements |
| Section 16.3. | Off Street Parking Requirements |
| Section 16.4. | Computation of Parking Spaces |
| Section 16.5. | Off Street Loading Requirements |

Section 16.1. INTENT.

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. After the effective date of this ordinance, in all districts, there shall be provided at the time any new building or structure is erected off street parking in accordance with the requirements set forth herein. The requirements of this article are minimum standards. Where review of the site plan and intended land use indicate parking requirements are inadequate, greater requirements for off-street parking may be required to preserve the intent of this article.

Section 16.2. GENERAL PARKING AREA REQUIREMENTS.

All off-street parking areas shall comply with the following minimum requirements.

1. All buildings and structures erected in all districts established after the effective date of this ordinance shall provide parking as required under this section.
2. A "parking space" shall be not less than 200 sq. ft. (typically 10 ft. in width by 20 ft. in length).
3. All required off-street parking areas of more than five (5) spaces shall be surfaced with either asphalt, concrete, compacted gravel or other such hard surface approved by the zoning administrator. Parking areas shall be graded and drained to dispose of all surface water within the lot, and shall be marked to provide for orderly and safe loading or unloading.
4. All off street parking spaces required by this regulation shall be located on the same lot of the use it serves, on land adjacent to, or directly across the street from the principal use lot.
5. Enclosed parking areas or garages shall qualify in meeting minimum parking requirements.
6. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, easements, leases, or contract documents to establish such a joint area of use.
7. All yard area except the front yard for residential districts may be used for off street parking. A driveway within a front yard may be used to satisfy off street parking requirements.
8. Vehicles used primarily as the source of a business or advertising a business shall not be permitted to park on-street within any zoning district.
9. Heavy trucks, semi-trucks or other continuously running diesel trucks are not permitted to park in any residential district for more than 2 consecutive hours.
10. Willful failure to permanently maintain and provide parking spaces as required by this ordinance shall be deemed in violation and subject to the penalty listed in Article 20.
11. Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
12. In cases when commercial or other non-residential parking lots adjoin a residential district,

parking areas shall be at least five feet from the property line and effectively screened using a fence, hedge, or other similar methods.

13. Parking in any district is not permitted on rights-of-way.

Section 16.3. OFF STREET PARKING REQUIREMENTS.

At the time of construction, alteration, or enlargement of a structure or building, or change in the use of the land; off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows.

| | |
|--|--|
| Single Family Residential: | 2 spaces |
| Multi-Family Residential: | 1.5 spaces per dwelling unit |
| Mobile Home Residential: | 1 space per mobile/manufactured home + 1 space per mobile home for guest parking |
| Hotel/Motel/Bed & Breakfast: | 1 space per room |
| Hospital/Healthcare facilities: | 1 space for each four (4) beds |
| Public & Religious Assembly: (Churches, Community Center) | 1 space for each twenty (20) seats of seating capacity provided |
| General Retail Sales/Offices: | 1 space per 300 feet of gross floor area |
| Restaurants/ Lounges/Bars: | 1 space for each four (4) seats, plus 1 space for each two (2) employees |
| Educational Facilities: | 1 space per regular employee and 1 space for every twenty (20) seats in the largest facility. for public assembly. |
| Industry/Manufacturing/Research: | 1 space for every two (2) employees on the largest shift. |
| Salvage, scrap & junk yards: | 1 space per one hundred (100) sq. ft. of floor area |
| All Other Uses: | All other buildings with a gross floor area of two thousand (2,000) sq.ft. or more shall provide 1 off- street parking space for each one thousand (1,000) sq.ft. of floor space of the principal building. |

Section 16.4. COMPUTATION OF PARKING SPACES.

1. Where a fraction of a parking space occurs, the spaces shall be rounded up to the next whole number.
2. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.
3. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall thereafter comply with the parking requirements of this ordinance.

Section 16.5. OFF STREET LOADING REQUIREMENTS.

At the time of construction, alteration, or enlargement of every building hereafter erected; every hospital, hotel, institution, manufacturing, storage, warehouse, retail store, wholesale store, or other similar commercial or industrial building having secondary access from an alley, side street

or otherwise shall have at least one (1) permanently maintained loading space for buildings more than ten thousand (10,000) square feet.

1. Each loading space shall be no less than ten feet (10') in width, sixty feet (60') in length.
2. No truck or trailer, for purposes of loading, unloading, or parking will be permitted to be located on any street or other public right-of-way.
3. Such space may occupy all or any part of any required side or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') from said district and be effectively screened from view.

ARTICLE 17. SIGN REGULATIONS

Article 17: Sign Regulations

| | |
|--------------|-----------------------------------|
| Section 17.1 | Intent |
| Section 17.2 | Definitions |
| Section 17.3 | Sign Requirements |
| Section 17.4 | Sign Variances |
| Section 17.5 | General Sign Provisions |
| Section 17.6 | Unsafe Signs and Removal of Signs |
| Section 17.7 | Exempt Signs |
| Section 17.8 | Nonconforming Signs |

Section 17.1. INTENT.

This article is established to protect and promote health, safety, welfare, and order within the City of Hull through the establishment of uniform standards, regulations and procedures governing the type, number, size, structure, location, height, lighting, erection, use or display of devices, signs, or symbols serving as a visual media to persons situated within or upon public rights-of-way or private properties. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this article.

Section 17.2. DEFINITIONS.

For use in this article, the following terms are defined.

