

TIFFIN ZONING ORDINANCE
NO. 2007-287
ADOPTED NOVEMBER 14, 2007
REGULATIONS AND RESTRICTIONS
ZONING DISTRICTS
AND
OFFICIAL ZONING MAP

AN ORDINANCE THAT REGULATES AND RESTRICTS THE LOCATION, CONSTRUCTION, AND THE USE OF BUILDINGS, STRUCTURES, AND LAND IN THE CITY OF TIFFIN, IOWA. FOR THIS PURPOSE THE ORDINANCE DIVIDES LANDS INTO DISTRICTS AND CREATES A PLANNING AND ZONING BOARD AND A BOARD OF ADJUSTMENTS. THIS ORDINANCE REPEALS ALL PREVIOUS ZONING ORDINANCES INCLUDING ORDINANCE NO. 1996-204 AND NO. 2005-272 AND AMENDMENTS THERETO, OR ANY ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDES PENALTIES FOR VIOLATION OF ITS REGULATIONS.

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SECTION 1

REPEALING, ADOPTION, AND TITLE

INTERPRETATION AND APPLICATION

INTENT AND PURPOSE, COMPATIBILITY, RULES AND DEFINITIONS

BE IT ENACTED:

1.01 REPEALING, ADOPTION, AND TITLE

This Ordinance repeals all prior Tiffin Zoning Ordinances, including but not limited to Ordinance No. 2005-272, and any prior amendments. This Ordinance establishes comprehensive zoning regulations for Tiffin and provides for the administrative enforcement and amendment of itself. The City Council adopts this Ordinance by authority of the *Code of Iowa*. This Ordinance is designated No. 2007-_____, City of Tiffin, Iowa. This Ordinance may be cited as the "Tiffin Zoning Ordinance No. 2007-_____".

1.02 INTERPRETATION AND APPLICATION

The interpretation and application of the provisions of this Ordinance establish the minimum requirements adopted for the promotion of the public health, safety, morals, or general welfare. This Ordinance applies to all structures, land, and uses within the corporate limits of Tiffin, Iowa. Wherever the requirements of this Ordinance vary from the requirements of any other lawfully adopted restrictions or requirements, the most restrictive, or that imposing higher standards, must govern. Uses and exceptions not specifically described for each classification are prohibited in that classification.

1.03 INTENT AND PURPOSE

The City Council adopts Zoning Ordinance and Zoning Map for the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people in accordance with the *Code of Iowa* Section 414.3. The Ordinance intends to accomplish the following:

- A. To preserve the availability of agricultural land.
- B. To consider the protection of soil from wind and water erosion.
- C. To lessen congestion on the public streets.
- D. To avoid undue concentration of population.
- E. To prevent the overcrowding of land, thereby ensuring proper living and working conditions and preventing the development of blight and slums.
- F. To establish adequate standards for the provision of light, air, and open spaces.
- G. To facilitate the provision of adequate transportation, and of other public requirements and services such as water, sanitary sewer, storm sewer, schools, and parks.
- H. To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

- I. To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses must not be usurped by other inappropriate uses.
- J. To avoid the inappropriate development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage.
- K. To fix reasonable standards to which buildings and structures must conform.
- L. To promote the conservation of energy resources.
- M. To promote reasonable access to solar energy.
- N. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions or limitations imposed herein.
- O. To foster a more rational pattern of relationship between residential, business, commercial, and industrial uses for the mutual benefit of all.
- P. To isolate or control the location of unavoidable nuisance-producing uses.
- Q. To prescribe penalties for any violation of the provisions of this Ordinance or of any amendment thereto.

1.04 **COMPATIBILITY WITH THE COMPREHENSIVE LAND USE PLAN**

The standards and requirements contained in this Ordinance and the district mapping reflected on the "Official Zoning Map" are made in reference with the Comprehensive Land Use Plan of Tiffin, Iowa.

1.05 **RULES AND DEFINITIONS**

In the interpretation and application of this Ordinance, use the following rules and definitions:

A. Rules

- 1. Words used or defined in one tense or form shall include other tenses and derivatives.
- 2. The word "shall or must" is mandatory.
- 3. The word "may" is permissive.
- 4. The word "ordinance" means City of Tiffin Ordinances.
- 5. The word "Code of Iowa" means the State Code of Iowa.
- 6. The word "person" includes individuals, firms, corporation, associations, and any other similar entities.
- 7. The word "county" means the County of Johnson, Iowa.
- 8. The word "city" means the City of Tiffin.
- 9. The words "city council" means the City Council of Tiffin, Iowa.
- 10. The word "State" means the State of Iowa.
- 11. In case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

B. Definitions

Accessory Building, Structure, or Use: A use or structure subordinate to the principal use of a building or land on the same lot and serving a purpose customarily incidental to the use of the principal building or use of land.

Agriculture: The use of land for any of the following purposes:

- raising, breeding, or management of livestock, poultry, fish, or honeybees;
- dairies, truck gardening, forestry, nurseries, or orchards;
- non-commercial on-farm storage or processing of agricultural products; or
- any similar agricultural, horticultural, silvacultural, or aquacultural use.

No farms may operate for the disposal of garbage, sewage, rubbish, or offal. Nor does this definition allow rendering plants for the slaughtering of animals, except to the extent that animals raised on the premises or maintained on the premises are used by residents of the agricultural use.

Alley: Any dedicated public way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Apartment: A room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building where there are a multiple of these units.

Balcony: An unroofed platform, unenclosed except by a railing, which projects from the outer wall of any building above ground level with or without support other than the building.

Basement: The portion of a building that lies partly below grade but that has more than one-half its height above the average grade of the adjoining ground. For the purpose of this Ordinance, a basement is not considered a "story" unless designed or used for habitable space or business purposes.

Bed and Breakfast: Any single-family or multi-family dwelling unit used for overnight or temporary lodging that consists of one to five units and that may provide meals.

Board of Adjustment: The Board of Adjustment is described in Iowa Code § 414.7. This Ordinance may refer to it as "the Board".

Boarding House is a building, other than a hotel or motel, that provides meals and lodging for three or more persons for pay.

Building: Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, or property.

Building Envelope is the area of a lot that remains after the minimum yard setbacks, height requirements, and open space requirements of this Ordinance are met.

Building, Height of: The vertical distance from the grade to:

- the highest point of the coping of a flat roof; or
- the deck line of a mansard roof; or
- the average height level between eaves and ridge for gable, hip, and gambrel roofs.

Building Line: A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

Building, Main or Principal: is a building that houses the principal use of the lot where the building stands.

Cellar is the portion of a building that has half or more of its clear height below the grade plane. A cellar is not habitable and is not counted as a story.

Communications Tower: A metal structure that is used primarily as a communication antenna or that is used primarily for the commercial transmittal of radio, television, radar, or microwaves. Non-commercial towers 50 feet or less in height are not communication towers.

Communication Tower Height: The distance between the base of a tower and the top of the highest appurtenance mounted on the tower. Towers in excess of 40 feet must not exceed the overall height recommended by the FAA and FCC.

Comprehensive Land Use Plan is the general plan for the development of the community. It may also be called the master plan, comprehensive plan, land use plan, or some other title. The Tiffin City Council adopts a "Comprehensive Land Use Plan". A "Comprehensive Land Use Plan" includes any amendments to the Plan.

Conditional Use: A "special exception" is the same as a "conditional use" in this Ordinance.

Day Care Facility is a facility where six or more children stay for part of the day for care and instruction. A "Day Care Facility" must be licensed by the State of Iowa. The term "Day Care Facility" includes, by way of example, the following descriptions: nursery schools, childcare centers, day nurseries, kindergartens, preschools, and playgroups. The term but does not include kindergartens or nursery schools operated by public or private school systems.

Deck is covered or uncovered platform area projecting from the wall of a building, accessible at or from above grade and attached to the ground.

Dwelling is any building or portion of a building that is intended for residential purposes. The building must have an outside dimension of not less than 20 feet wide by 30 feet long, not counting any exterior garage.

Dwelling, Single-Family: A building designed with accommodations for exclusive occupancy by one family or individual.

Dwelling, Two-Family: A building designed for occupancy by two families or two individuals living independently of each other.

Dwelling, Multiple or Multi-Family: A building designed for occupation by more than two families or individuals living independently of each other.

Family is a group of individuals not necessarily related by blood, marriage, adoption, or guardianship that live together in a dwelling unit as a single housekeeping unit and maintain a common housekeeping management plan based on an intentionally structured relationship that provides organization and stability.

Family Group Care Home: A community-based residential home that is licensed as a residential care facility under Iowa Code Chapter 135C or as a child foster care facility under Iowa Code Chapter 237. The care home provides room and board, personal care, habitation services, and supervision in a family environment for not more than eight developmentally disabled persons and any necessary support personnel. The term does not mean an "individual foster care home" licensed under Iowa Code Chapter 237.

Farm is an area of not less than ten acres that is used for growing farm products such as vegetables, fruits, and grain, and for raising farm poultry and farm animals, and uses ancillary to those functions, including storage.

Fee: An amount charged by the City to cover the cost of various City services. The City Council sets fees by resolution.

Fence: A freestanding structure intended to provide privacy, prevent escape or intrusion, or to redirect a person's direction of travel. A fence may be constructed of posts, wire, boards, stone, or any standard building materials.

Feedlot, Commercial: A confined area where 500 or more cattle, swine, sheep, or 30,000 or more fowl are housed, penned, and fed.

Flood Plain: Lands that are subject to a one percent or greater chance of flooding in any given year as established by FEMA or Corps of Engineers guidelines.

Floor Area: The total area of all floors of a building as measured to the outside surfaces of exterior walls and not including halls, stairways, elevator shafts, attached garages, porches, and balconies.

Frontage: All the property on one side of a street between two intersection streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Garage, Private is an accessory building used for the storage of not more than four motor vehicles owned and used by the occupants of the buildings to which it is accessory.

Garage, Public: A building or portion thereof other than a private or storage garage, intended for equipping, servicing, repairing, hiring, selling, or storing motor vehicles.

Garage, Storage: Any portion of a building intended for term storage of motor vehicles and where motor fuels and oils are not sold nor are motor vehicles repaired, hired, or sold.

Garden Shed: An accessory structure of not more than 140 square feet in area and eight feet in height intended primarily for storage.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five feet from a street line, then the elevation of the street serves as grade.

Home Occupation: Any occupation or activity carried on within a dwelling unit or accessory building by a member of the family residing at the home. The occupation or activity must be secondary to the residential occupancy and not change its residential character.

Hotel is a residential building licensed by the State used principally as a place of lodging for guests. Hotels may provide meals.

Junk or Salvage Yard: Any enclosed or fenced area where waste or salvaged materials are handled, including automobiles or other machinery, house wrecking yards, used lumber yards, or structural steel materials and equipment. This definition does not include areas where the activities occur entirely within a completely enclosed building.

Kennel: is an establishment where small animals are bred, raised, trained, groomed, and boarded for commercial purposes.

Loading Space is an off-street space within the main building or on the same lot, providing for the standing, loading, or unloading of commercial vehicles, having a minimum dimension of 12 feet by 35 feet and a vertical clearance of at least 14 feet.

Long-term Care Facility: A long-term care unit of a hospital, a licensed hospice program, a foster group home, a group living arrangement, or a facility licensed under *Iowa Code* §135C.1 whether the facility is public or private.

Lot: A tract, plot, or portion of a subdivision or other parcel of land intended to serve as a unit of taxation and lawful transfer.

Lot, Corner: A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot, Depth of: The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage is a lot that fronts upon two parallel streets or two streets that do not intersect at the boundaries of the lot.

Lot, Interior: A lot other than a corner lot.

Lot, Merged: Two or more contiguous lots, in single ownership, that individually do not conform to zoning ordinance bulk standards and on which an "Affidavit of Explanatory of Title" has been filed in the office of the Recorder of Johnson County, Iowa.

Lot Lines: The lines bounding a lot.

Lot Line, Front: In the case of an interior lot, that line separating the lot from the street. In the case of a corner lot, or double frontage lot, "front lot line" means that line separating the lot from that street that is designated as the front street in the plat and in the application for a zoning compliance permit.

Lot Line, Rear is the lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear or triangular shaped, the rear lot line is an imaginary line parallel to the front lot line not less than ten feet long farthest from the lot line and wholly within the lot.

Lot Line, Side: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side-street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot Width: The width of a lot measured at the building line and at right angles to its depth where the minimum building line or setback intersects the side lot lines.

Lot, Reversed Corner: A corner lot, the rear of which abuts the side of another lot.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Main Use is the principal use to which the premises are devoted.

Manufactured Home: A factory-built dwelling that is manufactured or constructed under the authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards. To qualify as a manufactured home under this ordinance it must not be constructed with a permanent hitch or other device allowing it to be moved, other than for the purpose of moving to a permanent site, and it must not have permanent wheels or axles. A mobile home constructed to the Federal Manufactured Home Construction and Safety Standards is not a manufactured home unless it has

been converted to real property and is taxed as a site built dwelling as is provided in *Iowa Code* Chapter 427A. For the purpose of any of these regulations, manufactured homes are the same as a single-family detached dwelling.

Mobile Home: A vehicle without motor power intended for use as a conveyance upon the public ways. The mobile home must be duly licensed as such, and constructed in such a manner as will permit occupancy for human habitation, including sleeping quarters. A mobile home must be towed or transported by another vehicle. This definition also includes mobile homes that are located on a permanent or temporary foundation.

Mobile Home Park is any area of land where two or more occupied mobile homes are located either free of charge or for revenue purposes. Structures ancillary to mobile homes may be located in a mobile home park.

Mobile Home Converted to Real Estate: A mobile home that meets the provisions of Iowa Code §435.26.

Motel: Any building that provides lodging for transient occupancy and where each unit has convenient access to a parking space for the use by the unit's occupants.

Nonconforming Building is a building that does not conform to the provisions of this Ordinance establishing requirements for the district where it is located.

Nonconforming Use is a use that does not conform to the use regulations of the district where it is located.

Nursing Home: An institution that provides nursing or convalescent care for persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients who do not usually require hospital facilities. A nursing home provides care for persons who need continuing medical and skilled nursing care. For the purpose of this Ordinance, a "nursing home" is also considered a "convalescent home". To meet the definition of this Ordinance, the institution must be licensed by the State.

Open Space: The land area of a site not covered by buildings, right-of-ways, parking structures, or accessory buildings, except recreational structures, and which is available to the public. "Open Space" does not include school sites and commercial areas.

Parking Spaces: A surfaced area either enclosed or unenclosed, having an area of not less than 180 square feet exclusive of driveways, and not including that area directly in front of a single width garage, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a surfaced driveway that affords satisfactory ingress and egress for vehicles.

Plan: See Community Development Plan

Planned Area Development: A zoning designation intended to promote innovative, designed developments involving residential and nonresidential land uses, which together form an attractive and harmonious unit of the community. The area may be able to function as an individual community, neighborhood, or mixed-use development that requires flexibility because of unique circumstances or design characteristics. (See Section 3 PAD)

Planning and Zoning Commission is appointed by the City Council to review and recommend proposed applications for zoning and proposed changes to the ordinance, as well as to review subdivisions. The Commission is also known as the "P&Z" or "Commission".

Principal Use is the main use of land or structures as distinguished from accessory use. For example, a house is a principal use in a residential area; a garage or pool is an accessory use.

Private: In reference to a building, structure, utility, facility, or use, "private" means owned by someone other than a unit of government, or an agency of government, unless the context clearly indicates that "private" is being used in a broader sense of something not open or available to the general populace.

Public: In reference to a building, structure, utility, facility, or use, "public" means owned and/or operated by a unit of government or an agency thereof, unless the context clearly indicates that "public" is being used in the broader sense of something available to the general populace.

Setback: The distance required to obtain the front, side, or rear yard open space provisions of this Ordinance. All measurements are taken from the structure's foundation or from the exterior wall at grade level.

Public Information Sign: A directional or informational guide or aid erected by a public agency or by private persons and not intended primarily for advertising.

Sexually-Oriented Businesses: An establishment, including bookstores, bars, restaurants, movie theaters, and arcades where films are shown, or videotapes, magazines, books, or other printed matters are sold, or live performances take place, that are characterized by an emphasis upon the depiction or exposure of "specified sexual activities" or "specified anatomical areas" as defined below. Massage parlors where services are not administered by a licensed practitioner, chiropractor, acupuncturist, therapist, or similar person licensed by the State are also included in this definition.

- 1) Specified Sexual Activities: Patently offensive acts, exhibitions, representations, depictions or descriptions of: 1) human genitals in a state of sexual stimulation or arousal; 2) fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; 3) intrusion, however slight, actual or stimulated by an object, any part of an animal's body or any part of a person's body into the genital or anal openings of a person's body; 4) cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated; 5)

- flagellation, mutilation, or torture, actual or simulated; 5) flagellation, mutilation, or torture, actual or simulated in a sexual context.
- 2) Specified anatomical areas: Less than completely and opaquely covered human genital, pubic region, buttocks, and a female breast below a pint above the areola; and human male genitals in a discernibly turgid state—even if completely and opaquely covered. *See Ordinance No. 2001-255, Regulating the Operation of Sexually-Oriented Businesses*

Sign: Any structure, or part thereof, or device attached thereto or painted, or represented thereon, which must display or include any letter, word, model, banner, flag, pennant, insignia, device or representation intended as an announcement, direction, or advertisement. The definition of “sign” includes the word “billboard” for purposes of this Ordinance.

Story: That portion of a building, other than a basement not having over 50 percent of its height below grade, included between the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of the story, except that any partial story used for residence purposes, other than for janitor or caretaker and family, or by a family occupying the floor immediately below it, is deemed a full story.

Street: Public property, not an alley, intended for motor vehicle use. In appropriate context, the term “street” may refer to the right-of-way bounded by the property lines of public property, or it may refer to the paving installed within such right-of-way.

Structure: Anything constructed or erected that requires a permanent location on the ground, including that includes by way of example the following: advertising signs, billboards, backstops for tennis courts, gazebos, ground-based satellite dishes, and solar collectors.

Travel Trailer or Motor Home: A vehicle with or without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. The vehicle may be up to eight feet in width and any length provided its length does not exceed 40 feet. If the vehicle is used as a place of human habitation for more than 90 days in any 18-month period, it is classed as a mobile home, regardless of the size and weight limitation provided herein.

Trailer Camp or Tourist Camp Ground: An area providing spaces for two or more travel trailers, camping trailers, or tent sites for temporary occupancy, with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

Variance is a modification of the literal provisions of this Ordinance that would cause undue hardship owing to circumstances unique to the individual property

on which the variance is granted. The crucial points of variance are (a) undue hardship, (b) unique circumstances and (c) applying to property. The authority to grant variances vests in the Board of Adjustment pursuant to Iowa Code Chapter 414.

Yard is an open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure. In measuring a yard to determine the width of a side yard, the depth of a front yard, or the depth of the rear yard, use the minimum horizontal distance between the lot lines and the main building line.

Yard, Front: A front yard extends across the front of a lot and is measured by the minimum horizontal distance between the street or place line and the main building other than uncovered steps. On corner lots, the front yard is parallel to the street upon which the lot has its least dimension, except where owner elects to front his building on a street parallel to the lot line having the greater dimension.

Yard, Rear: A rear yard extends across the rear of a lot and is the required minimum horizontal distance between the rear lot line and the rear of the main building line other than uncovered steps. In all lots, the rear yard is in the rear of the front yard.

Yard, Side: A yard between the main building line and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building line or any projections of uncovered steps.

Zero Lot Line Dwelling: A single-family dwelling that adjoins another single-family dwelling on an adjacent lot and that shares a common boundary line and a common wall with the adjoining single-family dwelling. Each such dwelling must have separate utility services.

SECTION 2

ESTABLISHMENT OF ZONING DISTRICTS, AND THE OFFICIAL ZONING MAP

2.01 ESTABLISHMENT OF DISTRICTS AND OFFICAL ZONING MAP AND RULES AND REGULATIONS THEREOF

A. **Adoption of Official Zoning Districts and Regulations and Conformity**

The City of Tiffin is hereby divided into the following zoning districts as shown by the following "Schedule of Districts", which are hereby adopted, including the regulations of each district referred to in Section 3 by their respective letter/number abbreviations and all of which are declared a part of this Ordinance. Further, the regulations set by this Ordinance must apply uniformly within each district to each class or kind of structure or land, except as provided. No building, structure, or land may be used or occupied, and no building or structure or part thereof may be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations specified for the district in which it is located.

"SCHEDULE OF DISTRICTS"

(regulations for each district are found in Section 3 under their respective listings)

Residential Districts

- R-1E** Estate-Family
- R-1A** Single-Family, Low-Density
- R-1B** Single Family, Medium-Density
- R-1C** Single Family, High-Density
- R-M** Single Family, Manufactured
- R-2** Two-Family, Medium Density
- R-4** Multi-Family, 4-Plex
- R-6** Multi-Family, 6-Plex
- R-8** Multi-Family, 8-Plex
- R-12** Multi-Family, 12-Plex

Commercial District

- C-1B** Neighborhood Business District
- C-2B** Community Business District
- C-10** Restricted Office District
- C-20** Office and Research District
- C-1S** Downtown Center District

Industrial District

- M-1** Light Industrial
- M-2** Heavy Industrial

Planned Area Development

- PAD** Planned Area Developments

Public Zoning

- P-1** Public Uses

B. **Official Zoning Map:** The locations and boundaries of these districts are shown on the Official Zoning Map, which, together with all explanatory matter on it, is hereby adopted by reference and declared a part of this Ordinance.

1. **Identification:** The Official Zoning Map must have the signature of the Mayor, attested by the City Clerk, with the following statement: **“This is to certify that this is the Official Zoning Map referred to in Ordinance No. 2007-287 of the City of Tiffin, Iowa, passed on November 14, 2007.”**

2. **Filing and Posting:** The Official Zoning Map, or a true copy of it must be on file in the office of the Tiffin City Clerk, and it is the final authority on the correct zoning status of the land, water areas, buildings, and other structures in the City.

3. **Changes in Official Zoning Map**

a. If in accordance with the provisions of Section 14 “Administration and Enforcement Violations and Penalties” of this Ordinance and Iowa Code §414.4, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, the changes must be entered on the map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: **“By official action of the City Council, the following changes were made on the Official Zoning Map.”** The changes made must be shown by ordinance numbers and date of publication. No amendment of this Ordinance that involves matters portrayed on the Official Zoning Map will not become effective until after the change and entry are made on the map.

b. **Replacement of the Official Zoning Map.** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council adopt an ordinance approving a new Official Zoning Map that will supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction must have the effect of amending the original Official Zoning Map or any subsequent amendment. The new Official Zoning Map must be identified by the signature of the Mayor, attested by the City Clerk, and containing the following words: **“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map previously adopted.”**

Unless the prior Official Zoning Map has been lost or destroyed, the prior map or any significant parts of it remaining must be preserved, together with all available records pertaining to its adoption or amendment.

4. **Rules for Determination of Boundaries:** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules apply:
- a. Boundaries indicated as approximately following the centerline of streets, highways, or alleys must be construed to follow such centerlines;
 - b. Boundaries indicated as approximately following platted lot lines must be construed as following such lot lines;
 - c. Boundaries indicated as following corporate limits must be construed as following corporate limits;
 - d. Boundaries indicated as following railroad lines must be construed to be midway between the main right-of-way
 - e. Boundaries indicated as following shore lines must be construed to follow such shore lines, and in the event of change in the shore line, boundaries must be constructed to move with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water must be construed to follow those center lines;
 - f. Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) must be so construed. Distances not specifically indicated on the Official Zoning Map must be determined by dimensions shown on the map, or in the absence of dimensions, by the scale of the map;
 - g. In the case of further uncertainty, or where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (a) through (f) above, the Board of Adjustment must interpret the district boundaries.

SECTION 3

EACH ZONING DISTRICT ITS INTENT AND DESCRIPTION USES AND STRUCTURES AND REGULATIONS

Residential Districts

- R-1E:** Estate-Family
- R-1A** Single-Family, Low-Density
- R-1B** Single-Family, Medium-Density
- R-1C** Single-Family, High-Density
- R-M** Single-Family, Manufactured
- R-2** Two-Family, Medium-Density
- R-4** Multi-Family, 4-Plex
- R-6** Multi-Family, 6-Plex
- R-8** Multi-Family, 8-Plex
- R-12** Multi-Family, 12-Plex

Commercial District

- C-1B** Neighborhood Business District
- C-2B** Community Business District
- C-10** Restricted Office District
- C-20** Office and Research District
- C-1S** Downtown Center District

Industrial District

- M-1** Light Industrial
- M-2** Heavy Industrial

Planned Area Development

- PAD** Planned Area Developments

Public Zoning

- P-1** Public Uses

R-1E

RESIDENTIAL DISTRICT ESTATE FAMILY

R-1E
.01

INTENT AND DESCRIPTION OF DISTRICT

The section intends to protect existing agricultural and other non-intensive uses to prevent premature development and non-orderly encroachment of higher intensity urban uses and to help guide urban growth into suitable areas. The district also intends to maintain and enhance agricultural operations and preserve agricultural lands used for crop production or for raising livestock, and to serve as a holding zone for lands where future urban expansion is possible, but not appropriate due to the lack of urban facilities and services. The preservation of agricultural land intends to prevent urban sprawl, control the public costs of providing urban services, and reduce urban-rural conflicts that arise because of premature development of rural areas. The district also intends to preserve open space and natural resource areas.

R-1E
.02

PRINCIPAL USES AND STRUCTURES PERMITTED

- A. Dwellings, Single-family.
- B. Agriculture, horticulture, dairy farming, poultry farming, livestock farming, general farming, truck gardening, and other agricultural activities.
- C. Those structures essential to farming operations not otherwise restricted within this Ordinance
- D. Parks, playgrounds, and recreation areas.

R-1E
.03

ACCESSORY USES AND STRUCTURES PERMITTED

The following uses and structures, accessory to a principal permitted use or a special exception use, are permitted subject to the provisions of Section 9.05.

- A. Private garages.
- B. Farm buildings incidental to agricultural uses.
- C. Private greenhouses or plant nurseries not operated for commercial purposes.
- D. Private swimming pools.
- E. Temporary uses or structures used *in conjunction with construction work*; provided, however, such buildings are in compliance with the provisions of Section 9.21

R-1E

.04 SPECIAL EXCEPTION USES

The following special exceptions are permitted in the Estate-Family District, subject to provisions of Section 11.07, which mandates the approval of all special exceptions by the Board of Adjustments.

- A. Public utilities
- B. Recreational development, seasonal use, or temporary use
- C. Roadside stand for sale of produce raised on the premises
- D. Dog kennels and dog runs
- E. Greenhouses and plant nurseries operated for commercial purposes
- F. Airports—meeting or exceeding the most current FAA Standards and Regulations
- G. Communication Towers – subject to the provisions of Section 9.17 .

R-1E

.05 AREA REQUIREMENTS

The minimum lot areas and widths, density, setbacks, and height restrictions, are prescribed in the following **Table R-1-E**; provided however, the following requirements must be applied when applicable:

- A. Any lot adjacent to U.S. Highway 6, in any way, must have a 20 foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, which must be required to have a 32 foot setback, in addition to the minimum yard requirements stated herein.
- B. Any lot adjacent to a railroad right-of-way, in any way, must have a 50-foot setback in addition to the minimum yard requirement stated herein.
- C. Day care facilities must provide a minimum of 150 square feet of outdoor play area for each child in its care.

R-1E

.06 SIGN REGULATIONS

Signs are permitted according to the provisions of Section 6.

R-1E

.07 PARKING AND LOADING REGULATIONS

Parking and loading regulations are according to the provisions of Section 7.

R-1E

.08 LIGHTING REGULATIONS:

Exterior lighting is regulated according to the provisions of Section 8.

R-1E

.09 LANDSCAPING REGULATIONS

At the time of new construction all zones must be required to supply a landscaping plan for review by the Planning and Zoning commission or the city designee. The plan must be appropriate to the zone and must be submitted at the time of the application for building permit and must be subject to review and approval by the city.

Residential zones must provide in their landscaping plans for the placement of no less than one (1) deciduous tree per building parcel. The city review board may also request additional landscaping such as shrubs and border vegetation if this should appear to be beneficial to the entirety of the building plan.

R-1E

.10 SPECIAL REGULATIONS

A. Stockyard Operation Regulations

No person may operate or maintain a stockyard, animal enclosure, animal feeding operation, open feedlot, or confinement feeding operation as any use in any R-1E district within the corporate limits of the City.

B. Kennel Operation Regulations

No person may operate or maintain a kennel in any R-1E district within the corporate limits of the City of Tiffin without having obtained a license from the City.

TABLE R-1E
RESIDENTIAL, SINGLE FAMILY-ESTATE
Minimum Lot Requirements

<i>R-1E</i>	Minimum Lot Requirements			Minimum Yard Requirements				
	Frontage Width (ft)	Depth (ft)	Area (sq ft)	Front Yard Depth (ft)	Each Side Yard Width (ft)	Street Side, Corner Lot (ft)	Rear Yard Depth (ft)	Maximum Height
Permitted Principal Uses and Structures	100	180	18,000	30	25	25	35	2 1/2 stories or 38 ft
Permitted Accessory Uses and Structures	80	100	18,000	40	20	20	40	2 1/2 stories or 38 ft

R-1A, R-1B, R-1C

RESIDENTIAL DISTRICT

LOW-DENSITY SINGLE FAMILY

R-1A, R-1B, R-1C

.01 INTENT and DESCRIPTION OF DISTRICTS

This district intends to establish and preserve quiet single-family, residential neighborhoods free from other uses except those that are both compatible with and convenient to the residents of the district. The single-family, residential district will be comprised of larger lots than required within the other residential districts in order to maintain a low population density.

R-1A The R-1A Single-Family Residential District intends to provide and maintain low-density, single-family residential neighborhoods with a minimum lot size of 18,000 square feet. This district is protected from the encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

R-1B: The R-1B Single-Family Residential District intends to provide and maintain low-density, single-family residential neighborhoods with a minimum lot size of 14,000 square feet. This district is protected from the encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

R-1C: The R-1C Single-Family Residential District intends to provide and maintain low-density, single-family residential neighborhoods with a minimum lot size of 10,000 square feet. This district is protected from the encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

R-1A, R-1B, R-1C

.02 PRINCIPAL USES AND STRUCTURES PERMITTED

- A. Dwellings, single-family
- B. Churches and temples
- C. Public schools, elementary, junior high and high schools
- D. Parochial or private schools having no rooms used regularly for housing or sleeping purposes
- E. Public buildings, public and semi-public parks, playgrounds, community centers, libraries and museums

R-1A, R-1B, R-1C

.03 ACCESSORY USES AND STRUCTURES PERMITTED

The following uses and structures, accessory to a principal permitted use or a special exception use, are permitted subject to the provisions of Section 9.05:

1. Private garages
2. Private swimming pools
3. Private greenhouses not operated for commercial purposes
4. Garden sheds
5. Accessory uses or structures according to the provisions of Section 9.05
6. Temporary uses or structures used in conjunction with construction work; provided however, the buildings comply with the provisions of Section 9.21.

