

SECTION 9

MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS & REGULATIONS

9.01 ANNEXED TERRITORY

Any area of proposed annexation to the City of Tiffin shall be zoned by the City after a recommendation by the Planning and Zoning Commission prior to annexation. Any applicant for annexation must include a requested zoning classification along with the application for annexation. The Notice of Annexation must include the applicant's requested zoning classification. If the Planning and Zoning Commission makes a recommendation for acceptance of the annexation to the Council, it must include a recommendation of zoning also. If the Council accepts the annexation, it must designate the zoning classification of the territory and it will become effective upon the recording of the resolution. The resolution will not be recorded sooner than three days after its passage, nor will the resolution be sent to the City Development Board until three days after passage. The applicant for annexation may withdraw the application if desired due to the zoning classification within the three day period before the annexation is recorded or forwarded.

9.02 VACATED STREETS

Whenever any street, alley, or other public way is vacated by official action of the Council the district adjoining each side of such street, alley, or public way will be automatically extend to the center of the vacation, and all areas included in the vacation will then and henceforth be subject to all appropriate regulation of the districts.

9.03 CONVERSION OF USE OR BUILDING

Upon issuing a building permit, the conversion of any use or building either to another use or to increase the size or area of the existing use, including the conversion of any building or the conversion of any dwelling to accommodate an increased number of dwelling units, families, or residents, will be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance and only when the resulting occupancy will comply with the requirements in the districts with respect to minimum lot size, lot area per dwelling unit, dimension of yard, height, off street parking and any other applicable requirements.

9.04 DESIGN STANDARDS

All construction must conform to applicable provisions of the City of Tiffin Design Standards.

9.05 ACCESSORY BUILDINGS AND STRUCTURES

No accessory building or structure shall be erected more than 120 days prior to the time of completion of the construction or establishment of the principal structure or use where it is accessory. Accessory buildings and structures are limited to fifteen (15) feet in height and must be at least five feet from any main building or property line. No accessory building or structure may be erected in any yard other than rear yard and it must occupy less than

thirty percent (30%) of the required rear yard, except for private garage, which may occupy up to 60% of the required rear yard. Private garages must meet minimum principal structure front and side yard requirements. Only one accessory building, in addition to a private garage, is permitted per resident in residential districts.

9.06 HEIGHT AND DENSITY, OR YARDS SHALL NOT BE VIOLATED

No building or other structure may hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required or in any other manner contrary to the provisions of this Ordinance.

9.07 SEPARATE YARDS, OPEN SPACE, AND OFF-STREET PARKING REQUIRED

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purposes of complying with this Ordinance, may be included as a part of a yard, open space, or off-street parking, or loading space similarly required for any other building.

9.08 MINIMUM YARDS AND LOT AREAS SHALL NOT BE REDUCED:

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance must meet at least the minimum requirements established by this Ordinance.

9.09 VISIBILITY AT INTERSECTION

On a corner lot in any agricultural or residential district, no fence, wall, hedge or other planting, signs or structure that will obstruct vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the centerline grades of the intersecting street may be erected, placed or maintained within the triangular area formed, the right-of-way lines as such corner and a straight line joining the right-of-way lines at points that are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.

9.10 MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any district, more than one principal structure housing a permitted principal use may be erected on a single lot if the area, yard, and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

9.11 HEIGHT REGULATION EXCEPTION

The height limitations contained in the Schedules of District Regulations do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above the roof level and not intended for human use or occupancy. However, the exceptions are subject to approval as special exceptions within the zone they are located.

9.12 USE OF PUBLIC RIGHT OF WAY

No portion of the public street or alley right of way may be used or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this ordinance, or for any other purpose that would obstruct the use or maintenance of the public right of way.

9.13 PROPOSED USE NOT COVERED IN THIS ORDINANCE

Any proposed use not covered in this Ordinance as a permitted use or special exception must be referred to the Planning and Zoning Commission for a recommendation as to the proper district where the use should be permitted and the Ordinance amended by the Council as provided in Section 5.19 before a permit is issued for the proposed use.

9.14 BUILDING TO HAVE ACCESS

Every building hereafter erected or structurally altered must be on a lot having frontage on a public street.

9.15 HANDICAPPED CAR PARKING

Where handicapped parking spaces are required by state law, a minimum of 2% of the vehicle capacity of the off-street parking area shall be so designated by the proper signs and insignia.

9.16 HOME OCCUPATION

Is allowed in all residential zones if no home occupation is permitted when it is associated with the following characteristics:

- A. Any disturbance such as noise, vibration, smoke, dust, odor, heat or glare beyond the confines of the dwelling unit or accessory building.
- B. Any exterior display, exterior storage of materials, signs (except as otherwise permitted), house calls after 10:00 p.m. or before 7 a.m., or other indication from the exterior that the dwelling unit or accessory building is being used in part for any use other than that of a dwelling or accessory building for purely residential purposes.
- C. Employees other than those residing on the premises.

9.17 COMMUNICATION TOWERS

All radio station, television, or other communication towers are subject to the following minimum regulations:

- A. All towers must comply with all applicable City ordinances.
- B. The setbacks for all towers must comply with all applicable zoning ordinance regulations for the district where the tower is located.
- C. The Board of Adjustment may impose additional setback requirements in conjunction with the approval of a special exception permit.
- D. Any tower in excess of one-hundred twenty-five (125) feet in height may not be located closer than five-hundred (500) feet from an existing, inhabited residential structure regardless of the district where the structure is located.

- E. The Applicant must demonstrate that no reasonable co-location options exist to provide the desired service.
- F. The application must include a site plan, certificate of liability insurance, engineer's certification of the building plans, and such other and further provisions as the Board of Adjustment may require in its discretion.

9.18 EAVES OR STRUCTURAL OVERHANGS

May extend out to three (3) feet beyond the setback requirement, provided they are two (2) or more feet, from the lot line.

9.19 LOTS ON CUL-DE-SACS

Lots on cul-de-sacs must contain the minimum area as required in the lot's district. Minimum frontage must be 30 feet (chord length). Lots must maintain the minimum width required in the lots' district at the front yard building setback line.

9.20 FIRST FLOOR & SECOND FLOOR APARTMENTS IN COMMERCIAL ZONES

First floor and second floor apartments are permitted in commercial zones when the residential dwelling space is separated from the frontage by no less than 20 (twenty) feet of enclosed all-weather structure suitable for commercial uses. Access ways and hallways connecting the first floor apartment to the frontage are permitted.

9.21 TEMPORARY USES AND STRUCTURES

Upon notice provided with the submission of an application for a building permit an applicant may provide temporary housing for one person at a construction site so long as the occupant is involved in the construction project; the temporary quarters are safe and habitable; and the occupancy may not exceed the reasonable time to complete the construction project and in no event shall the time exceed 30 days. If the applicant meets these criteria, the temporary housing may not violate this ordinance, other provisions herein notwithstanding.