1. **ABANDONED SIGN:** A sign which no longer correctly directs any person, advertises a bona fide business, owner, product, or activity conducted on the premises where such sign is displayed.
2. **ADDRESS SIGN:** A sign identifying street address only, whether written or numerical form.
3. **AWNING:** A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or so erected as to allow it to be raised or retracted and return to a flat position against the building.
4. **AWNING SIGN:** A sign consisting of either an operating or permanently affixed awning that portrays the business or advertising of the establishment in which it is attached. Awning signs shall not extend more than four (4) feet out from a building and shall meet all other size requirements addressed in this article. Permanent awnings may be lighted from the backside, but awning signs shall not have any flashing or otherwise intermittent light emitting from the sign.
5. **BILLBOARD:** A billboard includes all structures, regardless of materials used in construction, that are erected, maintained, or used for public display of posters, painted signs, or wall signs, whether the structure is placed on a wall or freestanding. Billboards include pictures or other pictorial materials which advertise a business or attraction which is not carried on, manufactured, or sold on the premises where said billboards are located.
6. **CAMPAIGN SIGN:** A temporary sign promoting the candidacy of a person running for a governmental office or promoting an issue to be voted upon at a governmental election.
7. **CONSTRUCTION SIGN:** A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.

8. **DIRECTIONAL SIGN:** A sign erected on public or private property which bears the address and name of a business, institution, church, or other use plus directions or information.
9. **ERECT:** To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
10. **FACING (or SURFACE):** The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
11. **FLASHING SIGN:** Any illuminated sign that is not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information, shall not be considered a flashing sign.
12. **FREE STANDING SIGN:** Any sign or sign structure, not securely attached to the ground or to any other structure. This shall not include trailer signs as defined in this section
13. **GOVERNMENTAL SIGN:** A sign which is erected by a governmental unit.
14. **ILLUMINATED SIGN:** Any sign which has character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
15. **INCOMBUSTIBLE MATERIAL:** Any material that will not ignite at or below a temperature of 120° F and will not continue to burn or glow at that temperature.
16. **INFORMATION SIGN:** Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
17. **JOINT IDENTIFICATION SIGN:** A free-standing sign which identifies a subdivision, a multiple residential complex, shopping center, office complex or at least three (3) separate businesses listed on the same sign. Any instance of multiple signs on the same sign structure.
18. **NON-CONFORMING SIGN:** A sign which lawfully existed at the time of the passage of this ordinance, but which does not conform to the current regulations of this ordinance.
19. **PERSON:** Any one being, firm, partnership, association, corporation, company, or organization of any kind.
20. **POLE SIGN:** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
21. **PORTABLE SIGN:** Any sign not permanently attached to a building, structure, or the ground, capable of being moved at periodic intervals.
22. **PROJECTING SIGN:** A sign that projects perpendicular to the wall surface of a building or structure and is supported by a wall of the building or structure.
23. **REAL ESTATE SIGN:** A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
24. **ROOF SIGN:** A sign erected upon or above a roof or parapet of a building or structure.
25. **SIGN:** Any device, structure or surface upon which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, or outlined or attached in any manner for the purpose of advertising.
26. **SIGN AREA:** That area enclosed by one contiguous line, connecting the extreme points or edges of a sign. The area shall be determined by using the largest area or silhouette visible at any one time from any one point. This does not include the main supporting sign structure.
27. **SIGN STRUCTURE:** The supports, uprights, bracing and framework for a sign including the sign area.
28. **STREET LINE (or PROPERTY LINE):** The place where the street right of way line begins and

the private property line ends.

- 29. **STRUCTURAL TRIM:** The molding, battens, capping, nailing strips, latticing and platforms that are attached to the sign structure.
- 30. **SWINGING SIGN:** A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- 31. **TEMPORARY SIGN:** Any sign which is erected or displayed for a specified period of time.
- 32. **TRAILER SIGN:** Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.
- 33. **WALL SIGN:** All flat signs placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Such signs may extend no more than twelve (12) inches from the surface of the building or structure to which they are attached. Wall signs are also known as "flush mounted signs".

Section 17.3. SIGN REQUIREMENTS.

- 1. *All Residential Districts:* Signs pertaining to principal permitted uses are allowed in residential districts subject to the following regulations.
 - a. Home occupation signs are permitted pursuant to Section 15.5 of this ordinance.
 - b. Signs, for non-residential businesses located in residential areas, shall be limited to no more than twenty (20) square feet on one (1) free standing or wall sign not to exceed a height of six (6) feet from the ground to the top of the sign structure.
 - d. Prohibited Signs: All flashing type signs are prohibited.
- 2. *All other Zoning Districts (Commercial, Industrial & Agriculture Districts):* Signs pertaining to principal permitted uses are allowed subject to the following regulations.
 - a. The sign area shall be calculated by computing 2 square feet of sign area for each 1 lineal feet of building frontage, not to exceed a total aggregate area of all signs (wall signs, freestanding signs, etc.) of 200 square feet for any size building.
 - b. The sign area shall be computed by:
 - i. For freestanding letters, by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign.
 - ii. For signs other than freestanding letters, taking the total area of the facing or the total area within the outer edge of any existing border of the sign.
 - c. All signs shall be permanently fixed and not moving or audible. No illumination shall be intermittent or flashing. Sign that are internally illuminated for purposes of a scrolling marquee for information or advertising purposes is permitted as long as it is not flashing.
 - d. Wall-mounted signs shall not project more than four (4) feet above the roofline.
 - e. Service stations shall be limited to two hundred fifty (250) square feet of sign area.
 - f. Billboards are not permitted within the city limits of Hull, Iowa. Existing billboards constructed prior to the adoption of this ordinance are allowed, but they can no be enlarged or replaced if they are damaged.
 - g. Signs may be permitted to be built up to the front property line, but no portion of any sign shall be allowed to be located on or overhang any public right-of-way or permanent easement.
 - h. Only one permanent type freestanding or pole sign will be permitted per frontage for

each principal use, except for corner lots or double frontage lots in which case one permanent sign shall be permitted per each street frontage.