R-1A, -R-1B, R-1C

.04 SPECIAL EXCEPTION USES

The following special exceptions are permitted in the R-1A, R-1B, and R-1C Districts, subject to provisions of Section 11.07, which mandates the approval of all special exceptions by the Board of Adjustment.

- A. Cemetery or mausoleum
- B. Public utilities
- C. Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit
- D. Long-term care facilities
- E. Day care facilities

R-1A, R-1B, R-1C

.05 AREA REQUIREMENTS

The minimum lot areas and widths, density, setbacks, and height restrictions, are as prescribed in the following **Table R-1A, R-1B and R-1C**; provided however, the following requirements apply when applicable:

- A. Any lot adjacent to U.S. Highway 6, in any way, is required to have a 20-foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, which are required to have a 32-foot setback, in addition to the minimum yard requirements state herein.
- B. Any lot adjacent to a railroad right-of-way, in any way must be required to have a 50-foot setback in addition to the minimum yard requirement stated herein.

- C. Day care facilities must provide a minimum of one hundred fifty (150) square feet of outdoor play area for each child capable in its care.

R-1A, R-1B, R-1C

.06 SIGNS REGULATIONS

Signs are permitted according to the provisions of Section 6.

R-1A, R-1B, R-1C

.07 PARKING AND LOADING REGULATIONS

Parking and loading must be provided according to the provisions or Section 7.

R-1A, R-1B, R-1C

.08 LIGHTING REGULATIONS

Exterior lighting is regulated according to the provisions of Section 8.

R-1A, R-1B, R-1C

.09 LANDSCAPING REGULATIONS

At the time of new construction, all zones require a landscaping plan for review by the Planning and Zoning Commission or the city designee. The plan must be appropriate to the zone and must be submitted at the time of application for a building permit. The plan is subject to review and approval of the city.

Applicants in residential zones must provide in their landscaping plans no less than one deciduous tree per building parcel. The P&Z may also request additional landscaping, such as shrubs and border vegetation if this appears to be beneficial to the entirety of the building plan.

. R-1A, R-1B, R-1C

.10 SPECIAL REGULATIONS:

As of the effective date of this Ordinance, there are no special regulations; however, this provision is subject to amendment.

TABLE R1A

R-1A Single-Family Residential District Minimum Lot Requirements

<i>R-1A</i>	Minimum Lot Requirements			Minimum Yard Requirements				
	Frontage Width (ft)	Depth (ft)	Area (sq ft)	Front Yard Depth (ft)	Each Side Yard Width (ft)	Street Side, Corner Lot (ft)	Rear Yard Depth (ft)	Maximum Height
Permitted Principal Uses and Structures	100	180	18,000	30	10	15	30	2 1/2 stories or 38 ft
Permitted Accessory Uses and Structures	80	100	18,000	40	20	20	40	2 1/2 stories or 38 ft

TABLE R1B

R-1B Single-Family Residential District Minimum Lot Requirements

<i>R-1B</i>	Minimum Lot Requirements			Minimum Yard Requirements				
	Frontage Width (ft)	Depth (ft)	Area (sq ft)	Front Yard Depth (ft)	Each Side Yard Width (ft)	Street Side, Corner Lot (ft)	Rear Yard Depth (ft)	Maximum Height
Permitted Principal Uses and Structures	90	150	14,000	30	10	15	30	2 1/2 stories or 38 ft
Permitted Accessory Uses and Structures	80	100	14,000	40	20	20	40	2 1/2 stories or 38 ft

TABLE R1C

R-1C Single-Family Residential District Minimum Lot Requirements

<i>R-1C</i>	Minimum Lot Requirements			Minimum Yard Requirements				
	Frontage Width (ft)	Depth (ft)	Area (sq ft)	Front Yard Depth (ft)	Each Side Yard Width (ft)	Street Side, Corner Lot (ft)	Rear Yard Depth (ft)	Maximum Height
Permitted Principal Uses and Structures	80	100	10,000	30	10	15	30	2 1/2 stories or 38 ft
Permitted Accessory Uses and Structures	80	100	10,000	40	20	20	40	2 1/2 stories or 38 ft

R-2

RESIDENTIAL DISTRICT

MEDIUM-DENSITY TWO-FAMILY

R-2
.01

INTENT and DESCRIPTION OF DISTRICT

This district intends to establish and provide lower cost and higher density two-family, residential neighborhoods. R-2 intends to allow for attached single-family dwellings joined together on a common boundary line with a common wall between units. This district is protected from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

R-2
.02

PRINCIPAL USES AND STRUCTURES PERMITTED

- A. Dwellings, Single-family and Two-family
- B. Churches and temples
- C. Public schools, elementary, junior high and high schools
- D. Parochial or private schools having no rooms used regularly for housing or sleeping purposes
- E. Public buildings, public and semi-public parks, playgrounds, community centers, libraries and museums
- F. Family group care homes

R-2
.03

ACCESSORY USES AND STRUCTURES PERMITTED

The following uses and structures accessory to a principal permitted use or a special exception use are permitted subject to the provisions of Section 9.05.

- A. Private garages
- B. Private swimming pools
- C. Private greenhouses not operated for commercial purposes
- D. Garden houses
- E. Accessory uses or structures according to the provisions of Section 9.05
- F. Temporary uses or structures used in conjunction with construction work; provided however, such buildings complies with the provisions of Section 9.21

R-2
.04

SPECIAL EXCEPTION USES

The following special exceptions are permitted in the R-2 District, subject to provisions of Section 11.07, which mandates the approval of all special exceptions by the Board of Adjustment.

- A. Cemetery or mausoleum
- B. Public utilities
- C. Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit
- D. Long-term care facilities
- E. Day care facilities
- F. Bed and breakfast houses

R-2
.05

AREA REQUIREMENTS

The minimum lot areas and widths, density, setbacks, and height restrictions, are as prescribed in the following Table R2; provided however, the following requirements must apply when applicable:

- A. Any lot adjacent to U.S. Highway 6, in any way, must be required to have a 20-foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, which must have a 32-foot setback, in addition to the minimum yard requirements stated herein.
- B. Any lot adjacent to a railroad right-of-way, in any way must have a 50-foot setback in addition to the minimum yard requirement stated herein.
- C. Day care facilities must provide a minimum of 150 square feet of outdoor play area for each child capable in its care.

R-2
.06

SIGNS REGULATIONS

Signs are permitted according to the provisions of Section 6.

R-2
.07

PARKING AND LOADING REGULATIONS

Parking and loading must be provided according to the provisions of Section 7

R-2
.08

LIGHTING REGULATIONS

Exterior lighting is regulated according to the provisions of Section 8.

R-2
.09

LANDSCAPING REGULATIONS

At the time of application for a building permit, all applicants must supply a landscaping plan for review by the Planning and Zoning Commission or the city designee. The plan must be appropriate to the zone and must be submitted at the time of application for the building permit. The plan is subject to review and approval of the city.

Applicants in R-2 zones must provide in their landscaping plans for no less than one deciduous tree per residential unit. The P&Z may also request additional landscaping, such as shrubs and border vegetation if this appears to be beneficial to the building plan.

R-2
.10

SPECIAL REGULATIONS

Separate or divided ownership of each single-family unit of a two-family dwelling unit is permitted if the following requirements are met:

- A. The lot or parcel of real estate is divided into two parcels, allowing separate ownership of each. Each unit must meet all of the requirements for uses permitted in the R2 District.
- B. A two-family dwelling unit consists of two laterally-attached dwelling units with each unit having a separate access and separate utility services, including gas, water, sewer, and electricity.
- C. The division of the lot into two parcels must allow a one single-family dwelling unit on either side of a common boundary line with the common wall between the two laterally joined single-family dwelling units.
- D. Prior to division of the lot or parcel into two parcels, an applicant must submit to the City Clerk seven copies of proposed restrictive and protective covenants. The covenants must provide that the owners of each parcel divided are jointly and severally liable and responsible for the maintenance and repair of the common wall, as well as of all other common aspects. This requirement includes, but not limited to, utilities, water, sanitary sewer, storm sewer, easements, and driveways, all to the point of division. The Planning and Zoning Commission must determine within 60 days whether the proposed covenants meet the requirements of this paragraph. If approved, the P&Z must return one copy of the covenants to the owners. At that time, the owners must record the covenants at the Office of the Johnson County Recorder. If the Planning and Zoning Commission determines that the proposed Covenants are not satisfactory, the owner must be notified. The applicant may submit a new set of proposed covenants, which must embody the corrections or clarifications deemed necessary by the Planning and Zoning Commission.
- E. The two-family dwelling unit is, other than its divided ownership, considered as any other residential dwelling and must meet all requirements pertaining to residential dwellings.

- F. Zero lot-line dwellings may be created by filing an application at the time of submitting an application for a building permit. The application must state that the applicant intends to build a residential structure on two adjoining lots as a zero lot-line or multi-family structure that otherwise conforms with Sections R-2.09.A through R-2.09.E. All covenants and restrictions on the land and structures must be consistent with those restrictions and conditions found in Sections R-2.09A through R2.09.E. The zero lot-line dwelling structure must meet all of the minimum lot sizes and setback requirements applicable as described in **Table R-2** as follows.

TABLE R-2
TWO-FAMILY RESIDENTIAL
Minimum Lot Requirements

<i>R-2</i>	Minimum Lot Size Requirements			Minimum Yard Requirements					
	Frontage Width (ft)	Depth (ft)	Area (sq ft)	Front Yard Depth (ft)	Side Yard One Story (ft)	Side Yard Two Story (ft)	Street Side, Corner Lot (ft)	Rear Yard Depth (ft)	Maximum Height
Permitted Principal Uses and Structures	80	100	12,000	20	10	10	20	30	2 1/2 stories or 38 ft
Permitted Accessory Uses and Structures	80	100	18,000	30	10	10	20	40	2 1/2 stories or 38 ft

R-4, R-6, R-8, R-12

RESIDENTIAL DISTRICT MULTI-FAMILY

R-4, R-6, R-8, R-12

.01 INTENT AND DESCRIPTION OF DISTRICT

This district intends to establish and provide lower cost and higher density multi-family residential neighborhoods. Each sub-district described below seeks:

- R-4: To provide and maintain low-density, multiple family housing residential neighborhoods up to four units per dwelling, not including any type of dwelling that would be included in another subsequent zoning district.
- R-6: To provide and maintain low-density multiple family housing residential neighborhoods up to six units per dwelling not including any type of dwelling that would be included in another subsequent zoning district.
- R-8: To provide and maintain low- density multiple family housing residential neighborhoods up to eight units per dwelling not including any type of dwelling that would be included in another subsequent zoning district.
- R-12: To provide and maintain low-density, multiple family housing residential neighborhoods up to twelve units per dwelling not including any type of dwelling that would be included in another subsequent zoning district.

R-4, R- 6, R- 8, R-12

.02 PRINCIPAL USES AND STRUCTURES PERMITTED

- A. Multiple-family dwellings unit structures as particularly described by Section .01 above.
- B. Churches and temples
- C. Public schools, elementary, junior high and high schools
- D. Parochial or private schools having no rooms used regularly for housing or sleeping purposes
- E. Public buildings, public and semi-public parks, playgrounds, community centers, libraries and museums
- F. Family group care homes

R-4, R-6, R-8, R-12

.03 ACCESSORY USES AND STRUCTURES PERMITTED

The following uses and structures accessory to a principal permitted use or a special exception use is permitted subject to the provisions of Section 9.05.

- A. Private garages
- B. Private swimming pools
- C. Private greenhouses not operated for commercial purposes
- D. Garden houses
- E. Accessory uses or structures according to the provisions of Section 9.05.
- F. Temporary uses or structures used *in conjunction with construction work*; provided however, such buildings complies with the provisions of Section 9.21.

R-4, R- 6, R- 8, R-12

.04 SPECIAL EXCEPTION USES

The following special exception uses are permitted in the R-4, R-6, R-8, R-12 Districts, subject to provisions of Section 11.07, which mandates the approval of all special exceptions by the Board of Adjustment.

- A. Cemetery or mausoleum
- B. Public utilities
- C. Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit
- D. Long-term care facilities
- E. Day care facility
- F. Bed and breakfast houses

R-4, R-6, R-8, R-12

.05 AREA REQUIREMENTS

The minimum lot areas and widths, density, setbacks and height restrictions, are as prescribed in the following tables:

- R-4 See Table R-4
- R-6 See Table R-6
- R-8 See Table R-8
- R-12 See Table R-12

However, the following requirements applied when applicable:

- A. Any lot adjacent to U.S. Highway 6, in any way, must be required to have a 20-foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, which must be required to have a 32-foot setback, in addition to the minimum yard requirements state herein.
- B. Any lot adjacent to a railroad right-of-way, in any way must be required to have a 50-foot setback in addition to the minimum yard requirement stated herein.
- C. Day care facilities must provide a minimum of 150-square feet of outdoor play area for each child cared for.

R-4, R-6, R-8, R-12

.06 SIGN REGULATIONS

Signs are permitted according to the provisions of Section 6.

R-4, R-6, R-8, R-12

.07 PARKING AND LOADING REGULATIONS

Parking and loading must be provided according to the provisions or Section 7.

R-4, R-6, R-8, R-12

.08 LIGHTING REGULATIONS

Exterior lighting is regulated according to the provisions of Section 8.

R-4, R-6, R-8, R-12

.09 LANDSCAPING REGULATIONS

At the time of a building permit in any zone, an applicant must supply a landscaping plan for review by the Planning and Zoning Commission or the city designee. The plan must be appropriate to the zone and must be submitted at the time of application for the building permit. The application is subject to review and approval of the city.

Residential zones of R-4 and R-6 must provide in their landscaping plan for the placement of no less than three deciduous trees per building parcel.

Residential zones of R-8 must provide in their landscaping plan for the placement of no less than four deciduous trees per any building parcel.

Residential zones of R-12 must provide in their landscaping plan for the placement of no less than six deciduous trees per building parcel.

The city may also request additional landscaping, such as shrubs and border vegetation if this should appear to be beneficial to the building plan.

R-4, R-6, R-8, R-12

.10 SPECIAL REGULATIONS

Separate or divided ownership of each single-family unit of a multi-family dwelling is permitted under the multi-family residential district, if the requirements of Section R-2.09 are met.

Table R-4
R-4 Minimum Lot Requirements

R-4	Minimum Lot Size Requirements			Minimum Yard Requirements					
	Frontage Width (ft)	Depth (ft)	Area (sq ft)	Front Yard Depth (ft)	Side Yard One Story (ft)	Side Yard Two Story (ft)	Side Yard Street Side, Corner Lot (ft)	Rear Yard Depth (ft)	Maximum Height
Permitted Principal Uses and Structures	80	100	16,000	20	10	12	15	30	2 1/2 stories or 38 ft
Permitted Accessory Uses and Structures	80	100	12,000	40	20	20	25	40	2 1/2 stories or 38 ft

Table R-6
R-6 Minimum Lot Requirements

R-6	Minimum Lot Size Requirements			Minimum Yard Requirements					
	Frontage Width (ft)	Depth (ft)	Area (sq ft)	Front Yard Depth (ft)	Side Yard One Story (ft)	Side Yard Two Story (ft)	Side Yard Street Side, Corner Lot (ft)	Rear Yard Depth (ft)	Maximum Height
Permitted Principal Uses and Structures	80	100	20,000	20	10	12	15	30	2 1/2 stories or 38 ft
Permitted Accessory Uses and Structures	80	100	14,000	40	20	20	25	40	2 1/2 stories or 38 ft

Table R-8
R-8 Minimum Lot Requirements

R-8	Minimum Lot Size Requirements			Minimum Yard Requirements					
	Frontage Width (ft)	Depth (ft)	Area (sq ft)	Front Yard Depth (ft)	Side Yard One Story (ft)	Side Yard Two Story (ft)	Side Yard Street Side, Corner Lot (ft)	Rear Yard Depth (ft)	Maximum Height
Permitted Principal Uses and Structures	80	100	24,000	20	10	12	15	30	2 1/2 stories or 38 ft
Permitted Accessory Uses and Structures	80	100	18,000	40	20	20	25	40	2 1/2 stories or 38 ft

Table R-12
R-12 Minimum Lot Requirements

R-12	Minimum Lot Size Requirements			Minimum Yard Requirements					
	Frontage Width (ft)	Depth (ft)	Area (sq ft)	Front Yard Depth (ft)	Side Yard One Story (ft)	Side Yard Two Story (ft)	Side Yard Street Side, Corner Lot (ft)	Rear Yard Depth (ft)	Maximum Height
Permitted Principal Uses and Structures	80	100	30,000	20	10	12	15	30	2 1/2 stories or 38 ft
Permitted Accessory Uses and Structures	80	100	26,000	40	20	20	25	40	2 1/2 stories or 38 ft

R-M

RESIDENTIAL DISTRICT

MANUFACTURED HOUSING

R-M

.01 INTENT and DESCRIPTION OF DISTRICT

This district intends to accommodate residential manufactured housing in areas of the community where their use will be compatible with existing and projected development. This district will usually be located in outlying areas of the City and should be well served by adequate sewers, water service, streets, police and fire protection, and similar public facilities and services

R-M

.02 PRINCIPAL USES AND STRUCTURES PERMITTED

Manufactured Housing Residential Family dwelling unit as particularly defined herein under "Manufactured Home". A "manufactured home" is not a "mobile home", which are addressed in Section R-M.01.

R-M

.03 ACCESSORY USES AND STRUCTURES PERMITTED

Uses and structures, accessory to a principal permitted use or a special exception use, are permitted subject to the provisions of Section 9.05.

R-M

.04 SPECIAL EXCEPTION USES

The following special exceptions are permitted in the Manufactured Home Residential District, subject to provisions of Section 11.07, which mandates the approval of all special exceptions by the Board of Adjustment.

- A. Cemetery or mausoleum
- B. Public utilities
- C. Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit
- D. Long-term care facilities.
- E. Day care facility
- F. Bed and breakfast houses

R-M.05 AREA REQUIREMENTS

The minimum areas and widths, density, setbacks, and height restrictions, are as prescribed in the following Table RM; provided however, the following requirements must be applied when applicable:

- A. Any lot adjacent to U.S. Highway 6, in any way, is required to have a 20-foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, which must be required to have a 32-foot setback, in addition to the minimum yard requirements state herein.
- B. Any lot adjacent to a railroad right-of-way, in any way must be required to have a 50-foot setback in addition to the minimum yard requirement stated herein.
- C. Day care facilities must provide a minimum of 150-square feet of outdoor play area for each child cared for.

R-M.06 SIGN REGULATIONS

Signs are permitted according to the provisions of Section 6.

R-M.07 PARKING REGULATIONS

Parking must be provided according to the provisions of Section 7.

R-M.08 LIGHTING REGULATIONS

Exterior lighting is regulated according to the provisions of Section 8.

R-M.09 LANDSCAPING REGULATIONS

At the time of a building permit in any zone, the applicant must supply a landscaping plan for review by the Planning and Zoning commission or the city designee. The plan must be appropriate to the zone and must be submitted at the time of application for the building permit. The plan is subject to review and approval of the city.

Residential zones must provide in their landscaping plans for the placement of no less than one deciduous tree per building parcel. The P&Z may also request additional landscaping, such as shrubs and border vegetation if it appears to be beneficial to the building plan.

R-M.10 SPECIAL REGULATIONS

Manufactured homes converted to real estate must be at least 22 feet wide and must comply with the same yard and area requirements as two-family dwellings in the R-2 district. In addition, the following requirements must be met:

The manufactured homes must be located on and permanently attached to a cement slab that is a minimum length of the trailer itself and of a width of a least four feet greater than the actual width of the trailer such that the slab extends four feet or more beyond the side of the manufactured home on the doorway side.

No manufactured home must be located, occupied, or used as a temporary place of residence except in accordance with the provisions of this Ordinance.

Table R-M

R-M MINIMUM LOT REQUIREMENTS

<i>R-M</i>	Minimum Lot Size Requirements			Minimum Yard Requirements					
	Frontage Width (ft)	Depth (ft)	Area (sq ft)	Front Yard Depth (ft)	Side Yard One Story (ft)	Side Yard Two Story (ft)	Side Yard Street Side, Corner Lot (ft)	Rear Yard Depth (ft)	Maximum Height
Permitted Principal Uses and Structures	60	100	6,000	15	10	15	15	15	1 1/2 stories or 15 ft
Permitted Accessory Uses and Structures	80	100	10,000	40	20	20	25	40	1 1/2 stories or 15 ft

COMMERCIAL DISTRICTS BUSINESS, OFFICE, SPECIALIZED

INTENT AND DESCRIPTION OF DISTRICT

Commercial district regulations are intended to govern the location, intensity, and method of development of the businesses, offices, and services needed to serve the residents and commercial patrons of the City of Tiffin. The regulations in each district provide for groupings of business, office, and service uses that are compatible in the type of commodity sold, the activity performed, and the services offered. Petitioners for commercial zoning are encouraged to apply for such zoning only in areas designated for "commercial or office research" uses on the Land Use Plan of the City of Tiffin, Iowa.

There are three (3) major classifications of commercial activity, each with sub classifications:

COMMERCIAL/BUSINESS DISTRICTS:

C-1B = Neighborhood Business District

C-2B = Community Business District

COMMERCIAL/OFFICE DISTRICTS:

C-1O = Restricted Office District

C-2O = Office and Research District

COMMERCIAL/SPECIALIZED DISTRICTS:

C-1S = Downtown District

To determine the restrictiveness of the commercial zoning classifications, each of the districts must be deemed independent and equally restrictive, with no hierarchy, cumulateness, or progression applying among them.

C-1B

COMMERCIAL DISTRICT

NEIGHBORHOOD BUSINESS

C-1B

.01 INTENT AND DESCRIPTION OF DISTRICT

This district intends to encourage the development of small neighborhood shopping areas with planned off-street parking and loading. It provides for the day-to-day shopping needs of persons residing within an adjacent neighborhood, and it permits uses and activities that are necessary to satisfy most basic shopping requirements. The district is usually located at the convergence of secondary arterial or collector thoroughfares and is relatively small.

C-1B

.02 PRINCIPAL USES AND STRUCTURES PERMITTED

Permitted uses of land or buildings, as hereinafter enumerated in the following Table C, are permitted in the C-1B District only in accordance with conditions specified. Only those uses specifically listed hereunder are considered permitted uses. No building or lot may be devoted to any use other than a use permitted hereunder, with the exception of:

- A. Permitted Principal Uses as listed in the following Table C (located at the end of the commercial sections).
- B. Second floor apartments subject to their compliance with Section 9.20.

C-1B

.03 ACCESSORY AND TEMPORARY USES AND STRUCTURES

Accessory and temporary uses or structures are permitted according to the provisions of Section 9.05 and Section 9.21.

C-1B

.04 SPECIAL EXCEPTION USES

Special exceptions, as hereinafter listed in the following Table C, may be allowed subject to the issuance of special exception permits in accordance with the provisions of Section 11.07.

Special exceptions may be required to meet more restrictive site and structure provisions if the City Council acting upon the recommendation of the Planning and Zoning Commission, determines that such requirements are necessary to the public, health, safety, and general welfare.

C-1B

.05 AREA REQUIREMENTS

The minimum area that may constitute a separate or detached part of the C-1B zoning district on the City of Tiffin Official Zoning Map or subsequent amendments to the map must be two acres. However, land zoned in the C-2B, or the C-1S zoning district, which immediately abuts or is directly across the street from land zoned in the C-1B classification, may be included in the calculations for meeting the minimum requirements.

The minimum area, setback, density and maximum height, must be as prescribed in the following Table C; provided however, the following requirements must be applied when applicable:

- A. Any lot adjacent to U.S. Highway 6, in any way, must be required to have a 20-foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, which must be required to have a 32-foot setback, in addition to the minimum yard requirements state herein.
- B. Any lot adjacent to a railroad right-of-way, in any way must be required to have a 50-foot setback in addition to the minimum yard requirement stated herein.
- C. Day care facilities must provide a minimum of 150-square feet of outdoor play area for each child cared for.

C-1B
.06

SIGN REGULATIONS

Signs are permitted according to the provisions of Section 6.

C-1B
.07

PARKING AND LOADING REGULATIONS

Parking and loading must be provided according to the provisions of Section 7.

C-1B
.08

LIGHTING REGULATIONS

Exterior lighting is provided according to the provisions of Section 8.

C-1B
.09

LANDSCAPING REGULATIONS

At the time of application for a building permit, all commercial zones must supply a landscaping plan for review by the Planning and Zoning Commission or the city designee. The landscaping plan must be appropriate to the zone and must be submitted at the time of application for the building permit. The plan is subject to review and approval of the city.

Commercial zones must provide in their landscaping plans for the placement of no less than one deciduous tree for each acre or less of zoned area. The city review may also request additional landscaping such as shrubs and border vegetation if this appears to be beneficial and conducive to a more esthetic, attractive, and orderly development of the area.

C-1B
.10

SPECIAL REGULATIONS:

- A. All business establishments must be retail or service in use dealing directly with consumers. All goods produced on the premises must be sold at retail on the premises where produced.
- B. All business, service, storage, and display of goods must be conducted within a completely enclosed structure, except for:

1. Agricultural uses
 2. Parking and loading, as regulated by Section 7.
 3. Automobile service stations
 4. Outdoor sale of building and garden supply materials and goods
 5. Sales or display of merchandise sold or offered for sale through vending machines, provided such machines do not occupy a ground area of more than sixteen (16) square feet
 6. Temporary outdoor or sidewalk sales
 7. Outdoor tables or seating areas accessory to restaurants
- C. Except for automobile laundries, automobile service stations, drive-in restaurants, drive-in banks, and savings and loan associations facilities, when authorized as special uses no business establishment may offer goods or service directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles.

C-2B

COMMERCIAL DISTRICT

COMMUNITY BUSINESS

C-2B

.01 INTENT AND DESCRIPTION OF DISTRICT

To encourage the development of commingled retail, service, and office uses within the community. The C-2B District is an intensive commercial classification in which the commingling of many retail, service, and office uses are permitted. Structures located in this district may vary from freestanding building to larger community shopping centers. Shopping centers that minimize curb cuts and signage, while maximizing aesthetics, are the preferred type of development in this zone. As this classification presents compatibility problems with less intensive classification, great care must be taken in mapping the C-2B zone. Normally, this district is located only at the convergence of major arterial thoroughfares.

C-2B

.02 PRINCIPAL USES AND STRUCTURES PERMITTED

Permitted uses of land or buildings, as hereinafter enumerated, may be permitted in the C-2B District only in accordance with conditions specified. Only those uses specifically listed hereunder may be considered permitted uses, and no building or lot may be devoted to any use other than a use permitted hereunder, with the exception of:

Principal Uses and Structures Permitted as listed in the following Table C.

C-2B

.03 ACCESSORY AND TEMPORARY USES & STRUCTURES

Accessory and temporary uses or structures according to the provisions of Section 9.05 and Section 9.21.

C-2B

.04 SPECIAL EXCEPTION USES

Special exceptions, as hereinafter listed in the following Table C, may be allowed subject to the issuance of special use permits in accordance with the provisions of Section 11.07.

Special exceptions may be required to meet more restrictive site and structure provisions if the City Council, acting upon the recommendation of the Planning and Zoning Commission, determines that such requirements are necessary to the public, health, safety and general welfare.

C-2B

.05 AREA REQUIREMENTS

The minimum area that may constitute a separate or detached part of the C-2B zoning district on the City of Tiffin Official Zoning Map, or subsequent amendments to the Map, must be two (2) acres. However, land zoned in the C-1B, C-1O, and/or C-1S zoning districts that immediately abuts or is directly across the street from land zoned in the C-2B classification, may be included in the calculations in meeting the minimum requirements.

The minimum area, setback, density and maximum height, may be as prescribed in the following Table C; provided however, the following requirements must be applied when applicable:

- A. Any lot adjacent to U.S. Highway 6, in any way, must be required to have a 20-foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, which must be required to have a 32-foot setback, in addition to the minimum yard requirements state herein.
- B. Any lot adjacent to a railroad right-of-way, in any way must be required to have a 50-foot setback in addition to the minimum yard requirement stated herein.
- C. Day care facilities must provide a minimum of 150-square feet of outdoor play area for each child cared for.

C-2B

.06 SIGN REGULATIONS

Signs are permitted according to the provisions of Section 6.

C-2B

.07 PARKING REGULATIONS

Parking must be provided according to the provisions of Section 7.

C-2B

.08 LIGHTING REGULATIONS

Exterior lighting must be as provided according to the provisions of Section 8.

C-2B

.09 LANDSCAPING REGULATIONS

At the time of application for a building permit, all applicants must supply a landscaping plan for review by the Planning and Zoning Commission or the city designee. The landscaping plan must be appropriate to the zone and must be submitted at the time of application for a building permit. The plan is subject to review and approval of the city.

Commercial zones must provide in their landscaping plans for the placement of no less than one deciduous tree for each acre or less of zoned area. The city review may also request additional landscaping such as shrubs and border vegetation if this should appear to be beneficial and conducive to a more esthetic, attractive and orderly development of the area.

C-2B

.10 SPECIAL REGULATIONS

- A. Residential uses are not permitted.
- B. All business establishments must be retail or service in use dealing directly with consumers. All goods produced on the premises must be sold at retail on the premises where produced.
- C. All business, service, storage, and display of goods must be conducted within a completely enclosed structure, except for:

1. Agricultural uses
 2. Parking and loading areas, as regulated by Section 7.
 3. Automobile service stations
 4. Outdoor sale of building and garden supply materials and goods
 5. Sales or display of merchandise sold or offered for sale through vending machines, provided such machines do not occupy a ground area of more than sixteen (16) square feet
 6. Temporary outdoor or sidewalk sales
 7. Outdoor tables or seating areas accessory to restaurants
- D. Except for automobile laundries, automobile service stations, drive-in restaurants, drive-in banks and savings and loan associations facilities, when authorized as special uses, no business establishment may offer goods or service directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles.

C-2B
.11

PERFORMANCE STANDARDS

All business establishments and activities must conform to the performance standards established for the M1-M2 District, provided that performance standards must in every case be applied at the boundaries of the zoning lot in which such activities take place.

C-10

COMMERCIAL DISTRICT RESTRICTED OFFICE

C-10

.01 INTENT AND DESCRIPTION OF DISTRICT

This district intends to provide for the development of small office structures, which may be located proximate to residential areas. Buildings located in this district are generally small one, to two- and a half-story structure, and can accommodate most professional office functions that require modest physical space. Also permitted are structures originally constructed for residential purposes, which are suitable for small offices and which are—from land use and zoning perspectives—justify such a use. These structures may either remain in residential usage or be adapted for use as small offices. Retail uses are severely limited and consist only of uses that directly supplement an office use (i.e. pharmacy supplements, a medical clinic). The district is normally located on primary or secondary thoroughfares, is relatively small, and requires protective measures to make the uses permitted more compatible with adjacent land uses.