- i. Permitted signs in all zoning districts, except for within residential districts, include all sign types identified in the Section 17.2 above, except for abandoned, flashing or trailer signs.

Section 17.4. SIGN VARIANCES.

Specific requirements of this zoning ordinance may be varied by any person desiring to display a sign which is nonconforming with the ordinance by making application to the board of adjustment for a sign permit. Such application shall indicate the proposed location of the sign, a description of the sign, including the dimensions, lighting, and moving parts, if any, the owner of the sign and the owner of the property on which the sign is to be located.

1. Such application shall be submitted, in writing, to the board of adjustment.
2. Upon receipt of an application for such a sign permit, the board of adjustment shall schedule and give at least seven (7) days public notice of a public hearing on the application. The applicant shall be notified in writing by the city clerk of the time and place of the hearing.
3. At the time and place set, the board of adjustment shall hold the public hearing and shall thereafter make its recommendation to the city council, which recommendation may only be overridden by the affirmative vote of $\frac{3}{4}$ of the city council.

Section 17.5. GENERAL SIGN PROVISIONS

In all districts, signs and billboards shall adhere to pertinent state regulations and other local ordinances. The following signs are allowed with a permit and shall comply with all other applicable provisions of this ordinance.

1. *Ground Signs and/or Pole Signs:* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
2. *Wall Signs:* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends of the wall to which it is attached.
3. *Bulletin Boards and Announcement Signs:* These shall be permitted on the premises of charitable, religious and public institutions but may not exceed 32 square feet in size and 5 feet in height.
4. *Free Standing Signs:* Free standing signs shall be permitted if they do not block the view of traffic, conform to the Iowa DOT regulations, and not located in any public right-of-way.
5. *Safety:* No sign shall be erected, located or maintained so as to prevent free ingress or egress to any door, window or fire escape. No sign or other advertising structure as permitted by this ordinance shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe efficient movement of traffic. No signs shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision. No private sign shall contain words that might be construed as traffic controls or be confused with any authorized traffic sign or signal; or which makes use of the words "STOP", "WARNING", "CAUTION", "DANGER", or any other word, phrase, symbol or character as to mislead or confuse traffic.
6. *Signs in Right-of-Way:* No signs other than government signs shall be erected or temporarily placed within any public rights-of-ways.

7. *Clearance:* All signs located over public rights-of-way or any public or private access (e.g. sidewalks, etc.) shall be located a minimum of ten (10) feet above grade.
8. *Temporary Signs:* The temporary use of portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this article for continuous periods of thirty (30) consecutive days. No business proprietor shall be allowed more than three such periods in any calendar year.
9. *Signs Required by Law:* All signs required by law shall be permitted in all districts.
10. *Back-to-Back Signs:* If a sign or sign structure is constructed so that the faces are not back-to-back, the angle shall not exceed thirty (30) degrees. If the angle is greater than 30 degrees, the total area of both sides added together shall be the calculated sign area.
11. *Illumination:* All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
12. *Double Frontage:* Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square feet of signs per frontage may be viewed simultaneously.

Section 17.6. UNSAFE SIGNS AND REMOVAL OF SIGNS.

No advertising sign or billboard shall be allowed to remain if it is structurally unsafe and in a state of needed repair, and no sign will be permitted which constitutes a traffic hazard for safe and efficient operation of vehicles or creates a condition which endangers the safety of persons or property. The board of adjustment may order its removal based upon a report after inspection by the zoning administrator as to traffic or safety problems created by any such sign. The board shall notify the sign owner of any existing problem and if the conditions are not remedied in 30 days, a hearing shall be held to discuss the removal of said sign. If said sign is not removed within 30 days after the date of public hearing held by the board of adjustment, the city shall remove said sign and expenses will be charged to the property owner where the sign is located for costs incurred by the city.

Any sign now or hereafter existing which no longer advertises a bona fide business, or selling a product, shall be taken down and removed within ninety (90) days from date of notice provided by the city. If after the expiration of the ninety (90) day period, the sign has not been removed, the city may cause the sign to be removed and any expenses may be charged to the property owner.

Section 17.7. EXEMPT SIGNS.

The following signs are allowed without a permit but shall comply with all other applicable provisions of this ordinance.

1. *Real estate signs (on-site)* advertising for sale, rental, or lease the lot or tract on which they are located will be allowed in all districts. The area of such sign shall not exceed four (4) square feet. At the date of closing, signs shall be removed within forty-eight (48) hours.
2. *Integral signs, Memorial signs or Professional name plates* not exceeding two (2) square feet, is attached to the building, includes names, date of construction, commemorative tablets and

the like, which are a part of the building or structure.

3. *Address Signs* identifying street address only, whether in written or numerical form.
4. *Construction Signs* as a non-illuminated sign announcing the names of architects, engineers, contractors, proposed use, and other individuals involved with the construction, alteration, or repair of such building are permitted. Signs shall be confined to the site of the construction and shall be removed within one (1) year of the date of issuance of the building permit or when the project is completed. One sign, not to exceed 32 sq. ft. shall be permitted on the project site.
5. *Government signs* of a public, non-commercial nature to include safety, danger, trespassing, traffic, and scenic or historical signs, and memorial plaques and the like.
6. *On-site Directional and Parking Signs* intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Signs shall not exceed six (6) square feet of area.

Section 17.8. NONCONFORMING SIGNS.

Nonconforming signs shall be brought to compliance upon change of ownership or occupancy of the premises. Any sign displayed pursuant to a permit issued under this ordinance may be required to be removed by the board of adjustment at any time after 18 months after the date of issuance of the permit and such limitations as a condition of the issuance of a sign permit.

ARTICLE 18. Nonconformities

Article 18: Nonconformities

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| Section 18.1. | Intent |
| Section 18.2. | Nonconforming Lot of Record |
| Section 18.3. | Nonconforming Uses of Land |
| Section 18.4. | Nonconforming Structures |
| Section 18.5. | Nonconforming Uses of Structures and Land in Combination |
| Section 18.6. | Replacing Damaged Buildings |
| Section 18.7. | Abandonment |
| Section 18.8. | Change of Tenancy or Ownership |

Section 18.1. INTENT.

It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their continuance. It is recognized that there exists within the districts established by this ordinance, and subsequent amendments, lots, structures, and uses of land which were lawful before this ordinance was passed which would be prohibited or restricted under the terms of this ordinance. Nonconforming uses of a structure, land or both shall not be extended or enlarged to increase their nonconformity. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the construction or use of any building on which construction has begun prior to the effective date of this ordinance.

Section 18.2. NONCONFORMING LOT OF RECORD.

In any district in which residential dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a dwelling and customary accessory buildings may be erected on any single lot of record after the effective date of this ordinance, even though such lot fails to meet the minimum lot width or area requirements. Such lot must be in separate ownership; and the required yard setbacks of the lot shall apply to the regulations for the district in which such lot is located. Two or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an unsubdivided zoning lot for purposes of this ordinance. No portion of said parcel shall be sold and then used which does not meet lot width and area requirements, nor shall any division of the parcel be made which leaves remaining any lot nonconforming with this ordinance's stated requirements.

Section 18.3. NONCONFORMING USES OF LAND

Where at the effective date of this ordinance or amendment thereto, any lawful use of land that is made no longer permissible under the terms of this ordinance such use may continue so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than occupied at the effective date of adoption or amendment of this ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If such nonconforming use of land ceases for any reason for a period of more than one (1)

year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Section 18.4. NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued or expanded so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be altered in a way which does not increase its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. The lawful use of any building or land existing at the time of the enactment of the zoning ordinance may be continued for a period of one (1) year although such use does not conform to the provisions of this ordinance. After one year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 18.5 NONCONFORMING USES OF STRUCTURES AND LAND IN COMBINATION

Where a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this ordinance that would not be permitted in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance but shall not be extended to occupy land outside such building.
2. Any nonconforming use of structure or land may be changed to another nonconforming use of the same or a more restricted classification, provided no structural alterations are made, and the Board of Adjustment finds the proposed use is equally or more appropriate in the district than the existing nonconforming use. In permitting such change, the Board may require conditions and safeguards in accordance with the purpose and intent of this ordinance. Where such nonconforming use of a structure, land or use is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
3. Any structure, or structure and land in combination, on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located.
4. When a nonconforming use of a structure, or structures and land in combination is discontinued or ceases to exist for a period of more than one (1) year, it shall not thereafter be used except in conformance with the regulations of the district in which it is located.

Section 18.6. REPLACING DAMAGED BUILDINGS.

Any nonconforming building or structure damaged intentionally or accidentally more than fifty percent (50%) of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, accident, incident or other act of God or nature shall not be restored or reconstructed and used as before such happening. If less than fifty percent (50%) of the replacement value of the building is damaged it may be restored, reconstructed, or used as before, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased and reconstruction is started within one (1) year of such happening. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official.

Section 18.7. ABANDONMENT

Whenever a nonconforming use has been discontinued for a period of one (1) year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this ordinance. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official.

Section 18.8. CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.

ARTICLE 19: ZONING ENFORCEMENT

Article 19: Zoning Enforcement

- Section 19.1. Zoning Administrator
- Section 19.2. Zoning Compliance
- Section 19.3. Zoning Permit Required
- Section 19.4. Application for Zoning Permit
- Section 19.5. Site Plans
- Section 19.6. Construction and Use to be provided in Application, Plans, and Permit
- Section 19.7. Fees
- Section 19.8. Administrative Appeals

Section 19.1. ZONING ADMINISTRATOR.

The purpose of this section is for the city council of Hull, Iowa to appoint or confirm a zoning administrator, and it shall be the duty of said administrator to enforce this ordinance. Such administrator may be a person holding other appointive office in the city, or another governmental agency. Once the zoning administrator is appointed by city council that appointment becomes perpetual until such further decision and notification is made by council. Termination of the zoning administrator and/or consideration of responsibilities shall also be left to the discretion of the city council.

Section 19.2. ZONING COMPLIANCE.

If the zoning administrator shall find that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. The zoning administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done or shall take any other action authorized by this ordinance to insure compliance with or to prevent violations of provisions contained within.

Section 19.3. ZONING PERMIT REQUIRED.

No land shall be occupied or used, and no buildings or structures, or accessory buildings or structures hereafter erected, moved, added to, placed or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, without first obtaining a permit issued by the zoning administrator. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this ordinance. Zoning permits issued in conformance with the provisions of this ordinance, or upon written order from the Board of Adjustment, shall be null and void if the purpose for which the permit is issued has not commenced within one (1) year from date of issuance. Those persons who do not or refuse to obtain a zoning permit will be in willful violation of this ordinance and punishable as provided by Article 19.

Section 19.4. APPLICATION FOR ZONING PERMIT.

Application for a zoning permit may be obtained from city hall prior to starting or proceeding with a project. Approved permits shall be kept on file in the office of the city clerk, and copies

shall be furnished on request to any person having a proprietary or tenancy interest in the building or property affected. Zoning permits should be reviewed within seven (7) days after application is made.