C-10

.02 PRINCIPAL USES AND STRUCTURES PERMITTED

Permitted uses of land or buildings, hereinafter enumerated, may be permitted in the C-10 District only in accordance with conditions specified. Only those uses specifically listed hereunder may be considered permitted uses, and no building or lot may be devoted to any use other than a use permitted hereunder, with the exception of:

- A. Principal Uses and Structures Permitted as listed in following Table C.
- B. Second floor apartments subject to their compliance with Section 9.20.

C-10

.03 ACCESSORY AND TEMPORARY USES AND STRUCTURES

Accessory and temporary uses or structures according to the provisions of Section 9.05.

C-10

.04 SPECIAL EXCEPTION USES:

Special exceptions, as hereinafter listed, may be allowed subject to the issuance of special exception permits in accordance with the provisions of Section 11.07. Refer to the following Table C for a listing of Special Exception Uses.

Special exceptions uses may be required to meet more restrictive site and structure provisions if the City Council, acting on the recommendation of the Planning and Zoning Commission, determines that those requirements are necessary to the public health, safety, and general welfare.

C-10

.05 AREA REQUIREMENTS

There is no minimum area as to what may constitute a separate or detached part of the C-10 zoning district on the City of Tiffin Official Zoning Map or subsequent amendments to the map.

The minimum area, setback, density and maximum height, must be as prescribed in the following Table C; provided however, the following requirements must be prescribed when applicable:

- A. Any lot adjacent to U.S. Highway 6, in any way, must be required to have a 20-foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, which must be required to have a 32-foot setback, in addition to the minimum yard requirements state herein.
- B. Any lot adjacent to a railroad right-of-way, in any way, must be required to have a 50-foot setback in addition to the minimum yard requirement stated herein.
- C. Day care facilities must provide a minimum of 150-square feet of outdoor play area for each child cared for.

C-10

.06 SIGN REGULATIONS

Signs are permitted according to the provisions of Section 6.

C-10

.07 PARKING AND LOADING REGULATIONS

Parking and loading must be provided according to the provisions of Section 7.

C-10

.08 LIGHTING REGULATIONS

Exterior lighting is provided according to the provisions of Section 8.

C-10

.09 LANDSCAPING REGULATIONS

At the time of application for a building permit in all commercial zones, the applicant must supply a landscaping plan for review by the Planning and Zoning Commission or the city designee. The landscaping plan must be appropriate to the zone and must be submitted at the time of application for the building permit. The plan is subject to review and approval of the city.

Commercial zones must provide in their landscaping plans for the placement of no less than one deciduous tree for each acre or less of zoned area. The city review may also request additional landscaping such as shrubs and border vegetation, if this appears beneficial and conducive to a more esthetic, attractive, and orderly development of the area.

C-10

.10 SPECIAL REGULATIONS:

- A. Residential uses are not permitted on the same floor of the same building being used as a business.

- B. All business establishments must be retail or service in use dealing directly with consumers. All goods produced on the premises must be sold at retail on the premises where produced.
- C. All business, service, storage, and display of goods must be conducted within a completely enclosed structure, except for:
 - 1. Agricultural Uses
 - 2. Parking and loading areas, as regulated by Section 7.
 - 3. Automobile service stations
 - 4. Outdoor sale of building and garden supply materials and goods
 - 5. Sales or display of merchandise sold or offered for sale through vending machines, provided such machines do not occupy a ground area of more than sixteen (16) square feet
 - 6. Temporary outdoor or sidewalk sales
 - 7. Outdoor tables or seating areas accessory to restaurants
- D. Except for automobile laundries, automobile service stations, drive-in restaurants, and drive-in bank and savings and loan associations facilities, when authorized as special uses, no business establishment may offer goods or service directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles.

C-10

.11

PERFORMANCE STANDARDS

All business establishments and activities must conform to the performance standards established for the M1-M2 District, provided that performance standards must in every case be applied at the boundaries of the zoning lot in which such activities take place.

C-20

COMMERCIAL DISTRICT OFFICE AND RESEARCH

C-20

.01 INTENT AND DESCRIPTION OF DISTRICT

This district intends to establish a specialized classification where the development of large office structures and clean and light industries is encouraged. This district sets aside large, accessible land parcels where architecturally coordinated office and industrial structures can be constructed in a park-like atmosphere. Examples of typical C-20 developments might include the headquarters of a corporation, large research and development facilities, or office parks of substantial size. Due to the specialized nature of this district, retail and service uses are generally prohibited. This district is generally located on primary thoroughfares and generally requires at least five acres for each development.

C-20

.02 PRINCIPAL USES AND STRUCTURES PERMITTED

Permitted uses of land or buildings, as hereinafter enumerated, may be permitted in the C-20 District only in accordance with conditions specified. Only those uses specifically listed hereunder may be considered permitted uses. No building or lot may be devoted to any use other than a use permitted hereunder, with the exception of:

Principal Uses and Structures Permitted as listed in the following Table C.

C-20

.03 ACCESSORY AND TEMPORARY USES AND STRUCTURES

Accessory and temporary uses or structures according to the provisions of Section 9.05.

C-20

.04 SPECIAL EXCEPTION USES

Special exception uses, as hereinafter listed, may be allowed subject to the issuance of special exception permits in accordance with the provisions of Section 11.07. Refer to the following Table C for a listing of Special Use Exceptions.

Special exceptions may be required to meet more restrictive site and structure provisions if the City Council, acting upon the recommendation of the Planning and Zoning Commission, determines that such requirements are necessary to the public health, safety, and general welfare.

C-20

.05 AREA REQUIREMENTS

The minimum area that may constitute a separate detached part of the C-2B zoning district on the City of Tiffin Official Zoning Map or subsequent amendments to the map must be five acres. However, land zoned in the C-1O zoning district that immediately abuts or is directly across the street from land zoned in the C-2O classification, may be included in the calculations in meeting the minimum requirements.

The minimum area, setback, density and maximum height, must be as prescribed in the following Table C; provided however, the following requirements must be applied when applicable:

- A. Any lot adjacent to U.S. Highway 6, in any way, must be required to have a 20-foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, which must be required to have a 32-foot setback, in addition to the minimum yard requirements state herein.
- B. Any lot adjacent to a railroad right-of-way, in any way must be required to have a 50-foot setback in addition to the minimum yard requirement stated herein.
- C. Day care facilities must provide a minimum of 150-square feet of outdoor play area for each child cared for.

C-20

.06 SIGN REGULATIONS

Signs are permitted according to the provisions of Section 6.

C-20

.07 PARKING AND LOADING REGULATIONS

Parking and loading must be provided according to the provisions of Section 7.

C-20

.08 LIGHTING REGULATIONS

Exterior lighting is provided according to the provisions of Section 8.

C-20

.09 LANDSCAPING REGULATIONS

At the time of application for a building permit in all commercial zones, an applicant must supply a landscaping plan for review by the Planning and Zoning Commission or the city designee. The landscaping plan must be appropriate to the zone and must be submitted at the time of application for the building permit. The plan is subject to review and approval of the City.

Commercial zones must provide in their landscaping plans for the placement of no less than one deciduous tree for each acre or less of zoned area. The city review may also request additional landscaping such as shrubs and border vegetation if this appears to be beneficial and conducive to a more esthetic, attractive and orderly development of the area.

C-20
.10

SPECIAL REGULATIONS

- A. All business establishments must be retail or service in use dealing directly with consumers. All goods produced on the premises must be sold at retail on the premises where produced.
- B. All business, service, storage, and display of goods must be conducted within a completely enclosed structure, except for:
 - 1. Agricultural use
 - 2. Parking and loading areas, as regulated by Section 7.
 - 3. Automobile service stations
 - 4. Outdoor sale of building and garden supply materials and goods
 - 5. Sales or display of merchandise sold or offered for sale through vending machines, provided such machines do not occupy a ground area of more than sixteen (16) square feet
 - 6. Temporary outdoor or sidewalk sales
 - 7. Outdoor tables or seating areas accessory to restaurants
- C. Except for automobile laundries, automobile service stations, drive-in restaurants, drive-in banks and savings and loan associations facilities, when authorized as special uses, no business establishment may offer goods or service directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles.

C-20
.11

PERFORMANCE STANDARDS

All business establishments and activities must conform to the performance standards established for the M1-M2 District, provided that performance standards must in every case be applied at the boundaries of the zoning lot in which such activities take place.

C-1S

COMMERCIAL SPECIALIZED DISTRICT

DOWNTOWN CENTER

C-1S

.01 INTENT AND DESCRIPTION OF DISTRICT

This district intends to facilitate opportunities for small-scale, pedestrian-oriented developments and the potential for mixed-use developments, including: retail, office, or second-story residential, in a manner that reinforces the character of existing uses in areas situated around the block to include U.S. Highway #6, Grant Street, 3rd Street, and Main Street. This district intends to encourage wide sidewalks, street trees, ornamental lighting, street furniture, and public meeting places to help create a community atmosphere. The types of uses encouraged in this District include retail trade, commercial services, offices, cultural events, recreational options governmental buildings, and possible second-story residential dwellings. The C-1S District intends to accomplish these goals through the regulation of uses, lot and bulk standards, development design guidelines, and environment standards conducive to select areas of the City.

C-1S

.02 PRINCIPAL USES AND STRUCTURES PERMITTED

Permitted uses of land or buildings, as hereinafter enumerated, may be permitted in the CS-1 only in accordance with conditions specified. Only those uses specifically listed hereunder may be considered permitted uses, and no building or lot may be devoted to any use other than a use permitted hereunder, with the exception of:

- A. Principal Uses and Structures Permitted as listed in the following Table C.
- B. Second floor apartments subject to their compliance with Section 9.20.

C-1S

.03 ACCESSORY USES & STRUCTURES

Accessory and temporary uses or structures according to the provisions of Section 9.05.

C-1S

.04 SPECIAL EXCEPTION USES:

- A. Special exception uses, as hereinafter listed, may be allowed subject to the issuance of special exception permits in accordance with the provisions of this section. Refer to **Table C** for a listing of the Special Exception Uses.
- B. In addition to the exceptions set forth above as special exception uses, a proposed special exception use that contains any of the following characteristics is required to apply for a special exception use permit:
 - 1. Any use containing more than 5,000 square feet of floor area.
 - 2. Commercial establishments open 24 hour per day.

3. Non-residential uses incorporating a drive-through operation for pick-up or delivery of any item.
4. Commercial establishments using any kind of external speaker system to communicate with customers.
5. Commercial establishments having only one employee on the premises of the establishment after 10:00 pm and before 6:00 am.
6. Commercial establishments with outdoor overnight storage.

C-1S

.05 AREA REQUIREMENTS AND LOCATION

The C-1S District must apply to select parcels of land situated as defined by bordering roadways, U.S. Highway #6, Grant Street, 3rd Street, and Main Street.

The minimum area, setback, density and maximum height, must be as prescribed in the following Table C, under C-1S; provided however, the following requirements must be applied when applicable:

- A. Any lot adjacent to U.S. Highway 6, in any way, must be required to have a 20-foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, which must be required to have a 32-foot setback, in addition to the minimum yard requirements state herein.
- B. Any lot adjacent to a railroad right-of-way, in any way must be required to have a 50-foot setback in addition to the minimum yard requirement stated herein.
- C. **Minimum Size of Dwellings:** Residences, other than single family units, within the C-1S, must provide the following minimum sizes of livable floor area:
 1. One-bedroom units: 600 square feet
 2. Two-bedroom units: 800 square feet
 3. Three-bedrooms units: at least 1,000 square feet

C-1S

.06 SIGN REQUIREMENTS

Signs are permitted according to the provisions of Section 6.

C-1S

.07 PARKING REGULATIONS

Parking must be provided according to the provisions of Section 7.

C-1S

.08 LIGHTING REGULATIONS

Exterior lighting is provided according to the provisions of Section 8.

C-1S **LANDSCAPING REGULATIONS**

.09 At the time of application for a building permit all commercial zones, an applicant must supply a landscaping plan for review by the Planning and Zoning Commission or the city designee. The landscaping plan must be appropriate to the zone and must be submitted at the time of application for the building permit. It may be subject to review and approval of the city.

Applicants must provide in their landscaping plans for the placement of no less than one deciduous tree for each acre or less of zoned area. The City review may also request additional landscaping such as shrubs and border vegetation if it appears to be beneficial and conducive to a more esthetic, attractive and orderly development of the area.

C-1S
.10 **SPECIAL REGULATIONS**

- A.** Residential uses are not permitted on the same floor of the same building being used as a business.

- B.** All business establishments must be retail or service in use dealing directly with consumers. All goods produced on the premises must be sold at retail on the premises where produced.

- C.** All business, service, storage, and display of goods must be conducted within a completely enclosed structure, except for:
 - 1. Agricultural uses
 - 2. Parking and loading, as regulated by Section 7.
 - 3. Automobile service stations
 - 4. Outdoor sale of building and garden supply materials and goods
 - 5. Sales or display of merchandise sold or offered for sale through vending machines, provided such machines do not occupy a ground area of more than 16 square feet
 - 6. Temporary outdoor or sidewalk sales
 - 7. Outdoor Tables or Seating Areas Accessory to Restaurants

- D.** Except for automobile laundries, automobile service stations, drive-in restaurants, and drive-in bank and savings and loan associations facilities, when authorized as special uses no business establishment must offer goods or service directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles.

C-1S
.11 **PERFORMANCE STANDARDS**

All business establishments and activities must conform to the performance standards established for the M1-M2 District, provided that performance standards must in every case be applied at the boundaries of the zoning lot in which such activities take place.

SITE AND PLAN REVIEW

To insure compliance with the provisions of this Section, any construction, change in use, or increase in the intensity of an existing use, but excluding normal maintenance activity, in the C-1S district, a site plan must be required for review by the Planning and Zoning Commission and approval by the City of Tiffin City Council prior to the issuance of a building permit. This process intends to insure that all development proposals comply with applicable city codes, ordinances, standards, and policies. At the time of application for either a permitted use or special use, a Site Plan must be presented and must include the below listed requirements

A. Existing Conditions

1. Base Map: A base map of the subject site and all area within a minimum distance of 160 feet of the subject site must be prepared indicating either directly on the map or on accompanying tables:
2. Boundary lines and area in square feet of the subject site
3. Boundary lines and area, in square feet, of all other parcels of property within a minimum of 160 feet of the subject site
4. Street rights-of-way and improvements including pavement widths, parking areas, access drives; any obstructions to sight distance (topographic or other) and other related pertinent information.
5. Existing utilities and locations including sanitary and storm sewers, water mains, gas lines, and telephone or electric poles.
6. .Location of structural improvements and use designations.
7. Actual building setback lines in the area including front yards, rear yards, side yards, interior side yards or corner side yards.
8. Actual floor area ratios for the subject site and improvements and actual floor area ratios for each of the other parcels in the area and their related improvements.
9. Map data including scale, orientation, and date.
10. Environmental Statement: A statement must be prepared which identifies any pertinent natural conditions of the site and the area within a minimum distance of 160 feet of the subject site including, but not limited to, flood plains or floodways, drainage patterns, soils with server limitations for development or landscaping or natural vegetation amenities.

B. Proposed Conditions

1. Development Plan Map: Using the information from the Base Map of the Existing Conditions Survey, a Development Plan Map must be prepared at the same scale as the Survey Base Map. Some of

the information requested herein is applicable only to redevelopment of existing developed areas. The applicant must provide the following information:

2. Any changes to the outside dimensions of the structures of the subject site
3. Any changes to the setback lines
4. Any changes to the floor area ratio
5. Proposed access and parking system
6. Any changes to the service system for utilities including sanitary and storm sewer, water mains, gas lines, and above ground or below ground service for telephone or electric service
7. Any proposed landscaping, fencing, lighting, signage or other development detailing associated with the proposed plan.
8. Development Plan Statement
9. A statement must be prepared that addresses each of the elements of the Development Plan Map and explains the relationship of these proposed improvements to the conditions of the area to include:
10. Any conditions, covenants, or other guarantees that are proposed to assure the implementation of the proposed Development Plan should also be included as part of the Development Plan Statement.

C. Major and Minor Changes

1. Changes that alter the concept of the special use in regards to use, site and structure provisions and architectural character, may be approved by submission and reconsideration of all the requirements for the Special Use Plan and Standards.
2. Changes that do not alter the concept of the use and architectural character may be submitted to the City of Tiffin City Council. This submission must include a Base Map and Development Plan Map, as set forth herein, and the applicable items for the Development Plan Statement. If the City of Tiffin City Council finds that the changes to the special use do not alter the concept of the special use in the opinion of the City Council, then in accordance with procedures established in their rules, the City Council may approve or deny the changes. If the City of Tiffin City Council finds that the changes do alter the concept of the special use, then the applicant should follow the procedures for submitting a change in concept of the special use with all required submissions to the Planning and Zoning Commission.

C-1S
.13

DESIGN STANDARDS

A. FOR PERMITTED & SPECIAL EXCEPTIONS

In considering development or redevelopment of property in the C-1S, the Planning and Zoning Commission will consider a range of issues, including the following general categories

1. Overall Site Planning
2. Building Design Elements
3. Parking
4. Landscaping
5. Signage

B. FOR SPECIAL EXCEPTION USES

No special use will be recommended in the C-1S unless the Planning and Zoning Commission finds:

1. That the special use is consistent with the general intentions of the District as indicated in the description of the District.
2. That any divergence from the site and structure provisions of the Existing Conditions Survey relate to benefits for the development of the area.
3. That the proposed Architectural Improvements are consistent with the architectural observations of the area as indicated in the Architectural Statement of the Existing Conditions Survey and that these improvements are consistent with the intent of the District in providing small-scale pedestrian-oriented development
4. That the proposed improvements associated with the special use including, but not limited to, parking areas and drives, landscaping, fencing, lighting, sign or other development detail, are consistent with the intent of the District in providing small scale pedestrian-oriented development.

TABLE C – COMMERCIAL DISTRICTS
(P=Permitted Uses; NP=Non Permitted Uses; SP (Special Uses))

	C-1B	C-2B	C-10	C-20	C-1S
RETAIL BUSINESS USES					
Agricultural Implement Sales and Service	NP	P	NP	NP	NP
Antique Shops	NP	P	NP	NP	P
Apparel Stores	P	P	NP	NP	P
Appliance Sales and Service	NP	P	NP	NP	P
Art Galleries and Sales	NP	P	NP	NP	P
Art Supply Stores	NP	P	NP	NP	P
Automobile Accessory Stores	NP	P	NP	NP	NP
Automobile Sales and Service	NP	S	NP	NP	NP
Bait Shops	NP	P	NP	NP	NP
Bakeries; retail	P	P	NP	NP	P
Bicycle Sales and Repair Shops	NP	P	NP	NP	P
Boat Sales, Rentals, Storage, and Repairs	NP	S	NP	NP	NP
Book Stores	P	P	NP	NP	P
Building Material Sales, Supplies and Service	NP	P	NP	NP	NP
Business Machine Sales and Service	NP	P	NP	NP	NP
Camera and Photographic Supply Stores	P	P	NP	NP	P
Camper Sales and Service	NP	S	NP	NP	NP
Candy and Confectionery Stores	P	P	NP	NP	NP
Carpet and Rug Stores	NP	P	NP	NP	NP
Catalog Sales/Mail Order Stores	NP	S	NP	NP	NP
China and Glassware Stores	NP	P	NP	NP	P
Cigar, Cigarette and Tobacco Stores	P	P	NP	NP	NP
Coin, Philatelic, Stamp and Numismatic Stores	NP	P	NP	NP	P
Dairy Product Sales	P	P	NP	NP	NP
Delicatessens	P	P	NP	NP	P
Department Stores	NP	P	NP	NP	NP
Drapery Stores	NP	P	NP	NP	NP
Dressmaking Shops	P	P	NP	NP	P
Drug Stores and Pharmacies	P	P	S	S	P
Dry Goods Stores	NP	P	NP	NP	NP
Electrical Appliance and Equipment Stores	NP	P	NP	NP	NP
Farm Supply Stores	NP	P	NP	NP	NP
Fish Markets	S	P	NP	NP	NP
Flea Markets	NP	S	NP	NP	NP
Floor Covering Sales	NP	P	NP	NP	NP
Florists	P	P	NP	NP	P
Food and Grocery Stores	P	P	NP	NP	NP
Fruit and Vegetable Markets; retail	S	P	NP	NP	NP
Furnace Supplies and Service	NP	P	NP	NP	NP
Furniture Sales	NP	P	NP	NP	NP
Furriers	NP	P	NP	NP	NP
Garden Supply Stores	NP	P	NP	NP	NP
Gift Shops	P	P	NP	NP	P
Greenhouses; retail or wholesale sales	NP	P	NP	NP	NP
Haberdasheries	P	P	NP	NP	NP
Hardware Stores	P	P	NP	NP	NP
Hearing Aid Sales	NP	P	NP	NP	P
Hobby Shops	NP	P	NP	NP	NP

TABLE C – COMMERCIAL DISTRICTS
(P=Permitted Uses; NP=Non Permitted Uses; SP (Special Uses)

	C-1B	C-2B	C-10	C-20	C-1S
RETAIL BUSINESS USES (cont.)					
Home Supply Centers	NP	P	NP	NP	NP
Ice of Ice Machine Sales	S	P	NP	NP	NP
Ice Cream Stores	P	P	NP	NP	P
Jewelry Stores	P	P	NP	NP	P
Lawnmower Sales and Service	NP	P	NP	NP	NP
Leather Goods and Luggage Stores	NP	P	NP	NP	NP
Linoleum and Tile Stores	NP	P	NP	NP	NP
Liquor Stores	NP	S	NP	NP	NP
Lumber Companies and/or Yards	NP	S	NP	NP	NP
Magazine and Newspaper Stores	P	P	NP	NP	NP
Meat Markets	S	P	NP	NP	NP
Medical Appliance Stores	NP	P	S	S	NP
Milk Machine Sales	S	P	NP	NP	NP
Millinery Shops	NP	P	NP	NP	NP
Monument and Tombstone Sales	NP	P	NP	NP	NP
Newsstands	P	P	NP	NP	P
Notions Stores	NP	P	NP	NP	P
Nurseries; retail or wholesale sales	NP	P	NP	NP	NP
Office Equipment and Supplies; retail	NP	P	NP	NP	NP
Optician's Sales; retail	NP	P	S	S	P
Paint and Wallpaper Stores	NP	P	NP	NP	NP
Pet Shops	NP	P	NP	NP	P
Pet Stores	S	P	NP	NP	P
Phonograph, Record, Tape, and Sheet Music Stores	NP	P	NP	NP	P
Picture Framing Shops	NP	P	NP	NP	P
Radio and Television Sales and Service	NP	P	NP	NP	NP
Recreational Vehicle Sales	NP	S	NP	NP	NP
Restaurants; drive-in or carry-out	NP	S	NP	NP	NP
Restaurants; entertainment, dancing and serving of alcoholic beverages	NP	NP	NP	NP	NP
Restaurants; the serving of alcoholic beverages permitted only when incidental to the serving of food and the principal activity	NP	P	S	S	P
Roadside Stands	NP	P	NP	NP	NP
School Supply Stores	P	P	NP	NP	NP
Sewing Machine Sales	NP	P	NP	NP	P
Shoe Stores	P	P	NP	NP	P
Souvenir and Curio Shops	NP	P	NP	NP	P
Sporting Good Stores	P	P	NP	NP	P
Stationery and Card Stores	P	P	NP	NP	P
Swimming Pool Sales and Service	NP	P	NP	NP	NP
Tailor Shops	P	P	NP	NP	P
Tire, Battery and Accessory Dealers	NP	P	NP	NP	NP
Trading Stamp Stores	NP	S	NP	NP	P
Truck Sales and Service	NP	S	NP	NP	NP
Typewriter Sales	NP	P	NP	NP	P
Water Softener Sales and Service	NP	P	NP	NP	NP

TABLE C – COMMERCIAL DISTRICTS
(P=Permitted Uses; NP=Non Permitted uses; SP= Special Uses)

SERVICE USES	C-1B	C-2B	C-10	C-20	C-1S
Ambulance Service Garages	NP	S	NP	NP	NP
Artist's Studios	NP	P	S	S	P
Auction Rooms and Houses	NP	P	NP	NP	NP
Automobile Diagnostic Centers and Clinics	NP	S	NP	NP	NP
Automobile Driving Schools	NP	P	NP	NP	NP
Automobile Parking Lots or Garages, commercial	S	S	S	S	NP
Automobile Rentals	NP	S	NP	NP	NP
Automobile Repair Garages	NP	S	NP	NP	NP
Automobile Service Stations; for the retail sale and dispensing of fuel, lubricants, coolants, tires, batteries, minor accessories and supplies, including installation and services customarily incidental thereto	S	P	NP	NP	NP
Automobile (car) washes	NP	S	NP	NP	NP
Banks; drive-in facilities	S	P	S	S	NP
Banks; excluding drive-in facilities	P	P	S	S	P
Barber Shops	P	P	S	S	P
Beauty Parlors and Shops	P	P	S	S	P
Blueprinting and Photostating Establishments	NP	P	NP	NP	NP
Catering Establishments	NP	P	NP	NP	P
Cleaners; drive-in	S	P	NP	NP	P
Cleaning and Dyeing; retail	P	P	NP	NP	NP
Clothes Pressing Establishments	P	P	NP	NP	P
Clothes Rental Agencies	P	P	NP	NP	P
Clothes Repair Stores	P	P	NP	NP	P
Contractors Offices & Accessory Equipment yards not exceeding two (2) acres in total land Area	NP	S	NP	NP	NP
Credit Unions	NP	P	S	S	P
Currency Exchanges	P	P	NP	NP	P
Dancing Schools	NP	P	NP	NP	P
Dental and/or Medical Laboratories	NP	P	S	S	NP
Dry Cleaners and Laundries; but not a central plant serving more than one retail outlet	P	P	NP	NP	NP
Dry Cleaners, Laundries and Launderettes; self-service only	NP	P	NP	NP	P
Equipment Rental and Leasing Service	NP	P	NP	NP	NP
Financial Institutions	P	P	S	S	P
Funeral Parlors and Undertaking Establishments	S	P	S	NP	NP
Furniture Cleaning, Upholstering and Repair	NP	P	NP	NP	NP
Hotel and Motels	NP	P	NP	S	NP
Loan Companies	NP	P	S	S	P
Locksmiths	NP	P	NP	NP	P
Music Schools	NP	P	NP	NP	NP
Orthopedic Brace and Limb Fitting and Assembly	NP	P	S	S	NP
Parking Lots; open and other than accessory	NP	P	NP	NP	NP
Photographic Studios	NP	P	S	S	P
Savings and Loan Associations; drive-in facilities	S	P	S	S	NP
Savings and Loan Associations; excluding drive-in facilities	P	P	S	S	P

TABLE C – COMMERCIAL DISTRICTS
(P=Permitted Uses; NP=Non Permitted uses; SP= Special Uses)

	C-1B	C-2B	C-10	C-20	C-1S
SERVICE USES (cont.)					
Shoe or Hat Repair Shops	P	P	NP	NP	P
Ticket Agency Offices	NP	P	S	S	P
Travel Agencies	P	P	S	S	P

OFFICE USES					
Accountant's Offices	NP	P	P	P	P
Advertising Agency Offices	NP	P	P	P	P
Animal Hospitals/Veterinary Clinics	NP	P	S	NP	NP
Architect's Offices	NP	P	P	P	P
Attorney's and Law Offices	NP	P	P	P	P
Auditor's Offices	NP	P	P	P	P
Bookkeeping Services	NP	P	P	P	P
Business and Professional Offices; miscellaneous	NP	P	P	P	NP
Chiropodist's Offices	NP	P	P	P	P
Chiropractor's Offices	NP	P	P	P	P
Dental and/or Medical Clinics	NP	P	P	P	NP
Dentist's Offices	NP	P	P	P	P
Detective Agency Offices	NP	P	P	P	NP
Doctors, Surgeons and Physician's Offices	NP	P	P	P	NP
Employment Agency Offices	NP	P	P	P	P
Engineer's Offices	NP	P	P	P	NP
Insurance Offices	NP	P	P	P	NP
Interior Decorator's Offices	NP	P	P	P	NP
Investment Companies	NP	P	P	P	P
Labor Union Offices	NP	P	P	P	P
Land Surveyor's Offices	NP	P	P	P	NP
Landscape Architect's Offices	NP	P	P	P	NP
Merchants' Association Offices	NP	P	P	P	NP
Newspaper Offices	NP	P	P	P	NP
Optician's Offices	NP	P	P	P	NP
Orthodontist's Offices	NP	P	P	P	NP
Osteopath's Offices	NP	P	P	P	NP
Political Organization Offices	NP	P	P	P	NP
Real Estate Offices	NP	P	P	P	NP
Secretarial and Stenographic Services	NP	P	P	P	P
Security and Commodity Brokers	NP	P	P	P	P
Title Company Offices	NP	P	P	P	P

HEALTH, MEDICAL AND CARE FACILITIES					
Child Care Centers, Children's Day Schools, Day Nurseries, Nursery Schools	P	P	P	NP	NP
Geriatric Centers and Institutions for the Care of the Aged	NP	NP	S	S	NP
Hospitals and Sanitariums	NP	NP	NP	S	NP
Institutions for the care or treatment of insane, feeble-minded, retarded, alcoholic or drug-addict patients	NP	NP	NP	S	NP
Mental Health Clinics	NP	NP	NP	S	NP
Nursing Homes and Convalescent Centers	NP	NP	P	S	NP

TABLE C – COMMERCIAL DISTRICTS
(P=Permitted Uses; NP=Non Permitted uses; SP= Special Uses)

C-1B C-2B C-10 C-20 C-1S

AGRICULTURAL USES

Agricultural Buildings and Structures	P	NP	NP	P	NP
Cultivation of Field and Garden Crops	P	NP	NP	P	NP
Farms	P	NP	NP	P	NP

RECREATION AND SOCIAL FACILITIES

Amusement Establishments; including shooting galleries, pinball machines, and similar amusement facilities	NP	S	NP	NP	NP
Arboretums and Botanical Gardens	NP	NP	NP	P	NP
Billiard and Pool Halls	NP	S	NP	NP	NP
Bowling Alleys	NP	P	NP	NP	NP
Clubs; indoors	S	P	NP	NP	P
Clubs; outdoors	NP	S	NP	NP	NP
Community Center Building, Clubhouses, Recreation Buildings, Swim Clubs and Indoor Pools, Tennis Clubs for Indoor Tennis; non-commercial, not-for-profit, and owned by the residents or owners or a development	P	P	NP	NP	NP
Dance Halls	NP	P	NP	NP	NP
Fairgrounds and Exhibition Grounds	NP	S	NP	NP	NP
Golf Courses; driving ranges	NP	S	NP	NP	NP
Golf Courses; par-three and miniature	NP	S	NP	NP	NP
Gymnasias; commercial	NP	S	NP	NP	NP
Health Clubs	NP	S	NP	NP	P
Lodges and Fraternal Organizations	S	P	NP	NP	NP
Skating, Ice, and Roller Rinks; indoor and private	NP	S	NP	NP	NP
Swim Clubs Swimming Pools, Buildings for Indoor Pools, private	NP	S	NP	NP	NP
Swim Clubs, Racquetball Clubs, Handball Clubs; with outdoor and indoor facilities	NP	S	NP	NP	NP
Tennis Clubs, Racquetball Clubs, Handball Clubs; with outdoor and indoor facilities private	NP	S	NP	NP	
Theaters; indoor	NP	P	NP	NP	P