Section 19.5. SITE PLANS.

Each application for a zoning permit involving new construction, expansion, placement, locating or moving of a building or structure shall be accompanied by a plat or site plan prepared in accordance with Article 14, or other site plan requirements or drawings as requested by the zoning administrator. In the case of moving an existing building, the application shall be accompanied by a photo of the structure to be moved and shall comply with the regulations of the Hull City Code. Other building projects including sheds, outbuildings, decks, patios, fences and other yard structures, although not required to submit a full site plan, shall still file a zoning permit to ensure setback distances and compliance with other provisions of this ordinance. Furthermore, each application for a sign permit shall be accompanied by a drawing showing the dimensions of the sign, the size, the shape and location of where the sign is to be erected, and such other information as necessary to provide enforcement of this ordinance.

Section 19.6. CONSTRUCTION & USE TO BE PROVIDED IN APPLICATION, PLANS & PERMIT.

Zoning permits issued on the basis of plans and applications, approved by the zoning administrator, authorize only that use and construction indicated in such plans and applications. Use and construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by Article 20.

Section 19.7. FEES.

Before receiving a zoning permit the owner, or the owner's agent, shall pay to the city the permit fee as provided by resolution of the city council. Fees for permits issued after the construction, erection, placement, moving or alteration has begun shall double. Tax levying governmental agencies shall be exempt from paying any scheduled fees.

Section 19.8. ADMINISTRATIVE APPEALS.

This procedure is intended to afford review of administrative actions taken pursuant to the zoning ordinance where such actions may be in error.

1. *Appeals:* An appeal of an administrative decision may be made to the Board of Adjustment by any person aggrieved, or by any officer, department, or board of the city affected by any decision or ruling of the zoning administrator. Such notice of appeal shall be filed, within 30 days of the decision being appealed, with the zoning administrator or the chairperson of the Board of Adjustment, of which such appeal shall specify the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action being appealed was taken.
2. *Stay of Proceedings:* An appeal from the action of the zoning administrator shall stay all proceedings in furtherance of such action unless the zoning administrator certifies to the Board of Adjustment that by reason of the facts stated a stay would cause imminent peril to

life or property. In the event the zoning administrator shall make such determination, the action shall not be stayed other than by a restraining order that may be granted by the board or a court of record upon application of the party aggrieved by the action of the zoning administrator.

3. **Action:** The Board of Adjustment shall act on any appeal within 30 days following the closing of a public hearing. In exercising the powers set out in this section, the Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the zoning administrator from whose action the appeal was taken. The board shall notify the appellant of its decision by mail. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant upon any matter which it is required to pass under these provisions.

ARTICLE 20: VIOLATION AND PENALTY

Article 20: Violation and Penalty

Section 20.1. Violation and Penalty

Section 20.2. Restraining Order

Section 20.1. VIOLATION AND PENALTY.

Unless provided elsewhere in this ordinance or the city's municipal code, any person failing to perform a duty, obtain a zoning permit, or violating the Hull Zoning Ordinance, or any rule or regulation adopted by reference shall be guilty of a municipal infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of this ordinance, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction and punishable by civil penalty as provided herein. (*Code of Iowa, Sec. 364.22[3]*)

A municipal infraction in the City of Hull is punishable under the following civil penalties: (*Code of Iowa, Sec. 364.22 [1]*)

1. First offense – Not less than \$100 and not to exceed \$750.00, plus court costs
2. Second and repeat offenses – Not less than \$100 and not to exceed \$1,000.00, plus court costs.

The criminal penalty surcharge imposed by Iowa Code, Section 911.2 shall be added to the fine and is not a part of any fine imposed by the city (*Code of Iowa, Sec. 364.3(2)*). Each day that a violation is permitted to exist constitutes a separate offense.

Section 20.2. RESTRAINING ORDER.

Upon any building or structure being erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land used in violation of this ordinance, the city attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of Hull to prevent, correct or remedy such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE 21: BOARD OF ADJUSTMENT

Article 21: Board of Adjustment

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| Section 21.1. | Confirmation of the Board of Adjustment |
| Section 21.2. | Membership, Term of Office and Removal |
| Section 21.3. | Proceedings of the Board of Adjustment |
| Section 21.4. | Administrative Appeals |
| Section 21.5. | Powers and Duties |
| Section 21.6. | Variances |
| Section 21.7. | Decisions of the Board of Adjustment |
| Section 21.8. | Appeals from the Board of Adjustment |

Section 21.1. CONFIRMATION OF THE BOARD OF ADJUSTMENT.

The Mayor, subject to the approval of the city council, shall provide for the appointment and confirmation of the Board of Adjustment. Pursuant to the authority of this ordinance, the Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinances in harmony with its general purpose and intent and in accordance with general or specific rules therein contained and provide that any property owner aggrieved by the action of the council in the adoption of such regulations and restrictions may petition the said board direct to modify regulations and restrictions as applied to such property owners. The members of the Board of Adjustment, as created and established under applicable provisions of the Iowa statutes, are hereby confirmed to their appointed terms of office. (*Code of Iowa, Sec.414.7*)

Section 21.2. MEMBERSHIP, TERM OF OFFICE AND REMOVAL.

The board shall consist of five (5) members to be appointed by the Mayor, subject to city council approval for a term of five (5) years. When the board shall first be created, one member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. A majority of the members of the board shall be persons representing the public at large and should not be involved in the business of purchasing or selling real estate. Members of the board may be removed from office by the city council for cause upon written charges and after public hearing. Vacancies shall be filled by the Mayor, subject to the approval of the city council for the unexpired term of the member resigning, removed or death. (*Code of Iowa, Sec.414.8*)

Section 21.3. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact and shall keep records of its examination and other official actions, all of which shall be a public record. The presence of a majority of the whole Board, or three (3) members, shall constitute a quorum, even in the instance of absentee members or during conflicts of interest. A five (5) member board shall not

carry out its business without having at least three (3) members present. The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass or to affect any variation in application of this ordinance. (*Code of Iowa, Sec.414.8, 414.9 & 414.14*)

Section 21.4. ADMINISTRATIVE APPEALS.

Administrative appeals concerning interpretation or administration of this ordinance may be taken to the Board of Adjustment by any person aggrieved or by any officer or bureau of the City of Hull affected by a decision of the zoning administrator. Such appeal should be taken within a reasonable time, not to exceed thirty (30) days, by filing with the zoning administrator and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record from which the action appealed was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. (*Code of Iowa, Sec.414.10*)

Section 21.5. POWERS AND DUTIES.

The Board of Adjustment shall have the following powers and duties:

1. *Administrative Review*: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this ordinance.
2. *Interpretation of Zoning Map*: Where the application of the rules for interpretation of the district boundaries leaves a reasonable doubt to the boundary between two zoning districts the Board of Adjustment shall interpret the map in such a way as to carry out the intent and purposes of this ordinance.
3. *Special Exception Uses*: To hear and decide Special Exception use requests as the board is specifically authorized to pass on in the manner prescribed in this ordinance, and as provided for in Article 22.
4. *Variances*: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. (*Code of Iowa, Sec.414.12*)

Section 21.6. VARIANCES.

A variance from the terms of this ordinance shall not be granted by the board unless and until:

1. An application for the variance shall be filed in writing with the zoning administrator. Said application shall include the following:
 - a. Name and address of the owner and applicant.
 - b. Address and legal description of the property.
 - c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.

- d. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.
 - e. The property address, name and mailing address of the owner of each lot immediately adjacent to the property requesting a variance.
 - f. A site plan, as prepared in accordance with Article 13.
2. The zoning administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.
3. The Zoning Administrator shall review for conformity and transmit the application and required exhibits to the Planning and Zoning Commission and notify all property owners within the affected zone and within two hundred (200) feet of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
4. Under no circumstances shall the Board of Adjustment grant a variance to allow for the use not permissible under the terms of this ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district.
5. The Zoning Administrator shall set a date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than four (4) days and not more than thirty (30) days prior to said hearing.
6. The Board of Adjustment shall make findings that the requirements of this article have been met by the applicant for a variance.
7. No variance that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.
8. The Board of Adjustment may grant a variance if it makes affirmative findings of fact on each of the following criteria.
 - a. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted uses of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
9. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
10. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
11. A fee, determined by resolution of the city council, shall accompany the variance application.

12. *Additional Variance Conditions*: In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Article 20.
13. *Lapse of Variance*: Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and shall become void one (1) year following the date on which the variance became effective, unless prior to the expiration of one year a zoning/building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a certificate of occupancy is issued for the site or structure which was the subject of the variance application, or the site is occupied if no zoning/building permit or certificate of occupancy is required.
14. *Revocation of Variance*: Upon violation of any applicable provision of this ordinance, or if granted subject to the conditions, upon failure to comply with conditions, a variance shall be revoked upon notification to the owner of the; use or property subject to the variance.
15. *Variance to Run with Land or Structure*: Unless otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

Section 21.7. DECISIONS OF THE BOARD OF ADJUSTMENT.

In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the terms of this ordinance and Chapter 414, Code of Iowa, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made and to that end shall have powers of the zoning administrator from whom the appeal is taken. The concurring vote of three (3) members of the whole board, even upon instances of absentee members or during conflicts of interest, shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in application of this ordinance. The action of the board shall not become effective until it has a written decision describing such action, the vote of each member participating therein, and reasons for such action specifying the manner in which the action either satisfied or failed to satisfy each of the applicable standards set forth in this article. Decisions shall be filed promptly following the board's action and shall be open to public inspection.

Section 21.8. APPEALS FROM THE BOARD OF ADJUSTMENT.

Any person or persons, or any board, taxpayer, department, or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by laws of the State and particularly by Chapter 414, Code of Iowa. The petition shall be presented to the court within 30 days after the filing of the decision in the office of the board. All decisions and findings of the Board of Adjustment, shall in all instances, be final administrative decisions upon holding a public hearing and shall be subject in judicial review as by law may be provided. (*Code of Iowa, Sec. 414.15*)

ARTICLE 22: SPECIAL EXCEPTION USES

Article 22: Special Exception Uses

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| Section 22.1. | Requirements |
| Section 22.2. | Jurisdiction |
| Section 22.3. | Application for Special Exception Use Permit |
| Section 22.4. | Procedures |
| Section 22.5. | Standards |
| Section 22.6. | Revocation |
| Section 22.7. | Supplemental Standards |
| Section 22.8. | Planned Unit Development – As a Special Exception Use |

Section 22.1. REQUIREMENTS.

Special Exception uses may be permitted, enlarged, or altered upon application for a Special Exception use permit in accordance with the rules and procedures of the Board of Adjustment. The board shall grant or deny a Special Exception use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance. In granting a Special Exception use permit, the Board of Adjustment will authorize the issuance of a permit and may prescribe and impose appropriate conditions, safeguards, or a specified time limit for performance of the Special Exception use.

Section 22.2. JURISDICTION.

The zoning administrator shall be responsible for administration of the special exception procedure and the Board of Adjustment shall be responsible for the review, evaluation, and action on all applications for special exception use permits.

Section 22.3. APPLICATION FOR SPECIAL EXCEPTION USE PERMIT.