PUBLIC, EDUCATION, AND UTILITY USES

Airports and/or Heliports	NP	NP	NP	S	NP
Bus Passenger's Stations non-public	NP	P	NP	NP	NP
Bus Terminals Turnarounds and Lots non-public	NP	P	NP	NP	NP
Business Colleges/Commercial Schools	NP	P	S	S	NP
Colleges, Universities, and Junior Colleges	NP	NP	NP	S	NP
Dormitories and Housing accommodation and facilities	NP	NP	NP	S	NP
Fire Stations	S	P	P	P	P
Forest Preserves	P	P	P	P	NP
Garages and Parking Lots; public or non-public	NP	P	S	S	NP
Libraries	P	P	P	P	P
Office Buildings; public	P	P	P	P	NP

TABLE C – COMMERCIAL DISTRICTS
(P=Permitted Uses; NP=Non Permitted uses; SP= Special Uses

	C-1B	C-2B	C-10	C-20	C-1S
PUBLIC, EDUCATION, AND UTILITY USES (cont.)					
Parks and Playgrounds	P	P	P	P	P
Police Stations	P	P	P	P	P
Post Offices	P	P	P	P	P
Pumping Station, Water Towers, Water Works, or Wells; public	P	P	P	P	P
Railroad Passenger's Stations	NP	P	NP	NP	NP

MISCELLANEOUS USE					
Exhibition Halls	NP	P	NP	P	NP
Meeting Halls	S	P	NP	NP	NP
Reading Rooms; religious	NP	P	NP	NP	NP

COMMERCIAL SETBACKS
C-1S Specialized District Downtown Center

Major Category	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Interior Side Yard Setback	Corner Yard Setback	Rear Yard Setback	Floor Area Ratio	Maximum Height of Principal Use
Retail Business Uses	6,000 sf	60'	5'	5'	10'	5'	0.4	35'
Service Uses	6,000 sf	60'	5'	5'	10'	5'	0.4	35'
Office Uses	6,000 sf	60'	5'	5'	10'	5'	0.4	40'
Health Medical & Care Facilities	6,000 sf	60'	5'	5'	10'	5'	0.4	35'
Public, Education & Utility Uses	6,000 sf	60'	5'	5'	10'	5'	0.4	35'
Recreation & Social Facilities Uses	6,000 sf	60'	5'	5'	10'	5'	0.4	35'
Miscellaneous Uses	6,000 sf	60'	5'	5'	10'	5'	0.4	35'

COMMERCIAL SETBACKS
C-1B Neighborhood Business District

Major Category	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Interior Side Yard Setback	Corner Yard Setback	Rear Yard Setback	Floor Area Ratio	Maximum Height of Principal Use
Retail Business Uses	NA	NA	30'	15'	30'	30'	0.4	35'
Service Uses	NA	NA	30'	15'	30'	30'	0.4	35'
Health Medical & Care Facilities	20,000 SQ FT	150'	50'	15'	30'	40'	0.25	35'
Agricultural Uses	5 Acres	300'	50'	15'	30'	40'	0.15	35'
Public, Education & Utility Uses	NA	NA	30'	15'	30'	30'	0.4	35'
Recreation & Social Facilities Uses	NA	NA	30'	15'	30'	30'	0.4	35'
Miscellaneous Uses	NA	NA	30'	15'	30'	40'	0.4	35'

C-2B Community Business District

Major Category	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Interior Side Yard Setback	Corner Yard Setback	Rear Yard Setback	Floor Area Ratio	Maximum Height of Principal Use
Retail Business Uses	NA	NA	30'	15'	30'	30'	0.8	45'
Service Uses	NA	NA	30'	15'	30'	30'	0.8	45'
Office Uses	NA	NA	30'	15'	30'	30'	0.8	45'
Health Medical & Care Facilities	20,000 sf	150'	50'	15'	30'	40'	0.25	45'
Agricultural Uses	5 Acres	300'	50'	15'	30'	40'	0.15	35'
Public, Education & Utility Uses	NA	NA	30'	15'	30'	30'	0.8	35'
Recreation & Social Facilities Uses	NA	NA	30'	15'	30'	30'	0.8	35'
Senior Housing	1,090 sf	150'	30'	10'	30'	30'	0.8	45'
Miscellaneous Uses	NA	NA	30'	15'	30'	30'	0.4	35'

C-10 Restricted Office District

Major Category	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Interior Side Yard Setback	Corner Yard Setback	Rear Yard Setback	Floor Area Ratio	Maximum Height of Principal Use
Retail Business Uses	40,000 sf	150'	30'	10'	30'	20'	0.5	35'
Service Uses	40,000 sf	150'	30'	10'	30'	20'	0.5	35'
Office Uses	10,000 sf	80'	30'	10'	25'	30'	0.5	40'
Health Medical & Care Facilities	20,000 sf	150'	50'	15'	30'	40'	0.25	35'
Public, Education & Utility Uses	NA	NA	30'	15'	30'	30'	0.4	35'
Recreation & Social Facilities Uses	NA	NA	30'	15'	30'	30'	0.8	35'

C-20 Office and Research District

Major Category	Minimum Lot Area	Minimum Lot Width	Front Yard Setback	Interior Side Yard Setback	Corner Yard Setback	Rear Yard Setback	Floor Area Ratio	Maximum Height of Principal Use
Retail Business Uses	40,000 sf	150'	30'	10'	30'	20'	0.5	35'
Service Uses	40,000 sf	150'	30'	10'	30'	20'	0.5	35'
Office Uses	10,000 sf	80'	30'	10'	25'	30'	0.5	40'
Health Medical & Care Facilities	20,000 sf	150'	50'	15'	30'	40'	0.25	35'
Public, Education & Utility Uses	NA	NA	30'	15'	30'	30'	0.4	35'
Recreation & Social Facilities Uses	NA	NA	30'	50'	75'	75'	0.5	35'
Miscellaneous Uses	5 acres	300'	75'	50'	75'	50'	0.5	35'

INDUSTRIAL DISTRICTS RESTRICTED AND GENERAL

INTENT AND DESCRIPTION OF DISTRICTS

This district intends to establish industrial districts and regulations that govern the location, intensity, and method of development of the industrial areas of the City. The regulations are designed to provide for the grouping together of industries that are compatible to one another and that are not objectionable to the community as a whole. The regulations are intended to preserve the lands for industrial and allied uses and prohibit the intrusion of residential and other non-compatible uses into the industrial area. The performance of the industrial uses is regulated by standards for the external effects of noise, smoke, vibration, and other potential nuisances.

Applicants for industrial zoning are encouraged to apply for such zoning only in areas designated for industrial usage on the official "Land Use Plan of the City of Tiffin." Industrial uses are grouped into two classifications:

M-1 = Restricted Industrial District

M-2 = General Industrial District

For purposes of determining the restrictiveness of the two industrial zoning classifications, M-1 must be considered the most restrictive (light) industrial district, and M-2 must be considered the least restrictive (heavy) industrial district.

M-1

RESTRICTED (LIGHT) INDUSTRIAL DISTRICT

M-1

.01 **INTENT and DESCRIPTION OF DISTRICT**

The M-1 District is intended to control the development of lands to be used by industrial firms that have high standards of performance and that can locate in close proximity to business uses, and in locations convenient to residential areas, without creating nuisances. The district regulations are designed to permit the operations of most manufacturing, wholesaling, and warehousing activities with adequate protection to adjacent district uses and sufficient control of external effects to protect one industry from another. Some retail uses are permitted that service the industrial uses within the industrial area or that do not depend upon intensive visits of retail customers. In this district, outdoor storage must be completely screened and all industrial operations must be in an enclosed building.

M-1

.02 **PRINCIPAL USES AND STRUCTURES PERMITTED**

Permitted uses of land or buildings, as hereinafter enumerated, must be permitted in the M-1 Restricted (Light) Industrial District only in accordance with conditions specified. Only those uses specifically listed must be considered permitted uses, and no building or lot may be devoted to any use other than a use permitted hereunder, with the exception of the Permitted Principal Uses and Structures as listed in the following Table M-1, (located at the end of this section).

M-1

.03 **ACCESSORY AND TEMPORARY BUILDINGS AND STRUCTURES**

Accessory and temporary buildings or structures are allowed according to the provisions of Section 9.05 and Section 9.21.

M-1

.04 **SPECIAL EXCEPTION USES**

Special exception uses listed below may be allowed subject to the issuance of special use permits in accordance with the provisions of Section 11.07. Refer to the following Table M-1 for a listing of Special Exception Uses.

Special exception uses may be required to meet more restrictive site and structure provisions if the City Council acting upon the recommendation of the Planning and Zoning Commission, determines that such requirements are necessary to the public health, safety, and general welfare.

M-1

.05 **AREA REQUIREMENTS**

The minimum area that may constitute a separate or detached part of the M-1 District on the City of Tiffin Official Zoning Map or subsequent amendments to the Zoning Map must be three (3) acres. However, land zoned in the M-2 zoning district that immediately abuts or is directly across the street from land zoned in the M-1 classification, may be included in the calculation of area meeting the minimum requirements.

The minimum area, setback, density and maximum height, must be as prescribed in the following Table M-1

- A. Any lot adjacent to U.S. Highway 6, in any way, must be required to have a 20-foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, which must be required to have a 32-foot setback, in addition to the minimum yard requirements state herein.
- B. Any lot adjacent to a railroad right-of-way, in any way must be required to have a 50-foot setback in addition to the minimum yard requirement stated herein.

M-1

.06

SIGN REGULATIONS

Signs are permitted according to the provisions of Section 6.

M1

.07

PARKING AND OFF-STREET LOADING REGULATIONS

Parking must be provided according to the provisions of Section 7.

M-1

.08

LIGHTING

Exterior lighting is provided according to the provisions of Section 8.

M-1

.09

LANDSCAPING REGULATIONS

At the time of a building permit application in all industrial zones, the applicant must supply a landscaping plan for review by the Planning and Zoning Commission or the city designee. The landscaping plan must be appropriate to the zone and must be submitted at the time of application for the building permit. The plan is be subject to review and approval of the city.

Industrial zones must provide in their landscaping plans for the placement of no less than one deciduous tree for each acre or less of zoned area. The city review may also request additional landscaping such as shrubs and border vegetation if this should appear to be beneficial and conducive to a more esthetic, attractive and orderly development of the area.

M-1

.10

SPECIAL REGULATIONS

- A. Residential uses are not permitted within the M-1 District.
- B. Fencing and Screening as provided in M-1.13.

M-1

.11

PERFORMANCE STANDARDS

- A. **Purpose**
Performance standards regulating industrial development and activity within the City are intended to:
 - 1. Permit industrial land uses to be measured factually and objectively.

2. Ensure that all industries provide methods that protect the community from hazards that are preventable by legitimate processes of control and nuisance elimination.
3. Protect industries from arbitrary exclusion or persecution based solely on subjective determinations of industrial performances made in the past.

B. Applicability

Performance standard provisions of this Section must be applicable to any use established in this zoning district in either of the following instances:

1. If any use, building or other structure, established prior to the effective date of this ordinance is extended, enlarged, moved, structurally altered, or reconstructed, the change in building or land use or configuration must be in full compliance with this provision. Uses lawfully established prior to the effective date of this Ordinance, and not being extended, enlarged, moved, structurally altered or reconstructed, must fully comply with applicable industrial performance standards existing at the time of use establishment or at the time of most recent structural alteration.
2. Any use established, any building or structure constructed, or tract of land developed for any permitted, special, or accessory use in this zoning district must comply with all of the performance standards herein set forth.

C. Procedure

Showing of Probable Compliance - Uses, buildings, or structures required to comply with this provision must make a showing of probable compliance with these performance standards prior to undertaking any alteration. The showing must be in the form of a letter submitted with the zoning application (or building application if proper industrial zoning already exists) prepared by a professional engineer, licensed by the State of Iowa, certifying that the use, building, or structure complies with all industrial performance standard requirements. The letter must be based on the engineer's personal scrutiny of the site and proposed use or alteration, and must have analytical foundation in accepted engineering principles. In addition, the Planning and Zoning Commission may require the applicant to submit:

1. A plot plan showing the location of all present and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, streams, or other significant features on or within two hundred (200) feet of the proposed site.
2. A description of the activity to be conducted regarding waste products, external effects, or other conditions that are regulated herein; provided, however, that the applicant must not be required to reveal any trade secrets or sufficient detail with regard to a process that would cause any

secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.

3. The type and location of abatement devices to control, or recording instruments to measure conformance with required standards, not including devices and instruments that are inherent in the manufacturing process.
4. Such other data and certification as may reasonably be required by the Planning and Zoning Commission to reach a determination.
5. All information and evidence submitted in applications to indicate conformity to performance standards must constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

D. Administrative Options

The Planning and Zoning Commission may approve and authorize the establishment of the use, building, or structure if all pertinent provisions of this Ordinance and other applicable ordinances are complied with. If, however, the Planning and Zoning Commission determines that the proposed use, building, or structure may not comply with performance standards, they may inform the applicant that either more information is necessary or that an independent engineering analysis of the proposed use, building, or structure is required prior to final City Council approval.

E. Need for Independent Engineering Analysis

If the Planning and Zoning Commission determines that reason exists to doubt the compliance with any applicable performance standard provision, a state licensed professional engineer of the City's choosing—but acceptable to the petitioner—may be asked to analyze the prospects of compliance. Costs of such analysis must be paid by the applicant.

F. Use of Independent Engineering Analysis

Upon submission of an independent engineering analysis authorized by the City, the Planning and Zoning Commission must authorize establishment of the use, building, or structure if the independent analysis confirms probable compliance with this provision and if all other applicable provisions of this and other City ordinances are satisfied. If, however, the independent engineering analysis indicates that the proposed use, building, or structure is not likely to comply with this provision, then the application must be denied until such time that the proposal is able to comply fully.

G. Appeal of Administrative Determination

Action, or a lack of action by the Planning and Zoning Commission, with reference to these performance standards may be appealed to the City of Tiffin Board of Adjustment. In instances when no action has been taken by the Planning and Zoning Commission within 120 days after formal filing of the application, the lack of action may be appealed to the City of Tiffin Board of Adjustment.

H. Continued Enforcement

1. The Planning and Zoning Commission must investigate any purported violation of performance standards. Uses, buildings, or structures lawfully established prior to the effective date of this Ordinance and subject to performance standards existing at that time, may be found to be in violation with those previously applicable standards. Alleged violations may be brought to the City Council's attention by employees of that office, or by, County, or State law enforcement, health, or environmental employees or officials or citizens. If a violation is alleged, the Planning and Zoning Commission must inform the suspected perpetrator and must initiate an independent engineering analysis consistent with the analysis procedure outlined herein. Administrative determinations made in conjunction with the analysis may be appealed in the same manner heretofore outlined.

2. Revocation of Permits

If an alleged violation is determined to be valid by the independent engineering analysis, any permits previously issued in conjunction with the established use, building, or structure are void and the operator must cease operation until the violation is remedied. Failure to cease operation within two days of notice to do so by the City constitutes an aggravated violation of this Ordinance and the penalty provision cited in Section 13 may be imposed.

I. TECHNICAL PROVISIONS

1. Noise

a. To measure the intensity and frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer may be employed. The flat network and the fast meter response of the sound level meter may be used. Sounds of short duration that cannot be measured accurately with the sound level meter, may be measured with the impact noise analyzer. Octave band analyzers calibrated in the preferred frequencies (American Standards Association S1 6-1960, Preferred Frequencies for Acoustical Measurements) must be used with the following tables. The suspected perpetrator will be required to hire at the approval of the City, a consultant to measure, record, and report to the City Council results about compliance with the City Zoning Ordinance. The owner of the use of the suspected noise violation will incur all costs.

b. Maximum Permitted Sound Level

<u>Octave Bank Frequency</u>		Decibels
Cycles per Second		
0	through 74	58
75	through 149	54
150	through 299	50
300	through 599	46
600	through 1,199	40
1,200	through 2,399	33
2,400	through 4,799	26
4,800	and over	20

c. Exceptions

The following uses and activities must be exempt from the noise level regulations in the M-1 District:

- i. Noises not directly under control of the property user.
- ii. Noises emanating from construction and maintenance activities between 7:00 A.M. and 10:00 P.M. Such activities are those that are non-routine operations accessory to the primary activities, and that are temporary in nature, or conducted infrequently.
- iii. The noises of safety signals, warning devices, and emergency pressure relief valves.
- iv. Transient noises of moving sources such as automobiles, trucks, airplanes, and railroads.
- v. At no point along the boundary of a residential district or along an adjacent lot must the sound pressure level of any operation or plant exceed the decibel limits in the octave bands designated below

2.. Vibration

- a. Any industrial operation or activity that must cause at any time and at any point along the nearest adjacent lot line, earth borne vibrations in excess of the limits set forth in Column I of the following Tables (d) and (e) is prohibited.
- b. In addition, any industrial operation or activity that must cause at any time and at any point along a residential district boundary line, earth borne vibrations in excess of the limits set forth in Column II of the following Tables is prohibited.
- c. Exceptions: The following uses and activities must be exempt from the vibration level regulations:
 - i. Vibrations not directly under the control of the property user.
 - ii. Vibrations emanating from construction and maintenance activities between 7:00 A.M. and 9:00 P.M. Such activities are those that are non-routine operations accessory to the primary activities and that are temporary in nature, or conducted infrequently.
 - iii. Transient vibrations of moving sources such as automobiles, trucks, airplanes, and railroads.
 - iv. Vibrations must be expressed as displacement in inches and must be measured with a three-component measuring system approved by the Zoning Administrator.

d. Maximum Permitted Steady-State Vibration Displacement Level

Frequency (Cycles per Second)	I.*	II*
	Displacement (Inches)	Displacement (Inches)
0 through 9	0.0008	0.0004
10 through 19	0.0005	0.0002
20 through 29	0.0003	0.0001
30 through 39	0.0002	0.0001
40 and over	0.0001	0.0001

*Steady-state vibrations, for purposes of this Ordinance, are vibrations that are continuous, or vibrations in discrete impulses more frequent than 100 per minute. Discrete impulses that do not exceed 100 per minute, must be considered impact vibrations, and must not cause in excess of twice the displacement stipulated.

e. Maximum Permitted Impact Vibration Displacement Level:

Frequency (Cycles per Second)	I*	II*
	Displacement (Inches)	Displacement (Inches)
0 through 9	0.0016	0.0006
10 through 19	0.0010	0.0003
20 through 29	0.0006	0.0002
30 through 39	0.0004	0.0001
40 and over	0.0002	0.0001

**Impact vibrations, for purposes of this Ordinance, are vibrations that occur in discrete impulses separated by an interval of at least one (1) minute and numbering not more than eight in any 24-hour period.

3. **Smoke and Particulate Matter**

The emission, from all sources within any lot, or particulate matter containing more than 5% by weight of particles having a particle diameter larger than 44) microns is prohibited. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot must be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified herein is prohibited. The emission of smoke or particulate matter of a density or equivalent opacity equal to, or greater than, No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided herein. (The Ringelmann Chart is the chart published by the United States Bureau of Mines).

a. **Smoke Emission**

In the M-1 zone, the emission of more than 12 smoke units per stack in any one hour period is prohibited. However, once during any six hour period each stack must be permitted up to 12 additional units in a 15 minute period for soot blowing and

fire cleaning. Only during such 15 minute periods must smoke of a density or equivalent opacity equal to, but not exceeding, Ringelmann No. 3 be permitted, and then only for fire cleaning and for not more than four minutes per period.

- b. **Particulate Matter**
The rate of emission of particulate matter from all sources within the boundaries of any lot must not exceed the rate established in the Table below:

c. **Maximum Permitted Particulate Mater Emission Rate**

Height of Emission (Feet)	Pounds Per Hour Per Acre
0 through 49	1.00
50 through 99	1.01
100 through 149	1.06
150 through 199	1.10
200 through 299	1.16
300 through 399	1.30
400 and over	1.50

d. **Method of Measurement**

- i. **Smoke** – To grade the density or equivalent opacity of emission of smoke, the Ringelmann Chart must be employed. To determine smoke units, the Ringelmann reading must be made at least every minute during the period of observation. Each reading (Ringelmann number) must be multiplied by the time in minutes for which it is observed, and the products added together to determine the total number of smoke units observed during the total period of observation.
- ii. **Particulate Matter** - The total net rate of emission of particulate matter within the boundaries of any lot must be determined as follows: Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the hourly rate of emission in pounds per acre. Add together the individual rate of emission as derived above to obtain the total rate of emission from all sources of emission within the boundaries of the lot. This total must not exceed the rate established in the preceding Table.

4. **Odors**

No continuous, frequent, or repetitive emission of odors or odor-causing substances that would be offensive beyond any property line of any industrial use will be permitted. An odor emitted no more than 15 minutes in any one day must not be deemed as continuous, frequent, or repetitive within the meaning of these regulations. The existence of an

odor must be presumed when analysis by a competent technician demonstrates that a discernible odor is being emitted. Any process that may involve the creation or emission of any odors must be provided with a primary and a secondary safeguard system so that control will be maintained if the primary safeguard system fails. The rules and regulations of the Iowa Environmental Protection Agency must be complied with.

5. Radiation Hazards

The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes must not be allowed in the M-1 District.

6. Fire and Explosive Hazards

a. The provisions of Iowa Code §§93.143-156 of the must be complied with, and no explosives may be stored, used, or manufactured without first petitioning the City, and the use must receive a certificate of compliance from both the State of Iowa and the Tiffin Fire Association.

b. No gasoline or other inflammables or explosives must be stored unless the location, plans, and construction conform to the laws and regulations of the State of Iowa and have the approval of both the State Division of Fire Prevention of the Department of Public Safety and the Tiffin Fire Association.

7. Glare and Heat

Every use and activity must be so operated that it does not emit heat or heated air beyond the boundary of the lot on which it is located. No direct or sky-reflected glare must emanate from any use or activity that is visible at any point on or beyond the boundary of the lot on which such activity is located. This restriction does not apply to signs otherwise permitted by the provisions of the Zoning Ordinance or other applicable ordinances, not to activities of a temporary or of an emergency nature, nor to night lighting necessary for safety and the protection of property.

8. Electromagnetic Interference

There must be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.

M-1
.12

SITE AND PLAN REVIEW

The same provisions under C-1S.12 must apply.

OUTDOOR STORAGE AND SCREENING

A. Recycling processing facility, provided:

1. The exterior storage area is no greater than 50% of the size of the ground floor area of the principal structure, or 1,500 square feet, whichever is less; and
2. All unloading and storage of materials, including processed materials, must be conducted within completely enclosed buildings; and
3. Incidental outdoor storage areas, including the storage of empty waste containers and collection vehicles, but not including the outdoor storage of discarded or recyclable materials, must be screened from view of adjacent property located in a residential or commercial zone and from public street, and must not be permitted in any front yard. The screening must meet the requirements of Section 5.07.J.9 of this Chapter; and
4. The exterior storage of full or partially full waste containers must be prohibited; however, collection containers for recyclable materials that are open to the public may be located outdoors, provided containers that are designed to control the spread of litter and debris and that they not be located within a front yard.

B. Truck Terminal Facilities, provided:

1. The exterior storage area is no greater than 50% of the size of the ground floor area of the principal structure, or 1,500 square feet, whichever is less; and
2. All vehicles on the property are in operational condition and are properly licensed as required by State of Federal Law.
3. No vehicle is stored for more than forty-five continuous days on the property.
4. The parking and trailer storage area is surfaced with asphalt or concrete designed and maintained to prevent the flow of water onto adjoining properties.
5. Screening is preserved, planted, constructed, and maintained according to Section M-1.13. Screening must also be provided along any lot lines, which abut any street in a manner sufficient to obscure the truck terminal facility from view, using the screening standards in Section M-1.13.

- C. Outdoor storage of discarded tires or appliances, excluding the processing or disassembly of those materials, as an accessory use to a recycling processing facility, provided:
1. The exterior storage area is no greater than 50% of the size of the ground floor area of the principal structure, or 1,500 square feet, whichever is less; and
 2. Outdoor storage must be conducted entirely within an enclosed fence, wall or other solid screen. Such solid screen must be constructed in such a manner that no outdoor storage must be visible from an adjacent property, street or highway. Materials must not be piled against the fence or higher than the height of the fence; and
 3. The outdoor storage of tires must not be closer than 100 feet to any property line; and
 4. Mosquito abatement measures must be incorporated into the design of the outdoor storage area.
- D. Outdoor storage of recyclable materials, not including tires or appliances, as an accessory use to a recycling processing facility, provided:
1. The exterior storage area is no greater than 50% of the size of the ground floor area of the principal structure, or 1,500 square feet, whichever is less; and
 2. Paper products, cardboard, plastic, and other similar materials must be processed by bailing, palletizing, or other means to control the spread of litter; and
 3. Outdoor storage of unprocessed materials must be limited to glass, metal, or other materials that are not easily dispersed by wind, provided they are located in a container or structure designed to control the spread of litter and debris; and
 4. Outdoor storage must be limited to those materials that are intended for reuse, remanufacture, or reconstitution, and not for final disposal in a landfill, by incineration, or by other means; and
 5. Plans for controlling the spread of litter and debris may be required prior to the approval of the outdoor storage area; and
 6. Screening of outdoor storage areas must be provided as required by Section 9 of this Chapter.

E. SCREENING

Where a lot occupied by an industrial use abuts or is across a street, roadway, alley or railroad right-of-way from an agricultural, residential, school or recreational area including a park, playground, or Clear Creek, screening must be preserved, planted or constructed and maintained by the owner of the industrial use in accordance with the provisions set forth below.

1. Location:

- A. Screening must be provided along lot lines or street right-of-way in a manner sufficient to obscure the industrial use from view at ground level within the lot lines of a residential or school abutting or located across the street from the industrial use.
- B. In an industrial zone where parking is located within 60 feet of a residential or other industrial zone boundary, screening must be provided in a location and manner sufficient to obscure all off-street parking and loading, storage or other such areas of activity from view within the lot lines of the residential zone or school.
- C. In all instances where street right-of-way, which acts to separate the lots on that the uses are located, is 100 feet or wider, screening must not be required.

2. Screening Materials:

- A. Outdoor storage must be conducted entirely within an enclosed fence, wall or other solid screen. Such solid screen must be constructed in such a manner that no outdoor storage must be visible from an adjacent property, street or highway. Materials must not be piled against the fence or higher than the height of the fence.
- B. A planting screen of pyramidal arbor vitae, the plantings being at least three feet high when planted and spaced four feet on center, may be used. Other evergreen varieties may be used if approved by and spaced according to the City of Tiffin. The planting bed must have a minimum

dimension of five feet, be separated from streets, drives and parking areas by an curb or barrier in such a manner that sand and saltwater runoff will not damage the screening.

- C. Where a planting screen cannot be expected to thrive because of intense shade, soil or other conditions, a solid fence of durable construction, and earthen berm covered with grass or low shrubs or other acceptable materials that provide maximum visual obscurity to a height of six feet at maturity may be used if approved by the City.

3. Time of Installation:

If a lot proposed for a industrial use is located adjacent to or opposite an existing residential use or subdivision in a residential zone or a school, screening, as required herein, must be installed prior to occupancy or commencement of a use. The City may grant a delay to the seasonal calendar dates of June 1 or November 1, whichever comes first. Similarly, if a lot or space intended for the placement of a manufactured housing is located adjacent to or across the street from and existing residential development, the owner of the manufactured housing use must provide screening as described herein.

4. Maintenance:

The owner must keep all screening properly maintained, free of trash and litter and all plant materials pruned in such a manner as to provide effective visual obscurity from the ground to a height of at least six feet.

Table M-1
Area Requirements

LIGHT INDUSTRIAL

Major Category	Minimum Lot Area Sq ft	Minimum Lot Width ft	Front Yard Setback ft	Interior Side Yard Setback ft	Corner Yard Setback ft	Rear Yard Setback Ft	Floor Area Ratio	Maximum Height Of Principal
Industrial Uses	20,000	100	40	15	30	40	10	45
Warehouse & Wholesale Uses	20,000	100	40	15	30	40	1	45
Service Uses	10,000	80	40	10	30		0.8	45
Retail Business Uses	10,000	80	40	10	30	30	0.8	45
Office Uses	10,000	80	40		30		0.8	45
Agricultural Uses	5 Acres	300	50	30	30	40	0.015	35
Recreation and Social Facilities	20,000	100	40	15	30	40	1	45
Public, Education or Utility Uses	10,000	80	40	10	30	30	0.8	45
Land Excavation or Utility Uses	20 Acres	500	150	75	75	75	0.02	35
Radio & TV Station Towers	5 Acres	300	50	15	30	40	0.05	200
Miscellaneous Uses	20,000	100	40	15	30	40	1	45

TABLE M-1
Permitted Principal Uses and Structures

1. **INDUSTRIAL USES**
 - a. Bakeries; manufacturing.
 - b. Blacksmith shops.
 - c. Cabinetmakers.
 - d. Contractor's Equipment Storage Yards.
 - e. Crematories.
 - f. Dry Cleaning Establishments; with central plant serving more than one retail outlet.
 - g. Exterminating and Fumigating Shops.
 - h. Glazing Shops.
 - i. Launderers; industrial.
 - j. Laundries; with central plant serving more than one retail outlet.
 - k. Medical Research Facilities.
 - l. Ornamental Ironworks Shops.
 - m. Print Shops.
 - n. Printing, Publishing and Lithography Industries.
 - o. Sheet Metal Shops.
 - p. Sign Contractors.

2. **WAREHOUSE AND WHOLESALE USES**
 - a. Automobile Storage Facilities.
 - b. Beverage Distributors.
 - c. Warehouses.
 - d. Wholesale Establishments-completely enclosed.

3. **SERVICE USES**
 - a. Ambulance Service Garages.
 - b. Animal Shelters/Kennels.
 - c. Automobile Diagnostic Centers and Clinics.
 - d. Automobile Driving Schools.
 - e. Automobile Rentals.
 - f. Automobile Repair Garages.
 - g. Blueprinting and Photostating Establishments.
 - h. Cartage and Express Facilities.
 - i. Credit Unions.
 - j. Dental or Medical Laboratories.
 - k. Electrical Shops.
 - l. Furniture Cleaning, Upholstering and Repair.
 - m. Linen, Towel, Diaper and Similar Supply Services.
 - n. Newspaper Distribution Agencies.
 - o. Packing and Crating Services.
 - p. Parcel Pick-Up and Delivery Services.
 - q. Refrigeration Shops.
 - r. Taxicab Garages.
 - s. Taxidermists.
 - t. Towing Services.
 - u. Window Cleaning Services.
 - v. Equipment Rental and Leasing Service without outside storage, display or maintenance of the equipment.