An application for a Special Exception use permit for a Special Exception use or modification of a Special Exception use may be initiated by a property owner or the owner's authorized agent by filing an application with the zoning administrator. The application shall be accompanied by a site plan and other materials providing an understanding of the proposed use or modification prescribed by the Board of Adjustment and shall include a statement indicating the section of this ordinance under which the Special Exception use is sought and stating the grounds on which it is requested. The application shall also be accompanied by a fee as determined by resolution of the city council. The application will be valid for one (1) year following the issuance of the permit. After one year the permit will no longer be valid and the permit must be renewed, or a new permit must be reapplied for. The application shall include the following:

- a. Name and address of the owner and applicant.
- b. Address and legal description of the property.
- c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
- d. The property address and the names and mailing addresses of the owners of each lot within two hundred feet (200') of the subject property certified by a licensed abstractor, land surveyor or attorney shall be provided to the city.

- e. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
- f. A site plan, prepared in accordance with Article 13, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings as requested by the zoning administrator or Board of Adjustment.

Section 22.4. PROCEDURES.

The Board of Adjustment shall not grant a Special Exception use permit unless and until the following procedures have been fulfilled:

1. The Board of Adjustment shall provide a copy of the application for Special Exception use for review and comment to the Board of Adjustment.
2. The Board of Adjustment shall provide the Zoning Administrator with their recommendations within fifteen (15) days after receipt of the application.
3. After receipt of the Planning and Zoning Commission's recommendations, the Board of Adjustment shall schedule and conduct at least one public hearing on the proposed Special Exception use request. Notice shall be given of the public hearing as required by state statute by publication in a newspaper of general circulation in the city no less than four (4) or no more than twenty (20) days prior to the public hearing. Furthermore, a courtesy notice shall be given to a complete list of persons provided by the applicant who are all of the owners of property within two hundred feet (200') of the property in question at least seven (7) days prior to the public hearing.
4. In granting any Special Exception use, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Special Exception use is granted, shall be deemed a violation of this ordinance and punishable under Article 20 of this ordinance. In all cases in which Special Exception use permits are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
5. The concurring vote of three (3) members of the whole Board of Adjustment grants a Special Exception use permit, even in the event of absentee members or conflicts of interest.
6. No order of the Board of Adjustment granting a Special Exception use permit shall be valid for a period longer than one (1) year from the date of such order, unless the Board of Adjustment specifically grants a longer period of time, or a building permit is obtained within the one (1) year period and construction is commenced.

No application for a Special Exception use permit that is denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

Section 22.5. STANDARDS.

The Board of Adjustment shall not grant any Special Exception use unless such board shall find:

1. The approval of a Special Exception use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.

2. The establishment, maintenance, or operation of the Special Exception use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
3. The Special Exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminishes and impairs property values within the neighborhood.
4. In the case of existing relocated single-family dwellings and accessory buildings, the proposed use should aesthetically blend in with neighboring uses and special attention is given to the architectural style, size and quality of construction of the proposed use.
5. Adequate utilities, access, drainage, parking, and/or necessary facilities will be provided.
6. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
8. The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
9. The use shall not include vibration which is discernable without instruments on any adjoining lot or property.
10. The use shall not involve malodorous gas or matter which is discernable on adjoining property.
11. The use shall not involve any pollution of the air by fly-ash, dust, vapors, or other substance which is harmful to health, animals, vegetation or other property.
12. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
13. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are institutes to limit traffic hazards and congestions.
14. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
15. That such proposed use shall be reviewed in relation to the city's comprehensive plan and the future goals of the community.
16. If warranted, provisions may be made for increased setbacks from property lines or screening of incompatible use by the use of fences or hedges.
17. The ground coverage shall be such that no additional dust or excess stormwater run-off is generated by the Special Exception use.
18. The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.
19. The Special Exception use permit may be reviewed after a specified period of time for compliance and for possible additional conditions.

In addition to the general standards outlined above, specified uses shall adhere to these standards and operate only after the issuance of a Special Exception use permit. The Special Exception use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may be modified by the Board of Adjustment.

Section 22.6. REVOCATION.

The issuance of a Special Exception use permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as the owner remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements, and safeguards set forth in the Special Exception use permit. If such permit is granted, it does expressly grant to the city the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of the Special Exception use permit. In the event the owner or occupant of the property shall violate any term, condition, limitation, regulation or safeguards contained in the Special Exception use permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the city may proceed to enforce the provisions of this ordinance and the terms, conditions, and limitations of the permit.

Section 22.7. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 22.5 above, specified uses shall adhere to certain supplemental and additional standards as follows:

1. **Salvage Yards:** All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or wrecking of automobiles or machinery or other vehicles, shall be located in the General Industrial (GI) district under Special Exception use permit. The application for a Special Exception use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:
 - a. Any salvage, scrap or junk yard shall be at least five hundred feet (500') from any residential building, with the exception of the salvage yard owner or operator.
 - b. Any salvage, scrap or junk yard shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, or in lieu thereof, a landscape buffer strip may be planted at least fifty feet (50') wide with evergreen trees and/or large shrubs to provide an immediate solid landscape screen at least ten feet (10') high.
 - c. Off-street parking or service areas in connection with the yards may be located outside of the screened-in area.
2. **Open-Air Sales Display and Storage:** All open-air display and storage, including new and used auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or equipment sales and storage, and construction equipment or heavy equipment rental or storage yards shall require a Special Exception use permit and shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:
 - a. The open-air sales display and storage areas shall be surfaced with a hard surface and at a minimum with granular, aggregate or crushed stone or rock at a uniform depth of at least three (3) inches.
 - b. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard.