4. **RETAIL BUSINESS USES**
 - a. Automobile Accessory Stores.
 - b. Automobile Sales and Service.
 - c. Bars and Cocktail Lounges; including dancing and/or live entertainment.
 - d. Bicycle Sales and Repair Shops.
 - e. Boat Sales, Rentals, Storage, and Repairs.
 - f. Building Material Supplies, Sales and Service.
 - g. Camper Sales.
 - h. Catalog Sales and Mail Order Stores.
 - i. Christmas Tree Sales.
 - j. Farm Supply Stores.
 - k. Feed and Grain Sales.
 - l. Fuel Oil Sales.
 - m. Furnace Supplies and Service.
 - n. Greenhouses; retail or wholesale sales.
 - o. Heating Supplies and Fixture Sales.
 - p. Home Supply Centers.
 - q. Lawnmower Sales and Repairs.
 - r. Mobile Home Dealers.
 - s. Motorcycle Sales, Repairs and Service.
 - t. Nurseries; retail or wholesale sales.
 - u. Plumbing Supplies and Fixture Sales.
 - v. Recreational Vehicle Sales.
 - w. Retail Outlet Stores; accessory to a manufacturing or wholesale establishment.
 - x. Septic Tank Sales and Service.
 - y. Snowmobile Sales and Service.
 - z. Taverns.
 - aa. Tire, Battery and Accessory Dealers.
 - bb. Trading Stamp Stores.
 - cc. Trailer Sales and Rentals.
 - dd. Truck and Recreational Vehicle Sales and Service.
 - ee. Water Softener Sales and Services.

5. **OFFICE USES**
 - a. Architect's Office.
 - b. Contractor's Construction Offices.
 - c. Engineering Office.
 - d. Labor Union Offices.
 - e. Landscape Architect's Office.
 - f. Manufacturer's Agent Office.
 - g. Offices for Executive to Administrative Purposes.
 - h. Taxicab Offices.
 - i. Utility Offices.

6. **AGRICULTURAL USES**
 - a. Agricultural Buildings and Structures.
 - b. Cultivation of Field and Garden Crops.
 - c. Farms.

7. **RECREATION AND SOCIAL FACILITIES**
 - a. Bowling Alleys.
 - b. Skating, Ice, or Roller Rinks; Indoor.

8. PUBLIC, EDUCATION OR UTILITY USES

- a. Bus Maintenance Shops.
- b. Bus Passenger's Stations.
- c. Bus Terminals, Turnarounds, and Lots.
- d. Electric Substations, Gas Regulator Stations, and Telephone Exchanges.
- e. Fire Stations.
- f. Police Stations.
- g. Pumping Stations, Water Towers, Water Works, or Wells; public.
- h. Railroad Passenger's Stations.
- i. Telephone Transmission Equipment Buildings and Micro-Wave Relay Towers.
- j. Public Wastewater Treatment Facilities

9. MISCELLANEOUS USES

- a. Model Home or Garage Displays.
- b. Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on an existing building or structure as a permitted use subject to the provisions of Section 9.17 of this Ordinance.

TABLE M-1
“SPECIAL EXCEPTIONS USES PERMITTED”

1. INDUSTRIAL USES

- a. Air Freight Terminals.
- b. Automobile Paint Shops.
- c. Automobile Undercoating Services.
- d. Bottling Works.
- e. Chemical Processing and Production.
- f. Dairy Products Manufacturing.
- g. Electroplating Industries.
- h. Food Processing and Packing.
- i. Machine Shops.
- j. Motor Freight Terminals.
- k. Personnel Training Centers.
- l. Pharmaceutical Industries and Research.
- m. Plastics Manufacturing.
- n. Rail Freight Terminals.
- o. Refuse Reduction Plants.
- p. Research and Development Laboratory Facilities.
- q. Scientific Research Laboratories; including research, product development, pilot plants, and research manufacturing facilities.
- r. Stone Companies.
- s. Storage of Bulk Materials; outdoor.
- t. Truck Freight Terminals.
- u. Welding Shops.
- v. Woodworking and Wood Products Manufacturing.
- w. All manufacturing and industrial activities, not mentioned heretofore, that can be conducted within wholly enclosed buildings and that conform to this District's performance standards. However, industrial uses involving the storage, utilization, or manufacture of materials that decompose by detonation are prohibited.

2. WAREHOUSE AND WHOLESALE USES

- a. Butane Distributors and Sales.
- b. Grain Elevators and Storage.
- c. Wholesale, Warehouse, or Industrial Establishments; with outdoor storage.

3. SERVICE USES

- a. Sewer and Septic Tank Cleaning and Rodding Service.
- b. Automobile Service Stations; for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto.
- c. Automobile (Car) Wash.
- d. Equipment Rental and Leasing Service with outside storage, display, or maintenance of the equipment.

4. RETAIL BUSINESS USES

- a. Bottled Gas Dealers.
- b. Flea Markets.
- c. Restaurants; drive-in or carry-out.

5. **RECREATION AND SOCIAL FACILITIES**
 - a. Go-Kart Race Tracks.
 - b. Theaters; drive-in.

6. **PUBLIC, EDUCATION, OR UTILITY USES**
 - a. Airports and Heliports.
 - b. Highway Maintenance Shops and Yards.
 - c. Radar Installations and Towers.
 - d. Railroad Shops and Roundhouses.
 - e. Railroad Switching Yards.
 - f. Trade Schools.
 - g. Utility Service Yards or Garages.
 - h. Vocational Schools.

7. **LAND EXCAVATION AND FILLING USES**
 - a. Borrow Pits; for commercial purposes.
 - b. Extraction of Earth Products; for commercial purposes.
 - c. Sanitary Landfills.
 - d. Top Soil Removal; for commercial purposes.

8. **RESIDENTIAL USES**
 - a. Residence of the proprietor, caretaker, or watchman of an industrial use.

9. **MISCELLANEOUS USES**
 - a. Radio Stations and Towers.
 - b. Television Stations and Towers.
 - c. Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on an existing building or structure as a special use subject to the provisions of Section 9.17 of the Ordinance
 - d. Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on a building or structure that is not an existing building or structure as a special use subject to the provisions of Section 9.17 of this Ordinance.

M-2

INDUSTRIAL (HEAVY) INDUSTRIAL DISTRICT

M-2

.01 INTENT and DESCRIPTION OF DISTRICT

The M-2 General (Heavy) Industrial District is intended to provide lands for development by most types of industrial firms. Industrial and ancillary operations are permitted only in a clean and quiet manner and only if in compliance with the district's industrial performance standards.

M-2

.02 PRINCIPAL USES AND STRUCTURES PERMITTED

Permitted uses of land or buildings, as hereinafter enumerated, must be permitted in the M-2 General (Heavy) Industrial District only in accordance with conditions specified. Only those uses specifically listed hereunder must be considered permitted uses, and no building or lot must be devoted to any use other than a use permitted hereunder, with the exception of: Permitted Principal Uses and Structures as listed in **Table M-2** (located at the end of this section).

M-2.

.03 ACCESSORY AND TEMPORARY BUILDINGS AND STRUCTURES

Accessory and temporary buildings or structures are permitted according to the provisions of Section 9.05 and Section 9.21.

M-2

.04 SPECIAL EXCEPTION USES

Special uses, as hereinafter listed, are allowed subject to the issuance of special exception use permits in accordance with the provisions of Section 11.07. Refer to the following Table M-2 for a listing of Special Exception Uses Permitted

Special exception uses must meet more restrictive site and structure provisions if the City Council, acting upon the recommendation of the Planning and Zoning Commission, determines that such requirements are necessary to the public health, safety, and general welfare.

M-2

.05 AREA REQUIREMENTS

The minimum area that may constitute a separate or detached part of the M-2 zoning district on the City of Tiffin Zoning Map or subsequent amendments to the Zoning Map must be three acres. However, land zoned in the M-1 zoning district that immediately abuts or is directly across the street from land zoned in the M-2 classification, may be included in the calculation of area in meeting the minimum requirements.

The minimum area, setback, density and maximum height, must be as prescribed in the following Table M-2.

- A. Any lot adjacent to U.S. Highway 6, in any way, must be required to have a 20-foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, which must be required to have a thirty-32-foot setback, in addition to the minimum yard requirements state herein.

- B. Any lot adjacent to a railroad right-of-way, in any way, must be required to have a 50-foot setback in addition to the minimum yard requirement stated herein.

M-2

.06

SIGN REGULATIONS

Signs are permitted according to the provisions of Section 6.

M-2

.07

PARKING AND OFF-STREET LOADING REGULATIONS

Parking and off-street loading must be provided according to the provisions of Section 7.

M-2

.08

LIGHTING REGULATIONS

Exterior lighting is provided according to the provisions of Section 8.

M-2

.09

LANDSCAPING REGULATIONS

At the time of application for a building permit in all industrial zones, an applicant must provide a landscaping plan for review by the Planning and Zoning Commission or the city designee. The landscaping plan must be appropriate to the zone and must be submitted at the time of application for construction and must be subject to review and approval of the City.

Industrial zones must provide in their landscaping plans for the placement of no less than one deciduous tree for each acre or less of zoned area. The city review may also request additional landscaping such as shrubs and border vegetation if this should appear to be beneficial and conducive to a more esthetic, attractive and orderly development of the area.

M-2

.10

SPECIAL REGULATIONS

- A. Residential uses are not permitted within the M-2 District.
- B. Fencing and Screening as provided in Section 5.

M-2

.11

PERFORMANCE STANDARDS

A. Purpose

Performance standards, regulating industrial development and activity within the City of Tiffin, are intended to:

1. Permit industrial land uses to be measured factually and objectively.
2. Ensure that all industries provide methods that protect the community from hazards that are preventable by legitimate processes of control and nuisance elimination.
3. Protect industries from arbitrary exclusion or persecution based solely on subjective determinations of industrial performances made in the past.

B. Applicability

Performance standard provisions of this Section must be applicable to any use established in this zoning district in either of the following instances:

1. If any use, building or other structure, established prior to the effective date of this Ordinance is extended, enlarged, moved, structurally altered, or reconstructed, the change in building or land use or configuration must be in full compliance with this provision. Uses lawfully established prior to the effective date of this Ordinance, and not being extended, enlarged, moved, structurally altered or reconstructed, must fully comply with applicable industrial performance standards existing at the time of use establishment or at the time of most recent structural alteration.
2. Any use established, any building or structure constructed, or tract of land developed for any permitted, special, or accessory use in this zoning district must comply with all of the performance standards herein set forth.

C. Procedure

Showing of Probable Compliance - Uses, buildings, or structures, required to comply with this provision must make a showing of probable compliance with these performance standards before undertaking the alteration. The showing must be in the form of a letter submitted with the zoning application (or building application if proper industrial zoning already exists), prepared by the City Engineer, certifying that the use, building, or structure complies with all industrial performance standard requirements. The letter must be based on the engineer's personal scrutiny of the site and proposed use or alteration, and must have analytical foundation in accepted engineering principles. In addition, the Planning and Zoning Commission or the City Council may require the applicant to submit:

1. A plot plan showing the location of all present and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, streets, streams, or other significant features on or within 200 feet of the proposed site.
2. A description of the activity to be conducted regarding waste products, external effects, or other conditions that are regulated herein; provided however, that the applicant may not be required to reveal any trade secrets or sufficient detail with regard to a process that would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.
3. The type and location of abatement devices to control, or recording instruments to measure conformance with required standards, not including devices and instruments that are inherent in the manufacturing process.
4. Such other data and certification that may reasonably be required by the Planning and Zoning Commission or the City Council to reach a determination.

5. All information and evidence submitted in applications to indicate conformity to performance standards must constitute a certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.

D. Administrative Options

The Planning and Zoning Commission may approve the establishment of the use, building, or structure, if all pertinent provisions of this Ordinance, and other applicable City ordinances are complied with. If the Planning and Zoning Commission determines that the proposed use, building or structure does not comply with performance standards, they may inform the applicant that either more information is necessary or that an independent engineering analysis of the proposed use, building, or structure is required prior to final City approval.

E. Need for Independent Engineering Analysis

If the Planning and Zoning Commission determines that reason exists to doubt compliance with any applicable performance standard provision, a professional engineer of the city's choosing and acceptable to the petitioner may be asked to analyze the prospects for compliance. The cost of the analysis must be paid by the applicant.

F. Use of Independent Engineering Analysis

Upon submission of an independent engineering analysis authorized by the City, the Planning and Zoning Commission may authorize establishment of the use, building, or structure if the independent analysis confirms probable compliance with this provision and if all other applicable provisions of this and other city ordinances are satisfied. If the independent engineering analysis indicates that the proposed use, building, or structure is not likely to comply with this provision, then the application must be denied until such time that the proposal is able to comply fully with the requirements.

G. Appeal of Administrative Determination

Action, or a lack of action by the Planning and Zoning Commission, with reference to these performance standards may be appealed to the Board of Adjustment. In instances when no action has been taken by the Planning and Zoning Commission within 120 days after formal filing of the application, the lack of action may be appealed to the Board of Adjustment.

H. Continued Enforcement

1. The Planning and Zoning Commission must investigate any purported violation of performance standards. Uses, buildings, or structures lawfully established prior to the effective date of this Ordinance and subject to performance standards existing at that time may be found to be in violation with those previously applicable standards. Alleged violations may be brought to the Planning and Zoning Commission's attention by anyone. If a violation is alleged and the Planning and Zoning Commission finds probable cause of a violation, the City must inform the suspected violator and the violator must initiate an independent engineering analysis within 14 days of notice by the City. Administrative determinations made in conjunction with the analysis may be appealed in the same manner as set forth in this Ordinance for appeals.

2. Revocation of Permits

If an alleged violation is determined to be valid by the independent engineering analysis, any permits previously issued in conjunction with the established use, building, or structure are void and the violator must cease operation until the violation is remedied. Failure to cease operation within two days of notice to do so by the City constitutes an aggravated violation of this Ordinance and the penalty provision cited in Section 13 may be imposed

I. TECHNICAL PROVISIONS

1. Noise

a. To measure the intensity and frequency of sound, the sound level meter, the octave band analyzer, and the impact noise analyzer may be employed. The flat network and the fast meter response of the sound level meter may be used. Sounds of short duration that cannot be measured accurately with the sound level meter may be measured with the impact noise analyzer. Octave band analyzer calibrated in the preferred frequencies (American Standards Association S1 6-1960, Preferred Frequencies for Acoustical Measurements) may be used with the following tables. Should a complaint be filed with the City regarding industrial use noise, the suspected violator must hire a consultant approved by the City to measure, record, and report to the City results of the analysis. The alleged violator will pay all costs of testing.

b. Maximum Permitted Sound Level

Octave Bank Frequency "Cycles per Second"	Decibels
0 through 74	67
75 through 149	59
150 through 299	52
300 through 599	46
600 through 1,199	40
1,200 through 2,399	34
2,400 through 4,799	32
4,800 and over	32

c. Exceptions

The following uses and activities must be exempt from the noise level regulations in the M-2 District:

- i. Noises not directly under control of the property user.
- ii. Noises emanating from construction and maintenance activities between 7:00 A.M. and 9:00 P.M. Such activities are those that are non-routine operations accessory to the primary activities and that are temporary in nature, or conducted infrequently.

- iii. The noises of safety signals, warning devices, and emergency pressure relief valves.
- iv. Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.
- v. At no point along the boundary of a residential district or along an adjacent lot must the sound pressure level of any operation or plant exceed the decibel limits in the octave bands designated as follows.

2. **Vibration**

- a. Any industrial operation or activity that causes at any point along the nearest adjacent lot line earth borne vibrations in excess of the limits set forth in Column I of the following Tables is prohibited.
- b. In addition, any industrial operation or activity that may cause at any time and at any point along a residence district boundary line, earth borne vibrations in excess of the limits set forth in the following tables.
- c. **Exceptions:** The following uses and activities must be exempt from the vibration level regulations:
 - i. Vibrations not directly under the control of the property user.
 - ii. Vibrations emanating from construction and maintenance activities between 7:00 A.M. and 9:00 P.M. Such activities are those that are non-routine operations accessory to the primary activities and that are temporary in nature, or conducted infrequently.
 - iii. Transient vibrations of moving sources such as automobiles, trucks, airplanes and railroads.
 - iv. Vibrations must be expressed as displacement in inches and must be measured with a three-component measuring system approved by the Zoning Administrator.

d. **Maximum Permitted Steady-State Vibration Displacement Level**

Frequency (Cycles per Second)	I*	II*
	Displacement (Inches)	Displacement (Inches)
0 through 9	0.0008	0.0004
10 through 19	0.0005	0.0002
20 through 29	0.0003	0.0001
30 through 39	0.0002	0.0001
40 and over	0.0001	0.0001

*Steady-state vibrations, for purposes of this Ordinance, are vibrations that are continuous, or vibrations in discrete impulses more frequent than one hundred (100) per minute. Discrete impulses that do not exceed one hundred (100) per minute, must be considered impact vibrations and must not cause in excess of twice the displacements stipulated.

e. **Maximum Permitted Impact Vibration Displacement Level**

Frequency (Cycles per Second)	I*	II**
	Displacement (Inches)	Displacement (Inches)
0 through 9	0.0016	0.0006
10 through 19	0.0010	0.0003
20 through 29	0.0006	0.0002
30 through 39	0.0004	0.0001
40 and over	0.0002	0.0001

**Impact vibrations, for purposes of this Ordinance, are vibrations that occur in discrete impulses separated by an interval of at least one minute and numbering not more than eight in any twenty-four hour period.

3. **Smoke and Particulate Matter**

Any emission from a lot of particulate matter containing more than 5% by weight of particles having a particle diameter larger than 44 microns is prohibited. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot must be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified herein is prohibited. The emission of smoke or particulate matter of a density or equivalent opacity equal to, or greater than, No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided herein. (The Ringelmann Chart is the chart published by the United States Bureau of Mines).

a. **Smoke Emission**

In the I-2 zone, the emission of more than 12 smoke units per stack in any one hour period is prohibited. However, once during any six hour period each stack must be permitted up to 12 additional units in a 15 minute period for soot blowing and fire cleaning. Only during such 15 minute periods must smoke of a density or equivalent opacity equal to, but not exceeding, Ringelmann No. 3 be permitted, and then only for fire cleaning and for not more than four minutes per period.

b. **Particulate Matter**

The rate of emission of particulate matter from all sources within the boundaries of any lot must not exceed the rate established in the following Table:

c. **Maximum Permitted Particulate Matter Emission Rate**

Height of Emission (Feet)	Pounds Per Hour Per Acre
0 through 49	1.00
50 through 99	1.01
100 through 149	1.06
150 through 199	1.10
200 through 299	1.16
300 through 399	1.30
400 and over	1.50

d. **Method of Measurement-**

i. **Smoke** – To grade the density or equivalent opacity of emission of smoke, the Ringelmann Chart must be used. To determine smoke units, the Ringelmann reading must be made at least every minute during the period of observation. Each reading (Ringelmann number) must be multiplied by the time in minutes that it is observed, and the products added together to determine the total number of smoke units observed during the total period of observation.

ii. **Particulate Matter** - The total net rate of emission of particulate matter within the boundaries of any lot must be determined as follows: Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the hourly rate of emission in pounds per acre. Add together the individual rates of emission as derived above to obtain the total rate of emission from all sources of emission within the boundaries of the lot. This total must not exceed the rate established in the preceding Table.

4. **Odors**

Continuous, frequent, or repetitive emission of odors or odor-causing substances that would be offensive beyond any property line of any industrial use are prohibited. An odor emitted no more than 15 minutes in any one day must not be deemed as continuous, frequent, or repetitive within the meaning of these regulations. The existence of an odor is presumed when analysis by a competent technician demonstrates that a discernible odor has been emitted. Any process that may involve the creation or emission of any odors must be provided with a primary and a secondary safeguard system so that control will be maintained if the primary safeguard system fails.

5. **Radiation Hazards**

The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes must be in conformance with

- a. the applicable regulations of the Atomic Energy Commission and
- b. the applicable regulations of the State of Iowa.

6. **Fire and Explosive Hazards**

- a. No explosives may be stored, used, or manufactured without first submitting notice to the City and Tiffin Fire Association.
- b. No gasoline or other inflammables or explosives may be stored unless the location, plans, and construction conform to the laws and regulations of the State of Iowa and have the approval of both the State Division of Fire Prevention of the Department of Public Safety and the Tiffin Fire Association.

7. **Glare and Heat**

Every use and activity must be so operated that it does not emit heat or heated air beyond the boundary of the lot on which it is located. No direct or sky-reflected glare must emanate from any use or activity that is visible at any point on or beyond the boundary of the lot on which such use or activity is located. This restriction must not apply to signs otherwise permitted by the provisions of the Zoning Ordinance or other applicable ordinances. It does not apply to activities of a temporary or of an emergency nature, nor to night lighting necessary for safety and the protection of property.

8. **Electromagnetic Interference**

Electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the federal Communications Commission, is prohibited.

M-2
.12

SITE AND PLAN REVIEW

The same provisions under C-1S.12 apply.

M-2
.13

OUTDOOR STORAGE AND SCREENING

A. Recycling processing facility, provided:

- 1. The exterior storage area is no greater than fifty percent (50%) of the size of the ground floor area of the principal structure, or one thousand five hundred (1,500) square feet, whichever is less; and

2. All unloading and storage of materials, including processed materials, must be conducted within completely enclosed buildings; and
3. Incidental outdoor storage areas, including the storage of empty waste containers and collection vehicles, but not including the outdoor storage of discarded or recyclable materials, must be screened from view of adjacent property located in a residential or commercial zone and from public street, and must not be permitted in any front yard. The screening must meet the requirements of Section 5.07.J.9 of this Chapter; and
4. The exterior storage of full or partially full waste containers must be prohibited, however, collection containers for recyclable materials that are open to the public may be located outdoors, provided containers that are designed to control the spread of litter and debris and that they are not located within a front yard.

B. Truck Terminal Facilities, provided:

1. The exterior storage area is no greater than 50% of the size of the ground floor area of the principal structure, or 1,500 square feet, whichever is less; and
2. All vehicles on the property are in operational condition and are properly licensed as required by state or federal Law.
3. No vehicle is stored for more than 45 continuous days on the property.
4. The parking and trailer storage area is surfaced with asphalt or concrete designed and maintained to prevent the flow of water onto adjoining properties.
5. Screening is preserved, planted, constructed, and maintained according to Section 5.07.J.9 of this Chapter. Screening must also be provided along any lot lines, which abut any street in a manner sufficient to obscure the truck terminal facility from view, using the screening standards in subsection 8 of this Chapter.

C. Outdoor storage of discarded tires or appliances, excluding the processing or disassembly of the materials, as an accessory use to a recycling processing facility, provided:

1. The exterior storage area is no greater than 50% of the size of the ground floor area of the principal structure, or 1,500 square feet, whichever is less; and

2. Outdoor storage must be conducted entirely within an enclosed fence, wall, or other solid screen. The solid screen must be constructed so that no outdoor storage is visible from an adjacent property or public right-of-way. Materials may not be piled against the fence or higher than the height of the fence; and
 3. The outdoor storage of tires must not be closer than 100 feet to any property line; and
 4. Mosquito abatement measures must be incorporated into the design of the outdoor storage area.
- D. Outdoor storage of recyclable materials, not including tires or appliances, as an accessory use to a recycling processing facility, provided;
1. The exterior storage area is no greater than 50% of the size of the ground floor area of the principal structure, or 1,500 square feet, whichever is less; and
 2. Paper products, cardboard, plastic, and other similar materials must be processed by bailing, palletizing, or other means to control the spread of litter; and
 3. Outdoor storage of unprocessed materials must be limited to glass, metal, or other materials that are not easily dispersed by wind, provided they are located in a container or structure designed to control the spread of litter and debris; and
 4. Outdoor storage must be limited to those materials that are intended for reuse, remanufacture, or reconstitution, and not for final disposal in a landfill, by incineration, or by other means; and
 5. Plans for controlling the spread of litter and debris may be required prior to the approval of the outdoor storage area; and
 6. Screening of outdoor storage areas must be provided as required by Section 9 of this Chapter.

Screening

Where a lot occupied by an industrial use abuts or is across a street, roadway, alley or railroad right-of-way from an agricultural, residential, school or recreational area including a park, playground, or Clear Creek, screening must be preserved, planted, or constructed and maintained by the owner of the industrial use in accordance with the provisions set forth below.

- A. Location:
1. Screening must be provided along lot lines or street right-of-way in a manner sufficient to obscure the industrial use from view at ground level within the lot lines of a residential or school abutting or located across the street from the industrial use.

2. In an industrial zone where parking is located within 60 feet of a residential or other industrial zone boundary, screening must be provided in a location and manner sufficient to effectively obscure all off-street parking and loading, storage or other such areas of activity from view within the lot lines of the residential zone or school.
3. In all instances where street right-of-way, which acts to separate the lots on which the uses are located, is 100 feet or wider, screening is not required.

B. Screening Materials:

1. Outdoor storage must be conducted entirely within an enclosed fence, wall, or other solid screen. The solid screen must be constructed in such a manner that no outdoor storage is visible from an adjacent property or public right-of-way. Materials must not be piled against the fence or higher than the height of the fence.
2. A planting screen of pyramidal arbor vitae, the plantings being at least three feet high when planted and spaced four feet on center, may be used. Other evergreen varieties may be used if approved by and spaced according to the City. The planting bed must have a minimum dimension of five feet be separated from streets, drives and parking areas by an curb or barrier in a manner so that sand and saltwater runoff will not damage the screening.
3. Where a planting screen cannot be expected to thrive because of intense shade, soil or other conditions, a solid fence of durable construction, and earthen berm covered with grass or low shrubs or other acceptable materials that provide maximum visual obscurity to a height of six feet at maturity may be used if approved by the City of Tiffin.

C. Time of Installation

If a lot proposed for a industrial use is located adjacent to or opposite an existing residential use or subdivision in a residential zone or a school, screening, as required herein, must be installed prior to occupancy or commencement of a use. The City of Tiffin may grant a delay to the seasonal calendar dates of June 1 or November 1, whichever comes first. Similarly, if a lot or space intended for the placement of a manufactured housing is located adjacent to or across the street from and existing residential development, the owner of the manufactured housing use must provide screening as described herein.

D. Maintenance

The owner must keep all screening properly maintained, free of trash and litter and all plant materials pruned in such a manner as to provide effective visual obscurity from the ground to a height of at least six feet (6').

TABLE M-2
Area Requirements

M-2 HEAVY INDUSTRIAL

Major Category	Minimum Lot Area sf	Minimum Lot Width Ft	Front Yard Setback Ft	Interior Side Yard Setback ft	Corner Yard Setback ft	Rear Yard Setback Ft	Floor Area Ratio	Maximum Height Of Principal
Industrial Uses	30,000	100	40	15	30	40	1	45
Warehouse & Wholesale Uses	30,000	100	40	15	30	40	1	45
Service Uses	10,000	80	40	10	30	30	0.8	45
Retail Business Uses	10,000	80	40	10	30	30	0.8	45
Office Uses	10,000	80	40		30		0.8	45
Recreation and Social Facilities	20,000	100	40	15	30	40	0.5	45
Public, Education or Utility Uses	10,000	80	40	10	30	30	0.8	45
Land Excavation or Utility Uses	20 Acres	500	150	75	75	75	0.02	35
Miscellaneous Uses	20,000	100	40	15	30	40	1	45

TABLE M-2
Permitted Principal Uses and Structures

1. **INDUSTRIAL USES**
 - a. Air Freight Terminals.
 - b. All manufacturing and industrial activities including the fabrication, processing, assembly, disassembly, repairing, cleaning, servicing, testing, packaging, and storage of materials, products and goods that can be conducted within enclosed buildings. All uses must conform to the Performance Standards of this Section.
 - c. Automobile Paint Shops.
 - d. Automobile Undercoating Services.
 - e. Bakeries, manufacturing.
 - f. Bottling Works.
 - g. Building Material Supplies.
 - h. Cabinetmakers.
 - i. Chemical Processing and Production.
 - j. Contractor's Equipment Storage Yard.
 - k. Dairy Products Manufacturing
 - l. Dry Cleaning Establishments; with central plant serving more than one (1) retail outlet.
 - m. Electroplating Industries.
 - n. Exterminating and Fumigating Shops.
 - o. Food Processing and Packing.
 - p. Glazing Shops.
 - q. Laundries; industrial.
 - q. Laundries; with central plant serving more than one (1) retail outlet.
 - r. Lumber Companies and/or Yards.
 - s. Machine Shops.
 - t. Motor Freight Terminals.
 - u. Ornamental Ironworks Shops.
 - v. Pharmaceutical Industries and Research.
 - w. Plastics Manufacturing.
 - x. Print Shops.
 - y. Printing, Publishing, and Lithography Establishments.
 - z. Rail Freight Terminals.
 - aa. Research and Development Laboratory Facilities.
 - bb. Scientific Research Laboratories; including research, product development, pilot plants, and research manufacturing facilities.
 - cc. Sheet Metal Shops.
 - dd. Sign Contractors.
 - ee. Truck Freight Terminals.
 - ff. Welding Shops.
 - gg. Woodworking and Wood Products Manufacturing.

2. **WAREHOUSE AND WHOLESALE USES**
 - a. Automobile Storage Facilities.
 - b. Beverage Distributors.
 - c. Warehouses.
 - d. Wholesale Establishments - completely enclosed.

3. **SERVICE USES**
 - a. Ambulance Service Garages.
 - b. Blueprinting and Photostatting.
 - c. Bottled Gas Dealers.
 - d. Cartage and Express Facilities.
 - e. Credit Unions.
 - f. Electrical Shops.
 - g. Furnace Supplies and Services.
 - h. Furniture Cleaning, Upholstering and Repair.
 - i. Linen Towel, Diaper, and Similar Supply Services.
 - j. Packing and Crating Services.
 - k. Parcel Delivery and Pick-Up Services.
 - l. Refrigeration Shops.
 - m. Towing Services.
 - n. Water Softener Services.
 - o. Window Cleaning Services.

4. **RETAIL BUSINESS USES**
 - a. Fuel Oil Sales.
 - b. Heating Supplies and Fixture Sales.
 - c. Plumbing Supplies and Fixture Sales.
 - d. Retail Outlet Stores; accessory to a manufacturing or wholesale establishment

5. **OFFICE USES**
 - a. Architect's Office.
 - b. Contractor's Construction Offices.
 - c. Engineering Office.
 - d. Labor Union and Organizations.
 - e. Landscape Architect's Office.
 - f. Land Surveyor's Office.
 - g. Manufacturer's Agent Office.
 - h. Offices for Executive and Administrative Purposes.
 - i. Utility Offices.

6. **PUBLIC, EDUCATION, AND UTILITY USES**
 - a. Bus Maintenance Shops.
 - b. Electric Substations, Gas Regulator Stations, and Telephone Exchanges.
 - c. Fire Stations.
 - d. Highway Maintenance Shops and Yards.
 - e. Police Stations.
 - f. Pumping Stations, Water Towers, Water Works, or Wells; public.
 - g. Railroad Shops and Roundhouses.
 - h. Railroad Switching Yards.
 - i. Telephone Transmission Equipment, Buildings and Micro-Wave Relay Towers.
 - j. Utility Service Yards or Garages.

7. **MISCELLANEOUS USES**

Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on an existing building or structure as a permitted use subject to the provisions of Section 9.17 of this Ordinance.

TABLE M-2
SPECIAL EXCEPTIONS USES PERMITTED

1. **INDUSTRIAL USES**
 - a. Industrial uses involving the storage, utilization, or manufacture of materials or products that decompose by detonation.
 - b. Paper Products Manufacturers
 - c. Stone Companies.
 - d. All manufacturing and industrial activities, not mentioned heretofore, that can be conducted within wholly enclosed buildings and that conform to this District's performance standards.

2. **WAREHOUSE AND WHOLESALE USES**
 - a. Butane Distributors and Sales.
 - b. Grain Elevators and Storage.
 - c. Machinery Storage Yards.
 - d. Wholesale, Warehouse, or Industrial Establishments; with outdoor storage.

3. **SERVICE USES**

Sewer and Septic Tank Cleaning and Rodding Services.

4. **RECREATION AND SOCIAL FACILITIES**

Go-Kart Race Tracks.

5. **PUBLIC, EDUCATION, OR UTILITY USES**
 - a. Airports and Heliports.
 - a. Radar Installations and Towers.
 - b. Waste Water Treatment Plants.

6. **LAND EXCAVATION AND FILLING USES**
 - a. Borrow Pits; for commercial purposes.
 - b. Extrication of Earth Products; for commercial purposes.
 - c. Sanitary Landfills.
 - d. Top Soil Removal; for commercial purposes.

7. **RESIDENTIAL USES**

Residence of the proprietor, caretaker, or watchman of an industrial use.

8. **MISCELLANEOUS USES**
 - a. Office and Industrial Park; minimum of 100 acres required.
 - b. Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on an existing building or structure as a special use subject to the provisions of Section 9.17 of the Ordinance.
 - c. Personal Wireless Service Facilities including an antenna or equivalent apparatus mounted on a building or structure that is not an existing building or structure as a special use subject to the provisions of Section 9.17 of this Ordinance.
 - d. Sexually-Oriented Businesses –
See Ordinance No. 2002-255 Regulating Sexually-Oriented Businesses

PAD

PLANNED AREA DEVELOPMENT DISTRICT

PAD

.01 INTENT and DESCRIPTION OF DISTRICT This district intends to encourage innovation and flexibility in planning the development of land so that development is compatible with the site's physical and environmental characteristics. This district allows for flexibility in zone district requirements. The PAD district provides an opportunity for the development of a mixture of uses and housing types in a coordinated manner. The underlying zone district will guide the development. It is incumbent upon the applicant proposing the PAD to justify the project. As such, any alteration from the standard zone regulations and or design standards must be listed and accompanied with explanation of the compensating benefit derived from permitting such alteration and or change shall be provided with the application.

PAD

.02 PRINCIPAL USES AND STRUCTURES PERMITTED Any residential use is a permitted use and is governed by density, design, and other requirements of the PAD permit. A PAD may be allowed by council approval in any zoning district; however, no PAD permit may be granted unless the development conforms with the use limitations of the zoning district in which it is located. The density and other limitations of the underlying district must be followed except that those limitations may be lawfully modified as provided by this Ordinance.

PAD

.03 ACCESSORY AND TEMPORARY USES & STRUCTURES. Accessory and temporary uses or structures are allowed according to the provisions of Section 9.05 and Section 9.21.

PAD

.04 SPECIAL EXCEPTION USES A PAD that will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning and must be accompanied by an application for a zoning amendment. A re-zoning request may be made concurrently with a PAD application as long as the request was notated with application.

PAD

.05. AREA REQUIREMENTS

A. A PAD must have no less than five acres. Any land counted toward subdivision green space requirements may not be counted as a part of the PAD. The following exception are made: 1) any PAD application on file with the City at or prior to the date that this ordinance is passed; or 2) any PAD application that has received final plat acceptance by the City prior to or at the time of the passage of this ordinance .

B. The P&Z and City Council must require any arrangements of structures and open spaces within the site development plan necessary to ensure that adjacent properties will not be harmed.

1. **Density.** Density of land use intensity must in no case be more than 25% higher than allowed in the zoning district, except not more than 10% higher in residential districts.
2. **Arrangement.** Where feasible, the least height and density of buildings and uses must be arranged around the boundaries of the development.
3. **Specific regulations.** Lot area, width, yard, height, density and coverage regulations will be determined by approval of the site plan.
4. **Open spaces.** Preservation, maintenance, and ownership of required open spaces within the development must be accomplished by either:
 - a. Dedication of land as a public park or parkway system; or

- b. The grant of a permanent, open space easement on and over the private open space to guarantee that the open space remains perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws that are satisfactory to the governing body.
- 5. **Construction:** Construction must commence within two (2) years from the date the city grants its approval of the application or the approval shall become null and void, without any action by the council. In such a case, the applicant may resubmit the voided PAD but it will be subject to the entire processing procedure.

PAD

.06 **SIGN REGULATIONS** Signs are permitted according to the provisions of Section 6.

PAD

.07 **PARKING & OFF-STREET LOADING REGULATIONS**
Parking must be provided according to the provisions of Section 7.

PAD

.08 **LIGHTING REGULATIONS**
Exterior lighting is provided according to the provisions of Section 8.

PAD

.09 **LANDSCAPING REGULATIONS**
At the time of any building permit in all PAD zones, the applicant must supply a landscaping plan for review by the Planning and Zoning Commission or the city designee. The landscaping plan must be appropriate to the special zone plan and must be submitted at the time of application for the building permit. The plan is subject to review of the Planning and Zoning Commission and approval of the City Council.

PAD zones must provide in their landscaping plans for the placement of no less than one deciduous tree per building and additionally one deciduous tree per residential unit. The city review may also request additional landscaping such as shrubs and border vegetation if this appears to be beneficial and conducive to a more esthetic, attractive, and orderly development of the area.

PAD

.10 **SPECIAL REGULATIONS**

- A. **Ownership.** The development must identify the legal owners of the property. All applications must indicate the authority of the owner for the act of execution.
- B. **Desirability.** The proposed use of the particular location must prove necessary or desirable and must provide a service or facility that will contribute to the general well-being of the surrounding area. It must show that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing near the PAD.
- C. **Approval and Compliance.** In order to approve a PAD, the City Council may require that the following conditions (among others it deems appropriate) be met by the applicant:
 - 1. The proposed PAD application will be processed in the same manner as all other rezoning requests, including the requirement that the application fee must be paid at the time of filing the application. Upon receipt of a fully completed application and payment of fees, the City Clerk will begin processing the application in the same manner as any other rezoning application.
 - 2. The City Council may approve or disapprove an application for a planned area development. If approved, the City Council may attach

any conditions as it deems necessary to secure compliance with the purposes set forth in this chapter.

3. PAD applicants must demonstrate to the satisfaction of the Tiffin City Council that they are financially able to complete the proposed project.
4. The applicants must show that they intend to start construction within one year of either approval of the project or of any necessary zoning district change and that they intend to complete the construction within four years from the date construction begins.
5. Upon approval of a PAD, construction may proceed only in accordance with the plans and specifications approved by the Council and in conformity with any conditions set the City as conditions for its approval. Amendments to approved plans and specifications for a PAD may be obtained only by following procedures here outlined for first approval.
6. The building official will not issue any permit for any proposed building, structure, or use within the project unless proposal accords with the approved development plan.
7. Compliance with the regulations of this chapter does not excuse the developer from the applicable requirements of the subdivision ordinance, except any modifications authorized in the approval of the application for the PAD.

PAD

.11

SITE AND BUILDING PLAN REVIEW

It is the intent of this section that site and building plans for a PAD are prepared by a designer having professional competence in urban planning. The City Council may require the applicant to engage a qualified designer.

Landscaping, fencing, and screening for the uses within the site and as means of integrating the proposed development into its surroundings must be planned and presented to the P&Z and Council for approval together with other required plans for the development. A planting plan showing proposed tree and shrubbery plantings must be submitted for the entire area to be developed. A grading and drainage plan must also be submitted to the P&Z and Council with the application.

PAD

.12

PAD APPLICATIONS:

- A. PAD Request shall follow the same requirements of any other re-zoning request.
- B. A PAD Application must follow all time requirements of a Rezoning request and in addition to any PAD Application must be submitted before two meetings prior to the meeting of the Planning and Zoning Commission when the request will be considered for action on the agenda of the Planning and Zoning Commission. Any applicant is encouraged to bring any preliminary proposal to the P&Z for comment and review prior to formal application.
- C. An application must be in writing and include the following:
 1. Payment of fees as set by resolution of the Council
 2. List of all items in conflict with zone regulations and design standards and including reasons for the conflicts.
 3. Twenty copies of platting plans, construction plans, building and drainage plans, all drawn to scale
 4. Name and contact information for the engineer or planner
 5. Twenty copies of covenant documents or any other relevant information requested by the P&Z or City Council.
 6. A list of all title holders and their current addresses of all property owners located within 200' of the proposed PAD area.
 7. The owner's and developers names and contact information.
 8. The legal description of the area being addressed in the application
 9. A Landscaping Plan.

P-1

PUBLIC USE

P-1

.01 INTENT AND DESCRIPTION OF DISTRICT

The Public Use (P-1) district intends to provide a reference on the zoning map to public uses of land. This includes land owned by the City of Tiffin, United States Federal government, the State of Iowa, Johnson County, or the Clear Creek - Amana Community School District.

P-1

.02 PRINCIPAL USES AND STRUCTURES PERMITTED

- A. Use of land, buildings, or structures by governments.
- B. Agriculture.

P-1

.03 ACCESSORY USES AND STRUCTURES PERMITTED

The uses are subject to the provisions of Section 9.05.

P-1.

04 SPECIAL EXCEPTIONS USES

Any use enumerated as a special exception in any other section of this Ordinance may be permitted as a special exception under this provision.

P-1

.05 AREAS REQUIREMENTS

There are no minimum area requirements except for the following:

- A. Any lot adjacent to U.S. Highway 6, in any way, must have a 20-foot setback in addition to the minimum yard requirements stated herein, except those properties that are located adjacent to Highway 6 beginning at the east line of Main Street to a point 233 feet, more or less, west of the intersection with Roberts Ferry Road and Highway Six, must have a 32-foot setback, in addition to the minimum yard requirements state herein.
- B. Any lot adjacent to a railroad right-of-way, in any way, must have a 50-foot setback in addition to the minimum yard requirement stated herein.

P-1

.06 SIGN REGULATIONS Signs are permitted according to the provisions of Section 6.

P-1

.07 PARKING AND OFF-STREET LOADING REGULATIONS

Parking must be provided according to the provisions of Section 7.

P-1

.08 LIGHTING Exterior lighting is provided according to the provisions of Section 8.

P-1
.09 LANDSCAPING. Does not apply.

P-1
.10 SPECIAL REGULATIONS As of the effective date of this Ordinance, there are no special regulations.

..

SECTION 4

NONCONFORMING USES

4.01 INTENT

- A. If within the districts established by this Ordinance there exist lots, structures, and use of land and structures that were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or amendments, it is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved.
- B. This Ordinance intends that non-conformities must not be enlarged upon, expanded, or extended. Non-conforming uses may not serve as grounds for adding other structures, signs, or uses prohibited elsewhere in the same district.

4.02 EXISTING STRUCTURES AND USES

- A. **Existing Non-conforming Structures**

To avoid undue hardship, nothing in this Ordinance requires a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance when actual building construction has begun. Actual construction includes placing of construction materials in permanent position and fastened in a permanent manner; except that the demolition or removal of an existing building has been substantially begun prior to rebuilding, the demolition or removal will be considered actual construction. The construction must be completed in a reasonable time.
- B. **Non-conforming Lots of Record**

A lot of record on the effective date of this Ordinance that has less area or width than required may be used for any purpose permitted in the district in which it is located, provided all other provisions of this Ordinance are met.
- C. **Non-Conforming Uses of Land**

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

 - 1. No non-conforming use may be enlarged or increased or extended to occupy a greater use of land than it occupied at the effective date of adoption or amendment of this Ordinance.
 - 2. No non-conforming use may be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption or amendment of this Ordinance.

3. If any non-conforming use of land ceases for any reason for a period of more than 180 days, any subsequent use of the land must conform to the regulations specified by this Ordinance for the district in which such land is located.

D. Non-conforming 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, the structure remain so long as it remains otherwise lawful, subject to the following provisions:

1. No structure may be enlarged or altered in a way that increases its non-conformity.
2. If the structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it may not be reconstructed unless it conforms with the provisions of this Ordinance. The determination of the replacement cost must be established by a licensed property appraiser. Provided, however, that if the sole reason that the structure would be non-conforming is that the area of the lot is not sufficient to satisfy the requirements of this Ordinance, and the area of the lot is at least 10,000 sq. ft., then the structure may be reconstructed, provided that the new structure is not enlarged or significantly altered from the characteristics of the previous structure, and it otherwise conforms with all of the provisions of this Ordinance.

E. Non-Conforming Uses Of Structures

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may continue so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, moved, or structurally altered except that the change converts the premises to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building that were manifestly arranged or designed for a use at the time of adoption or amendment of this Ordinance, but the use must not be extended to occupy any land outside the building;
3. Any non-conforming use that is succeeded by a permitted use must thereafter conform to the regulations for the district in which the structure is located, and the non-conforming use may not resume;
4. When a non-conforming use is discontinued or abandoned for six consecutive months, the structure must conform with the regulations of the district in which it is located;
5. Where non-conforming use status applied to a structure and land in combination, removal or destruction of the structure eliminates the non-conforming status of the land.

F. Repairs or Maintenance on Nonconforming Structures

1. On any building devoted in whole or in part to any non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10% of the current replacement value of the building if the area of the building as it existed at the time of passage or amendment of this Ordinance is not increased.
2. Nothing in this Ordinance prevents the strengthening or restoration of a structure to a safe condition if the structure has been declared unsafe by any appropriate official.

G. A Special Exception Is Not a Non-Conforming Use:

A special exception is not a non-conforming use.

SECTION 5

FENCE AND HEDGE REGULATIONS

5.01 INTENT

This section establishes regulations for fences and hedges. It provides for permits, installation, construction, and regulations for location and height. This Section includes by reference all applicable regulations regarding fencing contained in the Tiffin Design Standards..

5.02 PERMITS:

- A. All property owners must apply for a fence permit and pay an application fee prior to installation. Fees for a permit must be set by resolution of the City Council.
- B. Before issuing a permit for a fence proposed to be located on a lot-line shared by two different property owners, the City requires that the following conditions be met:
 - 1. The owners of the properties that share the lot-line on which the proposed fence will be located must sign a written Fence Agreement, in recordable format, that outlines the materials the fence will be constructed from, the location of the fence, the height of the fence, and the agreement of both property owners to terms of the agreement.
 - 2. The agreement must be filed with the County Recorder at the cost of the parties installing the fence.
 - 3. A copy of the recorded Fence Agreement must be presented to the City Clerk before the Clerk will issue the permit.

5.03 LOCATION

- A. Fences and hedges must be located so no part thereof is within three feet of an alley or three feet of a street right-of-way without City permission.
- B. If a Fence Agreement cannot be reached between property owners of a shared lot-line, either property owner may construct an approved fence on their property but it must be a minimum of feet from the shared lot-line.
- C. Fences must be placed so that it does not interfere with pedestrian or vehicular traffic and their safety and sight distances. If a fence violates this requirement, the owner must remove it.

5.04 HEIGHT RESTRICTIONS

- A. In any residential classified districts, fences within the front yard must not exceed four feet in height.
- B. No portion of a perimeter fence or hedge may exceed seven feet in height.

5.05 SPECIAL FENCES

- A. Swimming Pools located outdoors with a depth of 18 inches or more, must be enclosed by a fence subject to the following requirements:
 - 1. The fences must be at least four feet in height from ground level but not to exceed seven feet from the top rim of the pool, and have no spaces that would allow a four inch diameter sphere to pass through.
 - 2. Fences must have a self-closing and self-latching device on the gate.
 - 3. Fences must be located so no part thereof is within three feet of an alley or street right-of-way.
- B. Barbed wire and electric fences must meet the following requirements:
 - 1. Barbed wire and electric fences may not be allowed in residential or commercial zones except as otherwise required by the Tiffin Design Standards or as otherwise provided in this ordinance.
 - 2. Barbed wire and electric fences are prohibited within five feet of a public sidewalk or within four feet of a street right-of-way where a public sidewalk does not exist.
 - 3. Electric fences are not permitted in any district except for the enclosure of livestock operations in Agricultural zones (A-1).
 - 4. No electric fence may carry a charge greater than 25 milliamperes nor a pulsating current longer than one-tenth per second in a one-second cycle. All electric fence chargers must carry the seal of an approved testing laboratory.

SECTION 6

SIGN REGULATIONS

6.01 INTENT

This section provides an administrative framework for controlling the establishment and maintenance of signs in the City and for the enforcement of the standards and regulations. It intends to provide maximum safety for motorists using the streets and for the pedestrians using public ways. This section intends to allow necessary identification with reasonable, orderly, and effective display of signs and outdoor advertising and to avoid the "canceling out" effect of conflicting adjacent signs and to conserve property values. It intends to support the general purpose of the City of Tiffin Zoning Ordinance and Comprehensive Future Land Use Plan of the City. It intends to prevent wasteful use of natural resources and to assure the continued attractiveness of the community.

6.02 DEFINITIONS

For the purpose of this Ordinance, the following terms have the meaning indicated in this Section.

Sign is any identification, description, illustration, or device illuminated or non-illuminated that is visible from any public place or is located on private property and exposed to the public. A sign directs attention to a referent. A sign includes any emblem, painting, banner, pennant, placard, temporary sign, lights, balloons or other device designed to attract attention, advertise, identify, or convey information. A sign includes its supporting structures.

Sign, Advertising: A sign that advertises or solicits for a referent that is not located on the premises where such sign is located, or within the building to which the sign is affixed.

Sign, Business: A sign that directs attention to a commercial use and the sign is located on or in the building where the commercial use is located.

Sign, Construction is any sign identifying individuals or companies involved in a construction project where the sign is placed on the premises while the project is ongoing.

Sign, Flashing is any illuminated sign where the artificial light or lights are not maintained stationary or constant in intensity and color at all times when such sign is illuminated. A sign that displays the time, temperature, or other written message by intermittent lighting is not a flashing sign; such a sign requires a Special Use Permit.

Sign Face: The surface area of a plane that covers a sign when viewed from one side or direction. When more than one sign is located on the same sign structure or building and is separated by less than five feet, the sign face includes the total surface area of the plane that covers all signs when viewed from a single direction. The total sign face area must not exceed the restrictions for Maximum Sign Size Per Sign Face as presented in Table 1 of this Sign Regulations Section of the Ordinance.

Sign Area is the area of the smallest square or rectangle that encloses the sign face, or if a sign has more than one (1) face, the total area of all faces. Trim, molding, supports, or screening that does not serve to attract attention is not included in the sign area calculation. Peripheral sign elements that serve to attract attention to the sign, such as lights and arrows, intended to focus special attention to the sign, are included in the sign area calculations.

Sign, Ground is any sign or other advertising structure placed upon the ground and not attached to any building.

Sign, Illuminated is a sign where the lighting source is an integral part of the sign.

Sign, Indirectly Illuminated: A sign where the source of illumination is outside of the sign, but where the source of illumination indirectly illuminates the sign.

Sign, Instructional is any sign that notifies the public about limitations or regulations of designated uses of certain lands or rights-of-way, and including warning signs, exit signs, traffic signs, and directional signs for parking or parking restrictions.

Sign, Moving is any sign that revolves, rotates, swings, undulates, or otherwise attracts attention by moving parts, whether operated by mechanical equipment or by natural sources, but not including flags or banners.

Sign, Portable is any sign not permanently attached to the ground, a building, or other permanent structure. Any sign that has wheels will be considered a portable sign, as well as any sign attached to a frame that is not permanently attached to the ground or a building.

Sign, Projecting is any sign that is attached to a building or other structure and extends beyond the line of the building or structure by more than 18 inches.

Sign, Roof is any sign erected, constructed, and maintained upon or over the roof or top of the wall, wall tower, or turret of any building and that is principally supported by the roof.

Sign Structure is any structure that supports a sign, including a decorative cover.

Sign, Temporary is any sign, banner, pennant, valance, or advertising display that is not permanent, constructed of cloth, canvas, lightweight fabric, cardboard, wallboard, or other lightweight materials with or without frames, intended to be displayed for a short period of time only.

Sign, Wall: is any sign attached to and supported by the exterior surface of the wall of a building or structure in a place substantially parallel to that of the supporting wall.

Street Frontage is the lot line or the length of a lot line that is also the line of any public street right-of-way other than an alley. The street frontage of a lot or parcel that is legally created or described as extending to the center line of a street must be measured along the line that denotes the edge or boundary of the easement established for the street. The street must exist or have been created for street purposes and may be a limited access or controlled access roadway but is not be a utility right-of-way, drainage way, park, or railroad, and is not an alley.

6.03 GENERAL PROVISIONS APPLICABLE TO ALL ZONES

A. **Prohibited Signs and Prohibited Conditions**

1. No sign may be erected or maintained at any location whereby reason of its position, wording, illumination, size, shape, or color it may interfere with any authorized traffic control device.
2. No sign may use any word, phrase, symbol, shape, form, or character in such manner as to interfere with moving traffic.
3. No illuminated or indirectly illuminated sign may be permitted within 50 feet of property in any residential zone, unless the illumination of the sign is designed not to shine light directly onto any adjacent property or into any street.
4. No part of any sign attached to a building may be erected to a height greater than that permitted for the building. Freestanding signs may not exceed 30 feet in height, unless modified by other sections of this Ordinance.
5. The owner, lessee, or manager of a ground sign, and the owner of the land where the same is located, must keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot where the sign is located.
6. Advertising signs, business signs, and identification signs that may become rotted, unsafe, or unsightly must be repaired or removed by the licensee or owner of the sign on notice of the Zoning Officer.
7. No part of any sign may extend into the public right-of-way, except those signs established by, or by order of, any governmental agency.
8. No single face sign or other sign where the exposed sign structure would be generally within public view will be permitted unless appropriate screening or a decorative cover is provided.
9. Unless specifically permitted elsewhere in this Ordinance, no sign is permitted that includes flashing lights, moving parts, or noise emissions.
10. No sign over two square feet may be suspended by chains, ropes, or other means that readily permit the sign to swing or move freely.
11. No sign may be affixed directly to a tree, utility pole, light pole, traffic control device, barn, shed, or roof of a building or structure.
12. No sign may be attached or painted onto an inoperable or unlicensed motor vehicle in view of the public right-of-way. No sign may be attached to a licensed vehicle that is maintained in full view of the right-of-way or on the property where the sign refers for more than seven consecutive days.

13. No portable signs are permitted including, but not limited to, signs on trailers, A-frame or sandwich board signs are prohibited unless permanently attached to the ground or firmly attached to a permanent structure so that they are not readily portable. Paper or cardboard signs wrapped around or fastened to support poles or forms that are readily portable and not permanently attached to the ground or a building are also prohibited.
14. Unless permitted under other sections of this Sign Ordinance or unless granted under the Special Use Procedures of the Tiffin Zoning Ordinance, special attention attracting devices, such as banners, pennants, searchlights, balloons or other gas-filled figures, propellers, spinners, streamers, reflectors, strobe lights, flashing lights, strings of lights, and similar devices that attract attention are prohibited. This restriction includes signs used in store-front windows. For special occasions, such as grand openings, special promotions, or other similar special occasions not exceeding seven days and not occurring more than two times annually for any one zoning lot. Banners, pennants streamers and balloons, less two feet in diameter are permitted on private property if they are not a harmful to the health and safety of the general public.
15. No sign may be painted directly on the wall, roof , or on a fence or other accessory structure or directly on any paved surfaces other than required traffic control information.
16. No sign may be located at the rear of premises facing residential property.
17. Obsolete business signs that advertise an activity, business, product or service no longer available on the premises where the sign is located or signs no longer in use are prohibited and must be removed within 14 days after written notification from the Zoning Administrator.
18. Neon tubing, outside of a Sign Area and independent of any information conveyed by a sign permitted under this Section, which is used as an architectural element or a feature of a building or other structure, is prohibited from being affixed directly to any building or structure, except as a special use in the C/B-2 and C/S-2 zoning districts.

B. Exempt Signs: Signs are permitted for the following uses and purposes without a permit unless otherwise stated.

1. For each permitted or required parking area that has a capacity of more than five cars, one sign, not more than two square feet in area, designating each entrance or exit; and one sign, not more than nine square feet in area, designating the conditions of use of the parking area.
2. One "For Sale" or "For Rent" sign per zoning lot, not more than nine square feet in area. Corner lots may have one (1) additional sign. Such signs must be removed within seven days after the sale, rental or lease has been accomplished.

3. Signs established by, or by order of, any governmental agency.
4. For construction on or development of a lot, one sign not more than twelve square feet in area, indicating the name of the contractors, engineers, or architect, or products being used in the construction of a building, but only during the time that construction or development is actively underway; up to a period of three months. In this case no permit is required.
5. For an event of public interest such as a horse show or church affair, one sign, not over forty-eight square feet in area, located upon the site of the event. The sign may not be erected more than 30 days before the event and must be removed immediately after the event. Also directional signs, not more than four (4) square feet in area, showing only a directional arrow and the name of the event. The signs must not be erected more than seven days before the event and must be removed immediately after the event.
6. Temporary political signs may be permitted for a period of not more than 60 days before and five days after an election without obtaining a permit. No sign may be located within 15 feet of the public right-of-way at a street intersection, nor over the right-of-way.
7. For each real estate subdivision that has been approved in accordance with the Tiffin Subdivision Regulations, there may be one sign located on some portion of the property being offered for sale. This sign may not be more than 300 square feet in area. One additional similar sign may be permitted for each one 100 lots in the subdivision in the zone where they are located. These signs may be permitted only during the time some portion of the land offered for sale remains unsold and an active sales program is underway. Permits for such signs are required and may be issued for a one year period and may be renewed for additional one year periods to allow time for reasonable display.
8. Signs not visible from any public thoroughfare or right-of-way or from beyond the boundaries of the lot or parcel where they are located.
9. Signs within completely enclosed buildings and not visible from the outside of the building.
10. Directional and instructional non-electric signs that provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight square feet each in area and that do not advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.
11. Non-illuminated emblems or insignia of any nation or political subdivision, profit or non-profit, organization.
12. Home occupation signs associated with a home occupation as defined in the Zoning Ordinance provided such signs are non-illuminated wall signs that do not exceed two square feet in area.

13. In residential zones, the house numbers and names used may be as large as possible yet fit within a sign that is not less than nor more than two square feet in total area. In commercial or industrial zones, the building numbers and letters may be as large as possible yet fit within a sign that is no less than four square feet nor exceeds four square feet in total area.
14. Memorial signs or tablets, names of buildings and date of erection, that are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other non-combustible material not more than four square feet in area.
15. No trespassing and no dumping signs that exceed four square feet in area per sign.
16. When a sale of goods or services is being conducted by a business establishment, a non-illuminated sale sign may be permitted on the interior surface of a glass show window as a temporary window promotional sign. The sign may be in addition to all other authorized signs, and may not exceed 50 square feet in size. No promotional or sale signs are permitted to be affixed to the exterior of any window, wall or exterior surface of the structure.
17. A non-illuminated sign painted or lettered directly on a window for the specific purposes of identifying the proprietor or name of the business to the passerby. Such a sign may be in addition to all other authorized signs, and may not exceed 25% of total glass area of the window or glass door on that it is located. The sign may not be construed to be a window promotional sign.
18. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies are permitted as on-premise symbols or insignias.
19. Vehicular signs on a truck, bus, trailer or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.
20. Neighborhood identification signs in any zone including a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display must consist only of the neighborhood or subdivision name.
21. Awnings with signs consisting of one (1) line of copy upon the border of the awnings not exceeding six (6) square feet of copy area.
22. Warning signs placed in areas of danger that are accessible to the public by utility companies or others.
23. Holiday decorations on private property clearly incidental and customary, and commonly associated with national, local or religious holidays are permitted, provided they must be displayed for a period of not more than thirty (30) days for each holiday.

24. Building details that are an integral part of the overall architectural design of a building or works of art that are not so located that their primary purpose is attract attention to a commercial solicitation.

6.04 PROVISIONS APPLICABLE TO RESIDENTIAL ZONES

In the residential zones, signs are permitted as follows:

- A. Signs identified in Section 6.03.B. that propose to exceed the standards specified in that section may request a special exception use under the provisions of the Tiffin Zoning Ordinance.
- B. For any permitted principal use other than a residential use, one sign, not to exceed 24-square feet area, is permitted. The sign must indicate nothing more the name and address of the premises and the schedule of services or other information relevant to the operation of the premises. The sign must be set back from all property lines at least one foot for each one square foot of sign area.

6.05 PROVISIONS APPLICABLE TO COMMERCIAL AND INDUSTRIAL ZONES

In the Commercial and Industrial Zones, signs may be permitted as follows:

- A. The total surface area of all advertising, business and identification signs on a lot may not exceed the total area determined by applying the ratio of permitted sign area in square feet to linear feet of street frontage as shown in the following Table 1.
- B. The number of advertising and business signs for a zoning lot may not exceed the number shown in Table 1.
- C. The surface area in square feet of any one face of any permitted advertising or business sign may not exceed the area shown in Table 1.
- D. For non-business and non-industrial uses, signs are permitted as regulated by the Business classifications on Table 1.
- E. No wall sign may project above the roof or parapet line more than 48) inches nor extend into any required yard more than 18 inches from the wall to which it is attached.
- F. No sign may be erected directly upon the roof of any building.
- G. Only one business ground sign is permitted within the front yard or corner side yard for each street frontage of a business or industrial use on a lot, and the bottom edge of any ground sign erected in the front yard or corner side yard may be at least ten feet above ground level or the top edge of the sign may be less than three feet in height. The sign, including its sign structure, must be set back from all property lines adjacent to a street one foot for every ten square feet of sign area for the largest single face of any sign, and in no case may the setback be less than one-fourth of any required front or corner side-yard distance. No business ground sign may exceed a height of 30 feet above the grade of the closest public right-of-way line, except business ground signs located along a toll way may be permitted to a height of 60) feet above the grade of the closest public right-of-way when approved as a Special Use.