- c. No lighted flashing signs, or revolving beacon lights shall be permitted.
- d. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.
- e. The open-air storage or display area intended for inventory storage, salvage or repair services shall be limited to the side or rear yard areas and be opaquely screened with a wall or fence at least seven feet (7') in height. Those uses intended to exclusively display products or equipment for sale or lease are exempt from screening such products or equipment, unless the following provisions in subpart f. apply.
- f. The side and rear lot lines, when abutting properties used for residential purposes, shall be screened with a wall or fence at least fifty percent (50%) solid and at least eight feet (8') in height. Such fence or wall shall not be required to extend beyond the front yard.

ARTICLE 23: CHANGES AND AMENDMENTS

Article 23: Changes and Amendments

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| Section 23.1. | Procedures |
| Section 23.2. | Initiation |
| Section 23.3. | Application for Change in Zoning District Boundaries |
| Section 23.4. | Protest Provision |
| Section 23.5. | New Application |

Section 23.1. PROCEDURES.

This ordinance and the zoning district map created by said ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the planning and zoning commission for review and recommendation. The commission shall have forty-five (45) days in which to submit its report to the city council. Prior to making recommendation to the city council, the commission shall hold at least one public hearing on the text amendment or rezoning request. If the commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.

Not more than thirty (30) days following receipt of the recommendation of the commission, the city council shall hold at least one public hearing before adoption of the text amendment or a rezoning request. A notice of such public hearing shall be published at least seven (7) days prior to the date established for such hearing. Additionally, a notification shall be sent the owners of all property within two-hundred feet (200') of the property for which the change is requested. In no case shall the public hearing be held earlier than the next regularly scheduled city council meeting following the published notice. Such notice shall include the time and place for the public hearing.

Within thirty (30) days following the closing of a public hearing, the city council shall make a specific finding as to whether the change is consistent with the objectives of this ordinance. If the council finds that the change is consistent, it shall introduce an ordinance amending the text of the zoning regulations or amending the zoning map, whichever is appropriate. If the council finds that the change is not consistent, it shall deny the application. The city council shall not modify a recommendation of the planning and zoning commission on a rezoning or change until it has requested and considered a report of the commission on the modification. Failure of the commission to report within 30 days after receipt of the city council request shall be concurrence.

Section 23.2. INITIATION.

Requests for rezoning of property or text amendments may be initiated by one of three ways.

1. The planning & zoning commission may initiate a zoning text amendment or rezoning request.
2. The city council may initiate a zoning text amendment or rezoning request.
3. The owner or the authorized agent of the owner of property may initiate a rezoning request by filing an application for a change in district boundaries (rezoning) as prescribed in this article. If the property for which rezoning is proposed is in more than one ownership, all

owners or their authorized agents shall join in filing the application.

Section 23.3. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.

Applications for rezoning requests shall be filed with the zoning administrator on a form provided by the city, and shall include the following data and maps:

1. Each application shall be filed and accompanied by a fee as determined by resolution the city council and contain the following information.
 - a. The name and address of the owner and applicant.
 - b. A legal description and local address of the property.
 - c. If the applicant is not the legal owner, a statement that the applicant is an authorized agent.
 - d. The present zoning classification and the zoning classification requested for the property.
 - e. The existing use and proposed use of the property.
 - f. The names and addresses of the owners of all property within two hundred feet (200') of the property for which the change is requested.
 - g. A statement of the reasons why the applicant feels the present zoning is not appropriate.
 - h. A plat showing dimensions and use of the applicant's property and all property within two hundred feet (200') thereof, including streets, alleys, railroads, and other features.
2. Failure to approve the zoning change shall not be cause to refund any fees to the applicant.
3. Upon receipt of the application by the zoning administrator a copy shall be forwarded immediately to the planning and zoning commission for study and recommendation. The commission shall, prior to making a recommendation, determine the following:
 - a. Whether or not the current zoning classification of the property to be rezoned is valid.
 - b. Whether there is a need for additional land zoned for the purpose requested.
 - c. Whether the proposed change is consistent with the current land use plan.
 - d. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
 - e. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
 - f. The commission may require additional information or maps if they are to determine whether the change is consistent with the objectives of this ordinance.

Section 23.4. PROTEST PROVISION.

In case the planning and zoning commission does not approve the change, or in a case of a protest filed with the city council against a change in district boundaries signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within two hundred feet (200') feet of the boundaries thereof, such amendment shall only be passed by the favorable vote of at least three-fourths (3/4) of all members of the city council, even in the instance of absentee members or during conflicts of interest. (*Code of Iowa, Sec. 414.5*)

Section 23.5. NEW APPLICATION.

Whenever a petition requesting an amendment, supplement or change of this ordinance has been denied by the city council such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change; this provision, however, shall not prevent the city council from acting on its own initiative in any case or at any time provided in this section.

ARTICLE 24: EFFECTIVE DATE

Section 24.1. EFFECTIVE DATE.

This ordinance shall be in full effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.

(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

ADOPTION

ZONING ORDINANCE OF THE CITY OF HULL, IOWA

NOW THEREFORE, BE IT ORDAINED BY THE
CITY COUNCIL OF THE CITY OF HULL

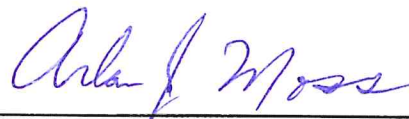
Passed and approved the first consideration on waived June 26, 2023

Passed and approved the second consideration on June 26, 2023

Passed and approved the third and final consideration on July 10, 2023

Adopted on July 10, 2023

Published on July 26, 2023



Mayor, City of Hull

Attest:



Hull City Clerk