- H. Advertising signs are permitted only in the zones as indicated on Table 1. If an advertising sign is allowed in any of the remodeling commercial, or industrial districts under the State of Iowa Highway Advertising Control Act, an applicant may follow the procedures for a Special Use and appropriate proof of control under Iowa Code provisions for both the subject site and subject sign must be submitted to the City Council. The City Council may apply specific standards on a Special Use that protect the public health, safety, and welfare where specific standards under the Iowa Code have not been specifically stated.
- I. All advertising signs including their sign structures and all other parts may be set back from all public rights-of-way and/or residential zones at least one (1) foot for every two square feet of sign area. No advertising ground sign may exceed a height of 30 feet above the grade of the closest public right-of-way, line except advertising ground signs located along interstate highways or expressways may be permitted to height of 60 feet above the grade of the closest public right-of-way when approved as a Special Use. Advertising ground signs that propose to exceed these heights must follow the provisions for variances under this Ordinance.
- J. The surface area in square feet of any one face of any advertising sign that may be allowed as a Special Use may not exceed the area shown in Table 1. If the State of Iowa Highway Advertising Control Act does allow a larger surface area for a sign on a specific property, then the provisions of letter H. of this Section must apply concerning a Special Use and the provisions of Section I. of this Section concerning setbacks and heights.
- K. Advertising sign structures as a Permitted Use are limited to not more than one along any 1,000 feet of street frontage on the same side of a street. Advertising sign structures as a Special Use may be allowed at not more than one along any 500 feet of street frontage on the same side of a street. No structure may carry more than two signs per facing and the total area of the sign or signs for any one facing may not exceed the maximum sign size per sign face restrictions shown on Table 1.

6.06 NONCONFORMING SIGNS

- A. Signs existing on the effective date of this Ordinance that do not conform to these regulations are non-conforming signs. Non-conforming signs may not be rebuilt, structurally altered, or moved to a new location without obtaining compliance with the requirements of this Ordinance.
- B. Business signs on the premises of a non-conforming use or building may be continued, but the signs may not expand in number, area, height, or illumination. New signs not to exceed 35 square feet in aggregate sign area may be erected if all other signs existing at the time of adoption of the Zoning Ordinance are removed.
- C. Non-conforming signs that are listed in the Prohibited Sign Section of this Ordinance and have a value of less than five hundred dollars (\$500.00) must be removed within ten days after receiving written notice by the Zoning Administrator.

- D. Non-conforming signs of any business or other legal entity that ceases the activities to that the signs refer or that is replaced by a different business or other entity, must be removed, relocated, or rebuilt in a conforming manner or permitted to continue only as a Special Use with a specific amortization agreement established by the City Council with recommendations from the Planning and Zoning Commission. The period of the amortization agreement may not be less than five years or more than 15 years. The specific time period for the amortization for a specific sign must consider the extent of the difference between the non-conforming condition or conditions of the sign and the requirements of the City of Tiffin Sign Ordinance, as well as the extent of any economic hardship in altering or removing the specific sign to assure conformity with the provisions of the City of Tiffin Sign Ordinance.
- E. Any non-conforming sign that the Zoning Administrator finds to be unsafe must be removed immediately.

6.07 **PERMITS AND ADMINISTRATION AND ENFORCEMENT**

- A. On and subsequent to the effective date of this Ordinance, any person proposing to erect any business, advertising, or other sign not specifically listed as an exempt sign must submit to the Zoning Officer an application for a sign permit. Application for such permit must be accompanied by detailed plans, including proposed advertising copy, and other necessary information to determine the location and compliance with all applicable regulations. A permit may be issued within ten days of the date of an application submission including fees or the applicant must receive a written notice indicating the status of the application.
- B. Permit fees for business, advertising and other signs, as established by the City of Tiffin and that may be periodically amended by resolution of the city council, must be submitted at the time application is made for the sign permit.
- C. If the work associated with a sign permit has not been completed within one year of the date of the issuance of the permit, the permit expires.

**Table 1 - Signs
Number and Area Regulations for Signs in Commercial and Industrial Zones**

Zone	Type of Sign Permitted		Advertising and Business Sign Patio to Street Frontage (1)		Limit on Number of Advertising and Business Ground Sign Structures Per Zoning Lot (2)		Maximum Sign Size Per Sign Face Including Ground, Wall and Other Signs Requiring Permits				
							Business (sq. ft.)		Advertising (sq. ft.)		
	Permitted	Special	Permitted	Special	Permitted (3)	Special	Permitted	Special	Permitted	Special	
C-1B	Business	*	2:1	3:1	1		3	75	150	-	-
C-1O	Business	*	2:1	3:1	1		3	75	150	-	-
C-2B	Business Advertising	*	3:1 (4)	4:1	1		3	150 (5)	300	250	300
C-2S	Business Advertising	*	3:1 (4)	4:1	1		3	150	300	250	300
C-2O	Business Advertising	*	1:1	2:1	1		3	150	300	250	300
C-1S	Business	*	1:1	2:1	1		5	250	500 (6)	-	-
M-1	Business Advertising	*	2:1	3:1	1		3	150	300	-	300
m-2	Business Advertising	*	2:1	3:1	1		3	150	300	-	300

* Any Permitted Sign that exceeds the standards provided in the "Permitted" columns, but does not exceed the stated standards in the "Special" columns, may be processed as a Special Use. Any requirements to exceed the standard stated in the "Special" Column (with the exception as noted by footnotes) must also apply for a Variation as provided under the Zoning Ordinance.

(1) Total sign area permitted in square feet: compared to lineal feet of street frontage.

(2) Number limit shown is for all sign structures erected on the ground that may or may not have one or more signs or sign faces on each sign structure.

(3) For corner lots, one ground sign structure is permitted per street frontage provided that not more than one of these structures may be used for any Advertising Signs.

(4) The maximum total sign area in square feet compared to lineal feet of street frontage for permitted signs shall not exceed one thousand (1,000) square feet. Proposals to exceed this maximum must follow the provisions for Special Use under the Zoning Ordinance.

(5) Signs within one hundred (100) feet of the C/S-3 District shall be limited to a maximum sign size per sign face of seventy-five (75) square feet.

(6) One temporary business sign to promote new attractions in the C/S-1 zone, not to exceed twenty-four (24) months, may be authorized with a maximum of six hundred fifty (650) square feet.

(7) Each one (1) lineal foot of neon tubing, attached to a building or structure for attention attracting purposes shall be counted as one (1) square foot of signage and shall be calculated as part of the maximum total sign area permitted for a particular use or development. (Amended Per Ord. No. 99-134, December 6, 1999)

SECTION 7

PARKING AND LOADING

7.01 INTENT

This section intends to establish regulations that will prevent excess parking at a site and at the same time ensure adequate parking to accommodate demand, and it requires minimum off-street parking and loading spaces for certain zones.

7.02 DEFINITIONS

Parking Spaces: A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 180 square feet exclusive of driveways, and not including the area directly in front of a single width garage, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a surfaced driveway that affords satisfactory ingress and egress for vehicles.

Loading Space: An off-street space within the main building or on the same lot, providing for the standing, loading, or unloading of commercial vehicles, having a minimum dimension of 12 feet by 35 feet and a vertical clearance of at least 14 feet.

7.03 Americans With Disabilities Act: The Act applies to all parking and loading spaces.

7.04 Parking Or Loading Space:

A. For properties zoned R-1E:

Dwellings	Two spaces for each dwelling unit
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B. For properties zoned R-1A, R-1B, R-1C AND R-2:

Dwelling	Two spaces for each dwelling unit.
Church or Temple	One space for each five seats of average seating in the main auditorium
Golf Courses and Country Clubs:	Five spaces for each hole
Community Centers Libraries or Museums	Ten spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
Schools and Public Buildings	One space for each classroom or office room plus one space for each five seats of average seating in the main auditorium, stadium, or place of public assembly.
Long-term Care Facilities	One space per dwelling unit

C. For properties zoned R-4, R-6, R-8, and R-12:

<p>Dwelling</p> <p>Church or Temple</p> <p>Golf Courses and Country Clubs:</p> <p>Community Centers</p> <p>Libraries or Museums</p> <p>Schools and Public Buildings</p> <p>Long-term Care Facilities</p>	<p>One space per bedroom, with a minimum of two (2) spaces per unit plus one (1) space for every four units. Any fraction of a space to be rounded up to a whole number</p> <p>One (1) space for each five (5) seats of average seating in the main auditorium</p> <p><u>Five (5)</u> spaces for each hole</p> <p>Ten (10) spaces plus one (1) additional space for each 300 square feet of floor area in excess of 2,000 square feet.</p> <p>One (1) space for each classroom or office room plus one (1) space for each <u>five (5)</u> seats of average seating in the main auditorium, stadium, or place of public assembly.</p>
	<p>One (1) space per dwelling unit</p>

D. For properties zoned RM:

<p>Dwelling</p> <p>Church or Temple</p> <p>Golf Courses and Country Clubs:</p> <p>Community Centers</p> <p>Libraries or Museums</p> <p>Schools and Public Buildings</p> <p>Long-term Care Facilities</p>	<p>Two (2) spaces for each dwelling unit, plus one (1) off-street space for every three dwellings or fractions thereof</p> <p>One (1) space for each five (5) seats of average seating in the main auditorium</p> <p>Five (5) spaces for each hole</p> <p>Ten (10) spaces plus one (1) additional space for each 300 square feet of floor area in excess of 2,000 square feet.</p> <p>One (1) space for each classroom or office room plus one (1) space for each <u>five (5)</u> seats of average seating in the main auditorium, stadium, or place of public assembly.</p>
	<p>One (1) space per dwelling unit</p>

E. For properties zoned: C-1B, C-2B, C-10, C-20, C-1S:

The parking of trucks, vans, or cars, accessory to a permitted business, when used in operation of the permitted business as listed in Districts C-1B, C-2B, C-10, C-20, and C-1S, are be limited to vehicles of not over one and one-half (1½) tons capacity when located within one hundred fifty (150) feet of a residential district boundary line, or stored, parked, or otherwise confined to the premises overnight.

1. Retail Use:

- 5 spaces for first 1,000 sq. ft.
- 4 spaces for second 1,000 sq. ft.
- 3 spaces for each 1,000 sq. ft thereafter ; *or*
- 5 spaces per business and additional one parking space for each employee, whichever is greater

Exceptions: Restaurant Establishments and Recreation such as
Swimming Pools:

- 15 spaces for first 1,000 sq. ft. of business
- 10 spaces for second 1,000 sq. ft
- 6 spaces for each 1,000 ft thereafter, plus one parking space for each employee

2. Service Use:

- 6 spaces for first 1,000 sq. ft
- 5 spaces for second 1,000 sq. ft.
- 3 spaces for each 1,000 sq. ft thereafter, plus one parking space for each employee

Exception: Funeral Establishments:

- 15 spaces for first 1,000 sq. ft. of business space
- 10 spaces for second 1,000 sq. ft.
- 5 spaces for each 1,000 sq. ft thereafter, plus one parking space for each employee

3. **Office use:**
 - 5 spaces for first 1,000 sq. ft.
 - 6 spaces for second 1,000 sq. ft
 - 3 spaces for 1,000 sq. ft thereafter *or*
 - 5 spaces per business plus one additional parking space for each employee, whichever is greater.

4. **Health, Medical and Care Facilities**
 - 6 spaces for first 1,000 sq. ft
 - 5 spaces for second 1,000 sq. ft.
 - 2 spaces for each 1,000 sq. ft thereafter; *or*
 - 12 spaces per building plus one additional parking space for each employee , whichever is greater

5. **Agricultural Use**
 - 5 spaces for first 1,000 sq. ft
 - 1 spaces for each 1,000 sq. ft thereafter; *plus* one parking space for each employee.

6. **Recreation and Social Facilities**
 - 15 spaces for first 1,000 sq. ft of business
 - 10 spaces for second 1,000 sq. ft.
 - 5 spaces for each 1,000 sq. ft thereafter; *plus* one parking space for each employee

7. **Public, Education and Utility Uses**
 - 10 spaces for first 1,000 sq. ft of business
 - 8 spaces for second 1,000 sq. ft.
 - 3 spaces for each 1,000 sq. ft thereafter

8. **Miscellaneous: as for Public, Education & Utility Uses**
Any residential dwelling within any commercial zone must follow the parking requirements as set out under residential zone.

F. M-1 and M-2 Industrial Zone

In M-1 and M-2 zones, vehicular equipment incidental to the operation of permitted agricultural uses is exempt from the particular provision regarding truck parking and storage limits that are shown under commercial zoned properties Section 7.04(E).

1. **M-1 Permitted Uses:**
 - A. **Industrial Use:**
 - 5 parking spaces for first 1,000 sq. ft.
 - 2 parking spaces for second 1,000 sq. ft
 - 1 parking space for each 2,000 sq. ft thereafter; *plus* one parking space for each employee

B. Warehouse and wholesale

- 4 parking space for first 1,000 sq. ft.
- 1 parking spaces for second 1,000 sq. ft.
- 1 parking space for each additional 10,000 sq. ft.; *plus*
one parking space for each employee

C. Service Uses:

- 5 parking spaces for first 1,000 sq. ft.
- 3 parking spaces for second 1,000 sq. ft.
- 1 parking space for each 1,000 sq. ft thereafter; *plus*
one parking space for each employee

D. Retail Business

- 5 parking spaces for first 1,000 sq. ft.
- 3 parking spaces for second 1,000 sq. ft.
- 1 parking space for each 1,000 sq. ft.; *plus*
one parking space for each employee

Exceptions: Bars and Taverns

- 12 parking spaces for first 1,000 sq. ft.
- 10 parking spaces for second 1,000 sq. ft.
- 5 parking spaces for each 1,000 sq. ft thereafter; *plus*
one parking space for each employee

E. Office Use

- 6 parking spaces for first 1,000 sq. ft.
- 4 parking spaces for second 1,000 sq. ft.
- 3 parking spaces for 1,000 sq. ft. thereafter
- 6 parking spaces *plus* one parking space
for each employee whatever is greater

F. Agricultural Use: same as commercial agricultural

G. Recreation: same as Bars & Taverns in commercial zone

H. Public: same as Commercial Public

I. Misc.: same as Commercial Misc.

G. For properties zoned: M-2:

1. Industrial Uses

- 5 parking spaces for first 1,000 sq. ft.
- 2 parking spaces for second 1,000 sq. ft.
- 1 parking space for each 10,000 sq. ft thereafter;
plus one parking space for each employee

2. Warehouse and Wholesale

- 5 parking spaces for first 1,000 sq. ft.
- 1 parking space for second 1,000 sq. ft.
- 1 parking space for each 10,000 sq. ft thereafter;
plus one parking space for each employee

3. **Service Uses**
 - 5 parking spaces for first 1,000 sq. ft.
 - 2 parking spaces for second 1,000 sq. ft.
 - 1 parking space for each 5,000 sq. ft thereafter;
plus one parking space for each employee

4. **Retail**
 - 10 parking spaces for first 1,000 sq. ft
 - 8 parking space for second 1,000 sq. ft
 - 20 parking space for each 5,000 sq. ft. thereafter;
plus one parking space for each employee

5. **Office Use**
 - 6 parking spaces for first 1,000 sq. ft
 - 4 parking space for second 1,000 sq. ft
 - 3 parking spaces for each 1,000 sq. ft thereafter;
plus one parking space for each employee *or*
6 parking space plus one parking space for
each employee whichever is greater.

6. **Public:** same as commercial public

7. **Misc.:** same as commercial misc.

SECTION 8

EXTERIOR LIGHTING

8.01 INTENT

Exterior lighting is used to illuminate residential, commercial, industrial, PAD and public uses; parking lots, sidewalks, signs, and other elements within the City of Tiffin. When well designed and properly installed, exterior lighting can be and is very useful in improving visibility and safety, providing a sense of security, and complementing the character of the City of Tiffin. If exterior lighting is not well designed and properly installed it can be inefficient, cause glare, and create light trespass and sky glow. Light trespass falling over property lines can illuminate adjacent grounds or buildings in an objectionable manner. In order to insure that exterior lighting is well designed, and impacts on adjacent properties are limited, the following requirements are set forth controlling exterior lighting in both residential and non-residential zoning districts.

8.02 DEFINITIONS

Canopy: Any overhanging shelter or shade or other protective structure constructed in such a manner as to allow pedestrians or vehicles to pass underneath.

Cutoff: The point at which all light rays emitted by a lamp, light source, or luminary are completely eliminated (cutoff) at a specific angle above the ground.

Cutoff Angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source,

above which no light is emitted.

Exterior Lighting: The illumination of an outside area or object by any man-made device that produces light by any means.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood or Spot Light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Foot candle (FC): A unit of illumination produced on a surface, all points of that are one (1) foot from a uniform point source of one (1) standard candle.

Foot candle - Horizontal Measurement (HFC): The measurement of foot candles utilizing a direct reading, portable light meter mounted in the horizontal position.

Foot candle - Vertical Measurement (VFC): The measurement of foot candles utilizing a direct reading, portable light meter mounted in the vertical position.

Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see, cause discomfort and, in extreme cases, cause momentary blindness.

Height of Luminary (including total eight): The height of a luminary is the vertical distance from the ground directly below the centerline of the luminary to the lowest direct-light-emitting part of the luminary. The total height is the height of the pole, including the base and any mounting arms or other attachments where the luminary is attached, as measured from the ground directly below the highest part of the pole or any of its attachments, to the top of the pole or luminary, whichever the case may be.

Illumination System: The totality of the equipment installed to provide exterior lighting on a developed property. The illumination system includes all building, canopy, pole and ground mounted luminaries including all wiring, circuitry, and other devices installed to create exterior lighting.

Lamp: The component of a luminary that produces the actual light.

Lamp wattage: The amount of power of a lamp expressed in watts.

Light: Direct: light emitted directly from the lamp, off a reflector or reflector diffuser, or through the refractor or diffuser lens of a luminary.

Light, Indirect: Direct light that has been reflected or has scattered off of other surfaces.

Light Loss Factor: A factor applied to lamps, which estimates the lumen output of a lamp sometime after installation. (For example, a lamp with an initial lumen rating of 10,000, which has a light loss factor of 0.7, is estimated to put out 7,000 lumens. A lamp with an initial lumen rating of 10,000, which has a light loss factor of 1.0, is estimated to put out 10,000 lumens.)

Light Trespass: The shining of light produced by luminaries beyond the boundaries of the property on that it is located.

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For the purpose of this Section, the lumen value is the initial lumen output rating of a lamp.

Luminaries: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Luminaries, Cutoff Type: A luminaries containing elements such as shields, reflectors, or refractor panels that direct and cutoff a direct view of the light source at a cutoff angle.

Operating Hours: The period of time from one hour prior to opening to one hour after closing of a non-residential establishment.

Security Hours: The period of time from one hour after closing to one hour prior to opening of a non-residential establishment.

Temporary Exterior Lighting: The specific illumination of an outside area or object by any man-made device that produces light by any means, consistent with the requirement for Temporary Uses.

8.03 REGULATIONS

All public and private exterior lighting must be in conformance with the requirements as specifically established by this Section 8 and in general, exterior lighting is shaded or inwardly directed so that no direct lighting is cast upon adjacent zoning lots and adequate exterior lighting, for security purposes, is required for parking areas.

8.04 PROCEDURE

A. Lighting Plan Required

A lighting plan is required for all non-residential uses in residential family zoning districts, multiple family developments other than duplexes, commercial, industrial, institutional, and public uses including uses developed by other units of local government. At the time any exterior lighting is installed or substantially modified, a lighting plan must be submitted to the Planning and Zoning Commission in order to determine whether the requirements of this Section have been met. A lighting plan is required for all special uses and planned area developments. Where a lighting plan is required, the plan must include the following:

1. A site plan showing pole locations, building mounted lights, bollard lights with schematic wiring layout and power source connection;
2. Specifications for luminaries and lamp types, poles, wiring, conduit and appurtenant construction including photographs or drawings of proposed luminaries;
3. Pole, luminaries, and foundation details including pole height, height of building mounted lights, mounting height and height of the luminaries;
4. Elevations of the site including buildings, luminaries and other structures sufficient to determine the total cutoff angle of all luminaries and their relationship to abutting parcels;

5. Lamp wattage of all luminaries proposed;
6. Photometric plans that show the foot candle - horizontal measurement internal to the site and at the property lines and the foot candle - vertical measurement at the property lines only. (Foot candle - horizontal measurements is taken along a horizontal plane at a height of three and one-half (3.5) feet above the ground. Foot-candle - vertical measurement is taken at a minimum height of three and one-half (3.5) feet above the ground but must also be required at any height along a vertical plane at a property boundary pursuant to the direction of the Zoning Administrator.) Photometric plans must be based on a light loss factor of 1.0.
7. Other information and data reasonably necessary to evaluate the required lighting plan pursuant to the request of the Planning and Zoning Commission.

8.05 MEASURING LIGHT LEVELS

A. Metering Equipment

Light levels of both direct and indirect light must be measured in foot-candles with a direct reading, portable light meter. Readings must be taken only after the cell has been exposed long enough to provide a constant reading.

B. Method of Measurement

Foot-candle - horizontal measurements must be taken along a horizontal plane at a height of three and one-half (3.5) feet above the ground. Foot-candle vertical measurement must be taken at a minimum height of 3.5 feet above the ground, but it may also be taken at any height along a vertical plane along a property boundary line if required by the Planning and Zoning Commission.

8.06 STANDARDS AND REQUIREMENTS

A. Tables 1 and 2

The standards and requirements set forth in Tables 1 and 2 regulate and govern the use of, design of, construction or modification of any lighting system for the purpose of illuminating exterior areas including, but not limited to, signs, parking areas, buildings, landscaping, porches, and driveways.

Table 1 sets forth whether the proposed wattage of a luminaries is permitted, not permitted or a special use. In residential zoning districts, whether a specified wattage is permitted or not permitted is based on the width of the street right-of-way abutting the proposed luminaries. In

non-residential zoning districts, the permitted wattage of proposed exterior lighting is based on whether the lighting is internal or external on the parcel, and if external (abutting a residential zoning district or street right-of-way) the setback of the proposed lighting from the property line/street right-of-way.

Uses permitted by right may be approved by the Planning and Zoning Commission pending a review of the documents submitted that meet the requirements of this Section. Uses or lighting plans that require a special use permit shall meet the requirements for special uses that provide for a public hearing held by the Planning Commission and approval by the City of Tiffin.

Table 2 sets forth the maximum allowable foot-candles to be measured both at a property line and internal to a non-residential property. The standards consider the nature of the land uses, the nature of the abutting land uses, and whether for a non-residential use the time is during hours of operation or security hours. Maximum foot-candles allowable are set for lighting internal to the property in question.

B. Total Height and Height of Luminaries (See definition for Height of Luminaries and Total Height and Figure B). The difference between total height and the height of the luminaries shall not exceed 4 feet.

C. Standards for Luminaries with Cutoffs (See Definitions and Figure C attached)

1. **Cutoff Angle.** To be considered a cutoff luminary, the cutoff angle must be 75 Degrees or less.
2. **Height:** The maximum height of cutoff luminaries, either freestanding or attached to a building or other structure, is twenty-five (25) feet as a permitted use. A luminary greater than twenty-five (25) feet shall require special use permit approval.
3. **Control of Glare:** A cutoff luminary shall be designed to shield the light source completely from observer three and one-half (3.5) feet above the ground at any point along an abutting property line.

D. Standards for Luminaries with No Cutoffs (See Definitions and Figure D attached)

1. **Cutoff Angle:** A luminary shall be considered to have no cutoff if it is unshielded or has a cutoff angle greater than 75 degrees.
2. **Height** The maximum permitted height of a luminary with no cutoff or with a cutoff greater than 75 degrees, that provides illumination along a property line, shall be less than the value $3 \text{ feet} + (D/3)$, where D is the distance in feet to the nearest property line but in no case shall exceed 16 feet. The formula used herein for determining

height of the luminaries does not preclude any luminaries or lighting system from meeting the foot candle performance standards set forth in Table 2.

3. **Control of Glare:** Any luminaries designed with no cutoff or a cutoff angle greater than 75 degrees shall be designed such that the lamp utilized is no more than 100 watts or rated for more than 10,000 lumens, whichever is less. The standards for maximum foot-candles internal and at the property line, set forth in Table 2, are still applicable. For the foot-candles - vertical measurement, the measurements shall be taken not less than three and one-half (3.5) feet above the ground line in a vertical position and vertical readings at heights greater than three and one-half (3.5) feet may be required pursuant to the direction of the Zoning Administrator. The standards for vertical foot-candles, set forth in Table 2 are applicable along the entire vertical plane along a property line.

E. Standards for Luminaries under a Canopy (for non-residential uses)

Luminaries mounted to the underside of a canopy, which provide overhead illumination, shall be recessed such that no part of the luminary or the lamp shall extend below the exterior edge of the canopy.

8.0.7 EXCEPTIONS

- A. **Public Roadway Lighting:** Luminaries used for public roadway illumination by a public transportation agency are exempt from the requirements of this Section but may be subject to the regulations of Federal or State agencies or by other intergovernmental agreements.
- B. **Emergency Lighting** all temporary emergency lighting needed by the Johnson County Sheriff, the Tiffin Volunteer Fire Department or other emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this Section.
- C. **Recreational Facilities** Because of their unique requirements for nighttime visibility and their limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas and other similar uses as may be determined by the office of the Planning and Zoning Commission are exempted from certain illumination and other standards as follows:
 1. The uses set forth herein are specifically exempted from the maximum foot-candle requirements - internal to the site as outlined and established in Table 2. These uses are required to submit a lighting plan and shall be processed as special uses under the procedures in Section 11.07. These uses shall meet the requirements for maximum foot-candles at the property line.

2. The uses set forth herein shall be exempt from the height requirements as set forth in this Section. The Planning and Zoning Commission and City Council shall review the proposed pole heights during the special use permit review process.

- D. **Temporary Uses** Certain temporary uses may be unable to meet the requirements of this section and the standards set forth in Tables 1 and 2. These temporary uses may be permitted subject to the approval of the Planning and Zoning Commission. The applicant for a temporary use may be required to submit the documentation required under Section 8.04 herein as a part of the application for a Temporary Use Permit.

8.08: PROHIBITED LIGHTS

- A. **Flickering or Flashing Lights:** The City of Tiffin City Council shall permit no flickering or flashing lights unless authorized in a lighting plan approved as a special use or planned unit development.
- B. **Searchlight and Laser Source Lights:** No searchlights, laser source lights, or any similar high intensity light shall be permitted.
- C. **Mercury Vapor Lamps** No lamps utilizing mercury vapor shall be permitted.

8.09: NON-CONFORMING USES

- A. Luminaries lawfully in place prior to the date of this Section but that do not conform to the requirements and standards of this Section shall be considered legal non-conforming uses.
- B. Legal non-conforming luminaries that meet the performance standards for foot-candle levels and screening requirements of this Section but may exceed the physical standards such as height or setbacks herein may continue and are not subject to ameliorization requirements:
 1. Legal non-conforming illumination systems that were not part of a specific approved lighting plan shall be brought into conformity with the criteria and standards set forth herein when the illumination system is to be replaced or modified to greater than 50 percent of its replacement value, based on the total project implementation cost. The elements for calculating the value of the illumination system are set forth below.
 2. The value of the illumination system shall include the total value of the physical improvements such as luminaries, lamps, poles, wiring, and other elements and must include the value of the site area improvements where the luminaries and supporting elements are located such as parking lots, loading areas, aisles, driveways,

sidewalks, landscaped areas and others. Total replacement cost shall include the design costs for the illumination system, material costs for the system elements, and the total construction cost to install the system.

3. Legal non-conforming luminaries that exceed the foot candle standards set forth in Table 2 and/or direct light or glare towards streets, parking lots, residences or property lines and result in a problematic or dangerous condition shall be either shielded, redirected or otherwise modified to meet the requirements of this Section within 60 days of notification, or apply for an extension of the time period for compliance or apply for a variation with a specific time period for amortization.

8.10: SPECIAL USES AND VARIANCES

- A. **Special Use Permits** To receive a special use permit, a proposed lighting plan must meet the requirements of Section 8.04.
- B. **Variations.** A lighting proposal requiring a variation shall also be required to secure a special use permit .

TABLE 1

	Lighting in Residential Districts						Lighting in Non-Residential Districts				
	Single Family		Multiple Family		Non-Residential Uses (Institutional, etc.)		External - Abutting a Residential Zoning District or Street R.O.W.				Internal
	Use		Use		Use		Setback	Setback	Setback	Setback	
	Street Right-of-Way Width		Street Right-of-Way Width		Street Right-of-Way Width		Less than 40 Feet	Less than 100 Feet	Less than 200 Feet	200 Feet +	
Lamp Wattage	<80 feet	80 feet +	<80 feet	80 feet +	<80 feet	80 feet +					
0-250 (1)	P	P	P	P	P	P	P	P	P	P	
251-400	NP	SU	NP	SU	NP	P	SU	P	P	P	
401+	NP	NP	NP	NP	NP	NP	NP	NP	SU	SU	
(1) A luminary without a cutoff shall not exceed 100 watts											
P = Permitted											
SU = Special Use											
NP = Not Permitted											

TABLE 2

MAXIMUM FOOT CANDLES AT A PROPERTY LINE - HORIZONTAL AND VERTICAL MEASUREMENT									
Residential to Residential		Non-Residential to Non-Residential				Non-Residential to Non-Residential			
Horizontal	Vertical	Horizontal		Vertical		Horizontal		Vertical	
		Security Hours	Operating Hours	Security Hours	Operating Hours	Security Hours	Operating hours	Security Hours	Operating Hours
0.25	0.5	2	5	3	10	0.25	0.5	0.5	0.5

MAXIMUM FOOT CANDLES - INTERNAL - HORIZONTAL MEASUREMENT								
Residential Districts			Non Residential Districts					
Horizontal			Operating Hours			Security Hours		
Permitted	Special Use	Variation	Permitted	Special Use	Variation	Permitted	Special Use	Variation
<10	10 - <15	15+	<15	15-50	50+	3	+3 - 6	6+

Foot-candle - Horizontal Measurement: The measurement of foot-candles utilizing a direct reading, portable light meter mounted in the horizontal position.

Foot-candle - Vertical Measurement: The measurement of foot-candles utilizing a direct reading, portable light meter mounted in the vertical position.

Operating Hours: The period of time from one hour prior to opening to one hour after closing of a non-residential establishment

Security Hours: The period of time from one hour after closing to one hour prior to opening of a non-residential establishment

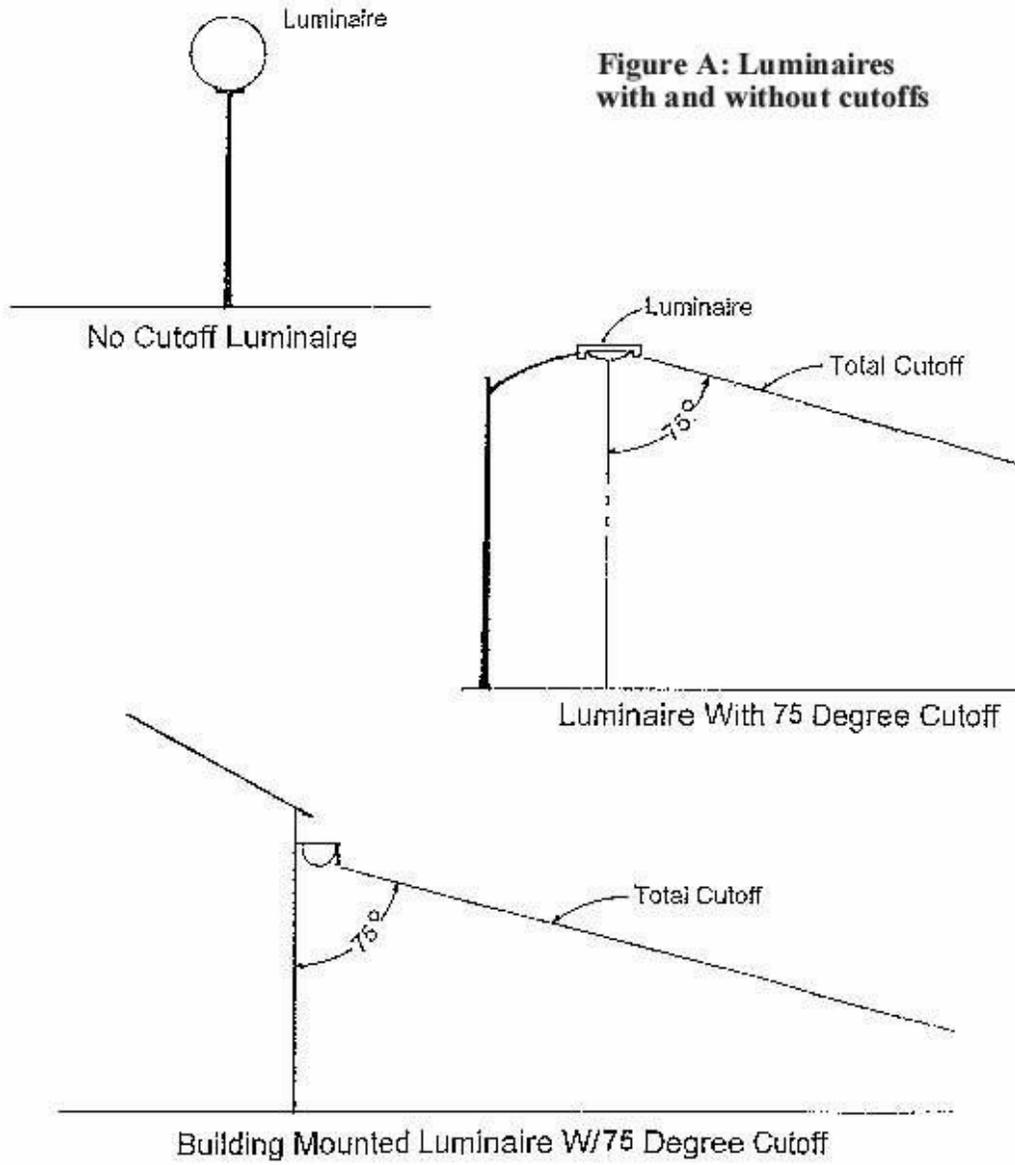
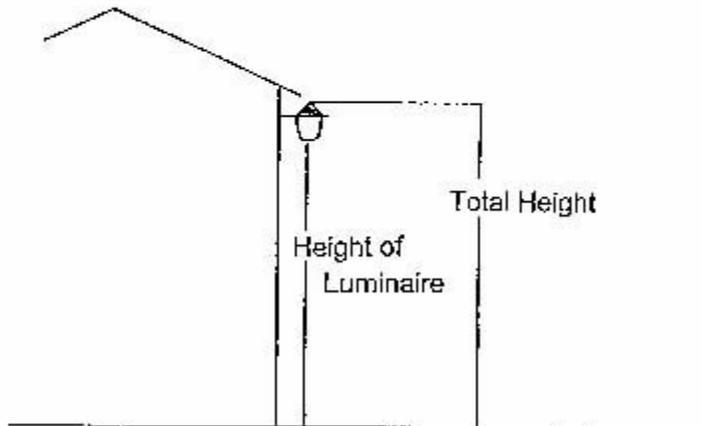
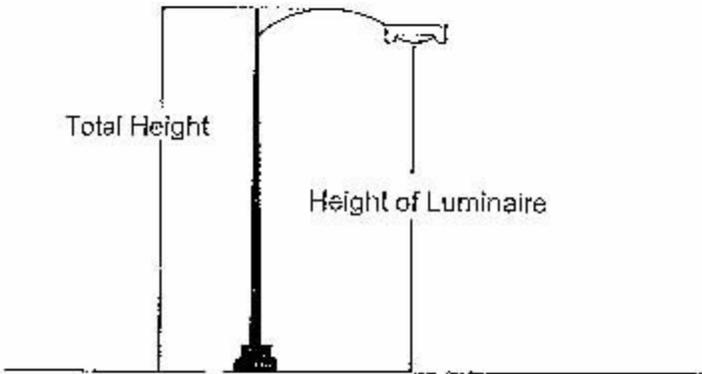
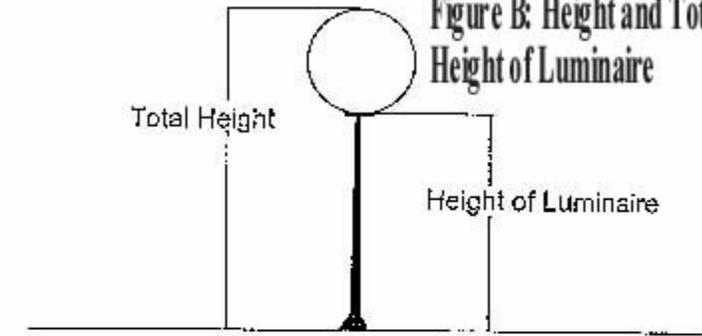
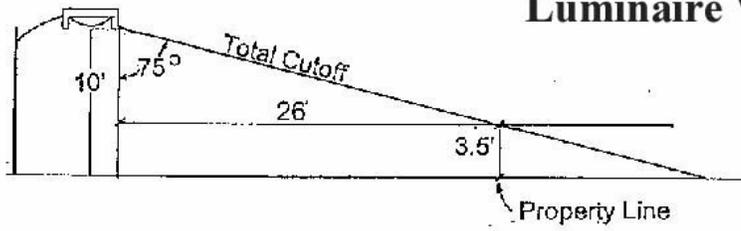


Figure B: Height and Total Height of Luminaire

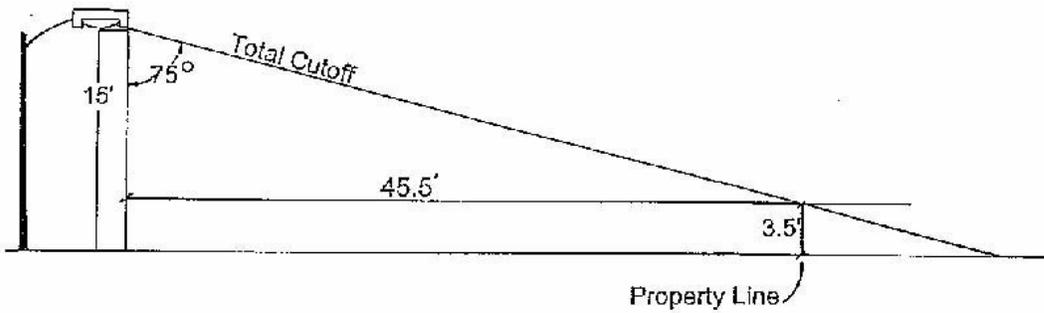


Luminaire Height = 10' +/-

Figure C: Standards for Luminaire With Cutoffs



Luminaire Height = 15' +/-



Luminaire Height = 20' +/-

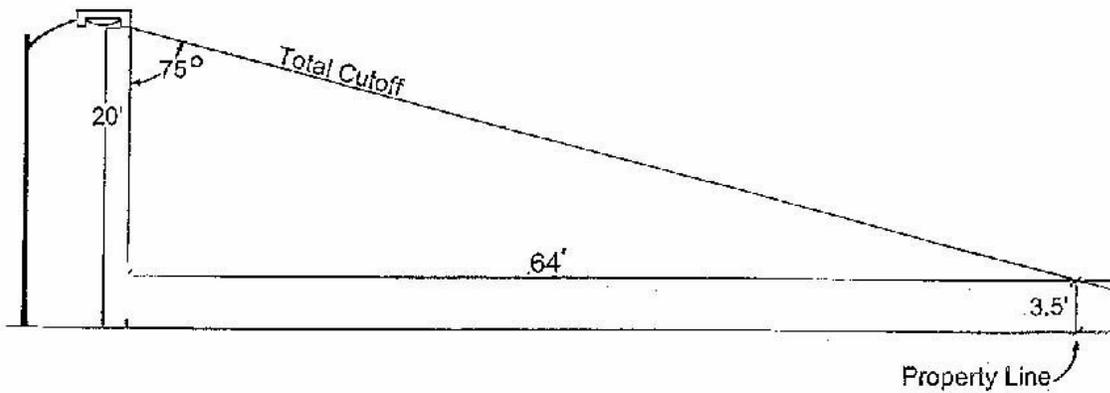
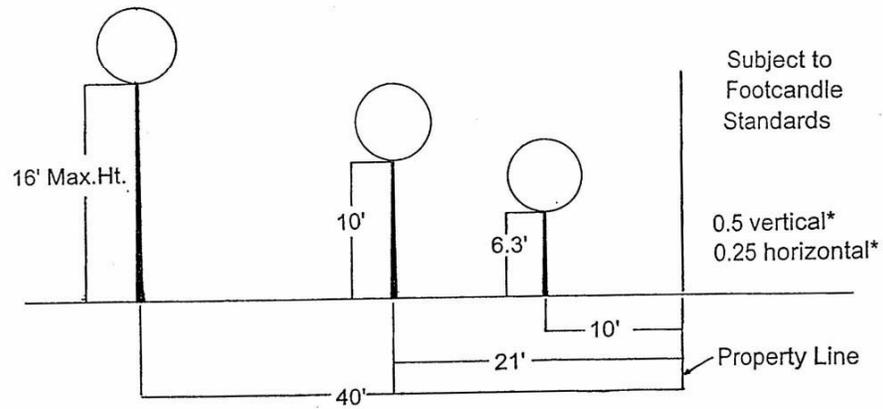


Figure D: Luminaires With No Cutoff or a Cutoff Angle Greater than 75 Degrees

- Height* = 3 feet + D/3 (D is the distance in feet of the luminaire from the property line.)
- Maximum Height* = 16 feet
- Maximum Watts or Lumens = 100 watts or 10,000 lumens, whichever is less (provided the luminaries meet the performance standards)

*The performance standards set forth in Table 2 cannot be exceeded.



*Measured 3.5' above ground.

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 or 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.

SECTION 10

PLANNING AND ZONING COMMISSION

10.01 CREATION AND MEMBERSHIP

There is hereby created a Planning and Zoning Commission, (also referred to herein as the P&Z or Commission), composed of five residents of the City of Tiffin, who are qualified by knowledge and experience to act in matters pertaining to the development of the city planning and zoning, none of whom may hold any elective positions in the town. The members are appointed by the City Council. The term of office of members is five years. The terms of not more than one-third of the members will expire in any one year. Any vacancy occurring on the Commission must be filled by the City Council for the unexpired term. All members of such Commission serve with compensation as provided by approval of the City Council, including expenses as authorized by the City Council.

10.02 MEETINGS AND PROCEEDINGS

The Planning and Zoning Commission must adopt rules necessary to conduct its affairs. Meetings will be held at the call of the chairperson and at other times as the Commission may determine.

10.03 POWERS & DUTIES

The Commission has all powers conferred upon it by Iowa Code Chapter 414, and powers necessary to meet the requirements of its duties as set forth in Chapter 414 and elsewhere in this Ordinance. The duties of the Commission include, but are not limited to, the review and issuance of a final report of recommendation to the Council of the following applications received by the City: 1) proposed requests for rezoning of land that is otherwise classified by the Official Zoning Map; 2) zoning classification of territory proposed for annexation; 3) applications for preliminary plats and final plats; 4) requests for changes to the Comprehensive Land Use Plan; and 5) requests for amendments, supplements, changes or modifications to this Ordinance. Other duties may also include preparation of preliminary reports and, if necessary, holding public hearings, before the Commission makes its final report to the City Council. All applications for rezoning or for preliminary plat approval must be reviewed and a final report given to the City Council by the Commission with due diligence, but in no case later than 60 days after the complete filing of the application or request which will only be accepted with full payment of all required fees.

10.04 FEES

Fees will be set by resolution of the Tiffin City Council and must be paid to the City Clerk *at the time of filing the official application or request*. The fee does not apply to any pre-application meetings with the Commission.

SECTION 11

BOARD OF ADJUSTMENT

11.01 CREATION AND MEMBERSHIP

A Board of Adjustment is hereby established. The Board consists of five members to be appointed for a term of five years excepting that when the Board is first created one member shall be appointed for a term of five. No member of the City Council, Planning and Zoning Commission, or any City employee may be a member of the Board of Adjustment. At least three of the five must not be involved in the business of purchasing or selling real estate. A Chairperson is elected by a majority vote of the members of the Board. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies will be filled by the City Council for the unexpired term of the member affected.

11.02 MEETINGS AND PROCEEDINGS

The Board of Adjustment must adopt rules necessary to conduct its affairs, and in keeping with the provisions of this Ordinance. Meetings will be held at the call of the chairperson and at other times as the Board may determine. Members of the Board of Adjustment are not at liberty to discuss any appeals or applications outside the bounds of a meeting, and like judges, they must receive all of the evidence and arguments in the course of a public meeting on the particular issue. The chairperson, or the acting chair, may administer oaths and compel attendance of witnesses by subpoena. All meetings must be open to the public.

The Board of Adjustment must keep minutes of its proceedings showing the vote of each member upon each question, or if the member is absent or fails to vote the minutes must indicate that fact. The Board must keep records of its examinations and other official actions, all of which is a public record and be immediately filed in the office of the City Clerk as a public record.

11.03 **VOTING AND DECISIONS:**

- A. A quorum for a meeting of the Board of Adjustment consists of at least three of the five members being present. A quorum is necessary for a meeting to be considered an official meeting that allows the Board to take action on any issue before it.
- B. The concurring vote of three members of the Board is necessary to reverse an 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 effect any variation in the application of this Ordinance.
- C. Any issue that receives less than three concurring votes of the members present at an official meeting is defeated.
- D. All decisions and findings of the Board on any appeal or upon any application for a variance or conditional use, after a public hearing, is the final administrative decision and is subject to judicial review.

11.04 **FEES**

Fees shall be in the amount established from time to time by resolution of the Tiffin City Council, and must be paid to the City Clerk at the time an appeal, variance, conditional use, or revised site plan is filed.

11.05 **POWERS AND DUTIES**

The Board of Adjustment has the following powers and duties:

- A. **Appeals:** To hear and decide appeals where it is alleged there was error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance.
- B. **Special Exceptions:** To hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass under this Ordinance.
- C. **Variances:** To authorize upon appeal in specific cases such variance from this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship and so the spirit of this Ordinance is observed and substantial justice done. Under no circumstances may the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the district.

11.06 **APPEALS TO THE BOARD OF ADJUSTMENT**

Matters concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer, department, board or bureau of the governing body of the town affected by any decision of the Administrative Officer.

- A. Such appeals must be taken within a reasonable time, not to exceed 30 days by filing a Notice of Appeal specifying the grounds thereof with the City Clerk. The Appellant must provide no less than ten (10) copies off their Notice of Appeal, including all supporting documents, and the filing fee, otherwise the Notice shall be rejected by the Clerk. The Clerk will then distribute copies of the appeal immediately to the Planning and Zoning Commission and the City Attorney and the Board of Adjustment. The Planning and Zoning Commission Administrative Officer must forthwith transmit to the Board of Adjustment the appeal and all paper constituting the record upon which the action appealed from was taken.
- B. The Planning and Zoning Commission Administrative Officer must fix a reasonable time not exceeding 30 days from the date the Notice of Appeal is received to set a request for hearing before the Board of Adjustment. At the hearing, any party may appear in person or by agent or attorney. The Board of Adjustment shall provide a decision within a reasonable amount of time, but not exceeding 32 days from the date of the hearing date of the appeal. The amount of time to provide decision may be extended if otherwise mutually agreed by the Board of Adjustment and the petitioner on appeal.
- C. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with the Administrative Officer, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In this case, proceedings are not stayed other than by a restraining order that may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Officer from whom the appeal is taken and on due cause shown.

11.07 **SPECIAL EXCEPTIONS APPLICATION PROCEDURES:**

- A. The Board of Adjustment will hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this section, including the following:
 - 1. To decide such questions as are involved in determining whether special exceptions should be granted; and
 - 2. To grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or
 - 3. To deny special exceptions when not in harmony with the purpose and intent of this Ordinance.
- B. A special exception may not be granted by the Board of Adjustment unless and until the conditions are met as shown below:
 - 1. There will be no more than 30 days between the time an application is filed with the P&Z and the date set for its consideration by the Board of Adjustments. A written application for a special exception is submitted to the City Clerk indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested. The City Clerk must distribute the

written application to the Planning and Zoning Commission and to the City Council and the City Attorney. Hearing may not be held until after the Council has held a meeting where the application can be reviewed and comments made. In any event, hearing may not be held less than 31 days from date application has been received by the P&Z for review and recommendation unless otherwise mutually agreed between the applicant and the City. The City must take action on the application no later than 31 days following the public hearing.

2. Notice of Public Hearing must be given at least seven days in advance but not more than 20 days before of the public hearing in the manner required for a public hearing by the Iowa Code for cities the size of Tiffin. Notice must also be mailed to all property owners within a distance of 200 feet of the affected property both within and outside the boundaries of the City. The applicant is responsible for providing an accurate list of property owners and mail addresses for each owner of record.
3. The public hearing must be held. Any party may appear in person, or by agent or attorney.
4. The Board of Adjustment must make a written Finding as to the application. If the Finding grants the special exception, the Finding must state that the grant of the special exception will not adversely affect the public interest. Further, in granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of the conditions and safeguards, when made a part of the terms under which the special exception is granted, are deemed a violation of this Ordinance and punishable under Section 13 Administration and Enforcement and Violations and Penalties of this Ordinance. The Board of Adjustment must prescribe a time limit within which the action for which the special exception is required must start or completed, or both. Failure to take action to start or complete within the time limit set voids the special exception permit.

11.08 VARIANCES APPLICATION AND PROCEDURE

A variance from the terms of this Ordinance may not be granted by the Board of Adjustment unless and until:

- A. **Application for a Variance:** A written application is submitted to the City Clerk, who will distribute copies immediately to the Board of Adjustment, P&Z Commission, and City Attorney and City Engineer. The application must demonstrate:
 1. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that are not applicable to other lands, structures, or buildings in the same district;
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

3. 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 non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts will be considered grounds for the issuance of a variance; and
4. That the special conditions and circumstances do not result from the actions of the applicant.

- B. **Public Hearing:** Notice of public hearing must be given as in accordance with the State of Iowa Open Meetings Law. The public hearing must be held. Any party may appear in person, or by agent or by attorney.
- C. **Finding:** Upon the finding by the Board of Adjustment that the requirements of Section 11.08(A)(1-4) have been met by the applicant for a variance, the Board of Adjustment must 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.
- D. **Safeguards and Violations:** The Board of Adjustment must also make a finding that granting 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. 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 Section 13 Administration and Enforcement and Violations and Penalties.
- E. **Recording:** The decision of the Board shall be recorded in the official minutes of the Board of Adjustment meeting.

Expiration of Variances: Variances granted by the Board of Adjustment expire one year from the date they are granted by the Board if the variance allows construction that is not initiated within that one year and completed by the following year.

11.09 APPEALS FROM THE BOARD OF ADJUSTMENT

Any person or persons, or any board, taxpayer, department, board or bureau of the town aggrieved by any decision of the Board of Adjustment may seek review by a court of record within 30 days of such decision, in the manner provided by the laws of the State.

SECTION 12

AMENDMENT PROCEDURE AND REZONING REQUESTS

12.01 INTENT

This section intends to provide a procedure for the amending or repealing any provision of this Ordinance. For clarification, the procedure to amend this Ordinance for purposes of rezoning property also includes the outlined items in Section 12.03.

12.02 AMENDMENT PROCEDURE

An application for an amendment the rezoning of property, requires a processing period of about 90 days as outlined below. The applicant may present "pre-application" information to the City Clerk in advance of any regularly scheduled meeting of the P & Z, and no fee will be charged. The City Clerk will immediately distribute the pre-application information to members of the P & Z for examining, so they may be better prepared for the meeting when the formal application is taken under consideration. Review of the pre-application information submitted to the P&Z does not create any binding agreement for a particular recommendation to the City Council. The process for application review is set forth below.

- A. **Amendment Presented:** A properly completed and signed application for an amendment (rezoning application), including 20 copies of the application and its supporting documents, and the fee as regulated by Section 12.04 is filed with the Tiffin City Clerk. Any application fee must be paid in full and the applicant is given a posting sign and must immediately post it on the proposed property. (See 12.03 below.)
- B. **P & Z Commission's Initial Review:** The City Clerk must deliver the official application immediately to the Chairman of the P & Z, city council members, the mayor, the City Engineer, the City Attorney, and other city officials. The application will be placed on the agenda for the next regularly scheduled meeting date of the P&Z Commission; provided however, the "complete" application and fee have been received at least 14 days prior to the next regularly scheduled P&Z meeting. An applicant may request a special meeting of the P&Z to consider the application if the applicant pays the fee for a special meeting
- C. **P&Z Commission Review:** The P&Z may review the application at no more than two regular meetings before it reports to the City Council by either recommending approval or disapproval.
- D. **Date of Public Hearing and Publication of Notice to the Public**
At the time of their first regularly scheduled meeting following the submission of a rezoning application, the City Council must establish a public hearing date on the application. That public hearing date must have a Notice of it published at least 7 but not more than 20 days prior to the public hearing being held and in no case can it be earlier than the next regularly scheduled council meeting following

publication of the Notice. The notice of the time and place of the public hearing before the City Council must be given according to the requirements for public hearings in the Iowa Code. The City Clerk must publish the notice in its designated newspaper. The notice must be published in a newspaper of general circulation in the City at least seven days prior to the public hearing date but not more than 20 days prior to the public hearing date. Further, the City Clerk must send by regular mail, a written notice of the hearing at least seven days before the hearing to all property owners within a radius of 200 feet from the property involved in the rezoning. The notice must also be mailed to land owners within a proposed rezoning area. The applicant must provide the list of property owners with mailing addresses confirmed by county tax records. For purposes of this ordinance, notice must be given to each of the owners of units within a condominium regime that are within 200 feet of the proposed property rezoning.

E. City Council Public Hearing and Vote: The City Council will convene the public hearing on the amendment and receive any comments from the public at that time. The council may act on the amendment at the meeting immediately following the public hearing or at the following regularly scheduled city council meeting, or at a special meeting if requested by the applicant and paid for by the applicant. In the event that one or more of the following events should occur, the amendment may not be passed except by the favorable vote of at least three-fourths of all members of the City Council:

1. The Planning and Zoning Commission recommends disapproval of the amendment; or,
2. Prior to or at the public hearing, if a written protest against such a change is filed with the city clerk and signed by the owners of 20% percent or more of the area of the lots included in the proposed change or repeal, or by the owners of 20% or more of the property that is located within two hundred feet of the exterior boundaries of the property for that the change or repeal is proposed, the change or repeal will not become effective except by the favorable vote of at least three-fourths of all the members of the council. Each unit owner within a condominium regime is considered the owner of the area of the lot proportionate to the number of units in the regime as a whole.

12.03 AMENDMENT FOR REQUEST FOR REZONING

An amendment that is a request for rezoning of property, in addition to 20 copies of the application and its supporting documents, must contain the following information:

A. Fee: The applicant is required to pay the City Clerk a fee in that amount established by resolution of the City Council. The City Clerk must credit the payment to the General Fund of the City. Once the fee is paid, it is nonrefundable. Any related costs for rezoning applications that are incurred, such as the cost for newspaper publication of the notice of public hearing, mailings, and other costs incurred for the purpose of reviewing and action upon by the council, etc., including the posting sign, must be reimbursed by the rezoning applicant to the City after receiving a bill for it from the City Clerk. These costs are in addition to any rezoning application fee set by resolution of the City Council.

- B. Legal description and local address of the property.
- C. Current zoning classification and requested zoning classification.
- D. Detailed description and site plan of the existing use of the property and proposed use of the property, including utilities and other relevant improvements.
- E. Names of *current titleholders and their proper mailing addresses* for all owners of any property within two hundred (200) feet of, or inside of, the proposed amendment area, whether within and outside of the city limits.
- F. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
- G. Plat or Site Plan showing the locations, dimensions, and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features. The following will also be required on the aforementioned site plan:
 - 1. North arrow and scale.
 - 2. Size and location of existing and proposed structures and drives on the subject property, and existing structures and drives on surrounding properties.
 - 3. Name and address of the applicant (landowner) and the name and address of any contractor who is hired by the landowner to do work on the property.
 - 4. Date of preparation of the plan.
 - 5. Any other information requested by P&Z or Council.

SECTION 13

PERMITS AND FEES

13.01 INTENT

This section intends to provide a written record of authorization to start building activity and to provide a specific period during which building activity is allowed. This section also established the procedure for setting fee amounts and their collection and use.

13.02 BUILDING PERMIT

No building may be erected, reconstructed, or structurally altered nor shall any work be started, upon it until a "Building Permit" for it has been issued by the City Clerk. The permit must state that the builder must construct the proposed building in compliance with all provisions of this Ordinance. The permit must be valid for one year following issuance of any permit for property zoned residential, commercial, industrial, or planned area development. At the end of the one year period, the applicant may purchase a one-time, three-month extension of the permit for a fee that will be established by resolution of the City Council.

13.03 FEES

The City Clerk is directed to issue permits, under this Ordinance, for the construction or alteration of residential, commercial, or industrial, or planned area development buildings, and to charge fees in the amounts set by resolution of the City Council. The fees required must be credited to the General Fund of the City of Tiffin. Unless specifically provided otherwise, fees are not refundable once any application has been accepted by the City Clerk. Building permits may be issued, however, without charge to:

- A. the United States Government or any political subdivision thereof, and
- B. the State of Iowa or any political subdivision thereof; and
- C. any religious group for the construction of a church or parochial school.

SECTION 14

ADMINISTRATION AND ENFORCEMENT VIOLATIONS AND PENALTIES

14.01 ADMINISTRATION AND ENFORCEMENT:

- A. An administrative officer designated by the City Council will administer and enforce this Ordinance. The P & Z Commission Administrative Officer will receive assistance as the Council authorizes.
- B. If the administrative officer Planning and Zoning Commission finds that any of the provisions of this Ordinance are being violated, it must notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Commission may order discontinuance of illegal buildings or structures or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or it may take any other action authorized by this Ordinance to insure compliance with its provisions.
- B. Appeals from any decision of the Administrative Officer Planning and Zoning Commission may be taken to the Board of Adjustment as provided in Section 11.06.

14.02 VIOLATIONS AND PENALTIES

- A. Any person, firm, or corporation who violates this Ordinance will be guilty of a simple misdemeanor. Alternatively, any person, firm, or corporation who violates the provisions of this Ordinance will be guilty of a municipal infraction pursuant to Iowa Code §364.22 Each day a violation continues is a separate offense.
- B. The owners, or tenant of any building, structure, land or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation or fails to comply with any provision of this Ordinance may each be charged with a misdemeanor or municipal infraction at the election of the City. Each day any violation continues shall constitute a separate offense.
- C. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building, structure, or land is used in violation of this Chapter, the City of Tiffin may, in addition to other remedies, institute an injunction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate the violation.

SECTION 15

SEVERABILITY, REPEALING, EFFECTIVE DATE

15.01 SEVERABILITY

This Ordinance and the various parts, sections, subsections and clauses thereof, are severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance is not affected.

If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid as applied to a particular property, building or other structure, the application of such portion of the Ordinance to other property, buildings, or structures is not be affected.

Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, grading permit, zoning compliance permit, certificate of occupancy, site plan approval or designation of nonconformance, it is conclusively presumed that the authorizing officer or body considered the condition or limitation necessary to carry out the spirit and purpose of this Ordinance and to protect the public health, safety, and welfare. The officer or Board is presumed not to have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

15.02 REPEALING

The existing zoning regulations of the City of Tiffin being Ordinance No. 2005-272 of the City, as amended, are hereby repealed. The adoption of this Ordinance, however, does no affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of the Ordinance 1998-219, as amended, if the violation is also a violation of the provisions of this Ordinance.

15.03 EFFECTIVE DATE

This Ordinance will take effect on adoption and completion of publication.

On the 14th day of November 2007, at a regular meeting of the Tiffin City Council, Tiffin, Iowa, Councilperson Wright motioned and Councilperson Petersen seconded, to approve a first reading by title only and to waive the requirements and rules requiring consideration at two meetings on separate dates and to give final approval of Ordinance No. 2007-287, AN ORDINANCE THAT REGULATES AND RESTRICTS THE LOCATION, CONSTRUCTION, AND THE USE OF BUILDINGS, STRUCTURES, AND LAND IN THE CITY OF TIFFIN, IOWA. FOR THIS PURPOSE THE ORDINANCE DIVIDES LANDS INTO DISTRICTS AND CREATES A PLANNING AND ZONING BOARD AND A BOARD OF ADJUSTMENTS. THIS ORDINANCE REPEALS ALL PREVIOUS ZONING ORDINANCES INCLUDING ORDINANCE NOS. 1995-204 AND 2005-272 AND AMENDMENTS THERETO, OR ANY ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDES PENALTIES FOR THEIR VIOLATION OF ITS REGULATIONS.

Ayes: Bartels, Demuth, Petersen, Dils and Wright.

Abstain: _____

Nays: _____

Motion carried.

Five members of the Council being present and five having voted "Aye", Mayor Glenn R. Potter declared the motion carried, and Ordinance No. 2007-287 was passed and adopted and signified his approval of same by fixing his signature thereto.

Passed by the Council on the 14th day of November 2007 and approved by the Mayor on the 14th day of November 2007.

CITY OF TIFFIN IOWA

By: _____

Glenn R. Potter, Mayor

ATTEST:

Margaret B. Reihman, City Clerk

I, Clerk of the City of Tiffin, Iowa, state that an ordinance entitled AN ORDINANCE THAT REGULATES AND RESTRICTS THE LOCATION, CONSTRUCTION, AND THE USE OF BUILDINGS, STRUCTURES, AND LAND IN THE CITY OF TIFFIN, IOWA. FOR THIS PURPOSE THE ORDINANCE DIVIDES LANDS INTO DISTRICTS AND CREATES A PLANNING AND ZONING BOARD AND A BOARD OF ADJUSTMENTS. THIS ORDINANCE REPEALS ALL PREVIOUS ZONING ORDINANCES INCLUDING ORDINANCE NOS. 1995-204 AND 2005-272 AND AMENDMENTS THERETO, OR ANY ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND PROVIDES PENALTIES FOR THEIR VIOLATION OF ITS REGULATIONS, and known as Ordinance No. 2007-287 was duly passed by the council on the 14th day of November 2007, and signed by the Mayor on the 14th day of November 2007, and published on the ____ day of _____ 2007, by posting copies thereof in three public places within the limits of the City of Tiffin, Iowa.

That I posted copies of Ordinance No. 2007-287 in the following places:

- Morgan's Service
- On the Go Convenience Store
- Solon State Bank of Tiffin

Margaret B. Reihman
City Clerk