

Section 29-6 District R-1, one-family dwelling district.

(a) *Purpose.* This district is intended to promote and preserve urban one-family residential development. The principal land use is a one-family dwelling. Some public recreational uses, religious facilities, educational facilities, and uses incidental or accessory to dwellings are included.

(b) *Permitted uses.* In district R-1, no building or land shall be used, and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses (for exceptions, see section 29-28, Non-conforming Uses; and section 29-31, Board of Adjustment):

Agriculture, nurseries and truck gardens, each of which shall be limited to the propagation and cultivation of plants, provided no retail or wholesale business shall be conducted upon the premises, and no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer renovation is conducted thereon.

Churches, mosques and synagogues.

Dwellings, one-family.

Family day care homes, day care centers, preschool centers, nursery schools, child play care centers, child education centers, child experiment stations, or child development institutions, under the following regulations:

(1) That not more than ten (10) children not related to the operator shall be kept. Up to three (3) additional children over the age of two (2) may be kept for up to two (2) hours per day. Up to three (3) additional school-age children may be kept on unscheduled days of school closings; provided that at no time shall more than thirteen (13) children not related to the operator be kept.

(2) That such uses shall be permitted only if the rear yard in which the home would operate meets the minimum requirements of this section and is enclosed with a suitable fence.

(3) That such uses are located in the dwelling used by the operator as his or her private residence.

(4) That the operator shall not employ more than one full-time (forty (40) hours per week) assistant who does not reside on the premises or more than two (2) half-time (twenty (20) hours per week) assistants who do not reside on the premises.

(5) That no advertising or identification sign shall be placed on the premises.

(6) That all city health and fire regulations are met.

(7) That all applicable state regulations are met.

Garage sales, under the following restrictions:

(1) That a special permit is obtained from the city business license inspector according to section 13-20 of this Code.

(2) That no more than two (2) garage sales per dwelling unit may be held on any lot in a residential zoning district in any calendar year. For any use other than a dwelling unit on a lot in a residential district, there shall be no more than two (2) such sales per calendar year by or on behalf of each separate group or organization which forms a part of the allowable zoning purpose of such other use (for example, a school band or athletic team). One additional sale per year shall be allowed under each of the following circumstances:

a. The sale occurs as a result of the resident of that lot moving from that lot to another dwelling; and

b. The sale is conducted by or through the estate or legal guardian of a resident of that lot.

(3) Garage sales may be held only from 8:00 a.m. to sundown on weekdays and Saturdays, and from 9:00 a.m. to sundown on Sundays and holidays. No sale shall extend for more than two (2) consecutive days or any portion thereof.

Golf courses and golf clubhouses appurtenant thereto (except miniature golf courses, driving ranges, and other activities operated as a business).

A hobby may be pursued as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold in the ordinary course of business either on or off the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, gas, or otherwise.

Group homes for foster care.

Group homes for mentally or physically handicapped, under the following restrictions:

(1) Any such group home shall not be located within a one thousand (1,000) foot radius of another such group home in any specific single-family neighborhood.

(2) Before operating such group home, the owner or operator of the home shall register with the Community Development Department and shall sign an affidavit certifying that the home will be in compliance with subsection (1) above.

(3) The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards.

Home occupations which are compatible with the residential character of the neighborhood will be permitted, however, in order to promote peace, quiet and freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas all home occupations must meet the following restrictions:

(1) A home occupation shall be incidental to the use of a dwelling unit for residential uses. No person other than a person residing at the dwelling unit shall be directly involved with or

work in the home occupation. If the home occupation employs persons to work at other locations, the dwelling unit shall not be used as an assembly point for any employees who may work at sites outside of the dwelling.

(2) No alteration of the residential appearance of the premises shall be made, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the home occupation.

(3) No more than twenty (20) per cent of the total floor area of the dwelling unit and garage shall be devoted to the home occupation. A garage shall not be used for a home occupation if such use has the effect of eliminating required parking.

(4) The home occupation shall be conducted entirely within the dwelling unit or garage and no stock in trade shall be displayed or visible outside, or stored outside of any building, nor shall any raw materials, tools or appliances or waste products be stored outside of any building.

(5) Signs may be used for identification or advertisement of the home occupation but such signs must be attached flat to the structure, may not be larger than one square foot and may not be illuminated.

(6) No power other than electric shall be used and no single machine shall draw more than one-half horsepower and not more than one horsepower total shall be used,

(7) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises; that is, direct sales of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.

(8) The use shall not generate traffic in volumes greater than would normally be expected in a residential neighborhood. For purposes of this section, the normal volume of traffic generated by a single-family dwelling shall be defined as twelve vehicle trips to and/or from the dwelling unit per twenty-four-hour period. The use shall not use commercial or business vehicles to deliver finished products from the dwelling unit. All parking necessarily generated by the use shall be off the street in accordance with section 29-30 of this chapter.

(9) The use shall not produce noise, obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception outside the structure.

(10) No toxic, explosive, flammable, combustible, corrosive, radioactive or other restricted materials may be used or stored on the site.

(11) All persons desiring to have a home occupation must first present appropriate plans to the building regulations supervisor detailing how the dwelling will be used or altered to accommodate the use. Thereafter, whenever any permit or license is to be renewed, the dwelling may be inspected to determine how it has been altered to accommodate the use.

Abatement. Any home occupation which does not comply with the above restrictions shall be brought into compliance within thirty (30) days of the notice of the deficiency. It shall be unlawful to fail to comply with the above restrictions after notice.

Public police and fire stations.

Public administrative buildings.

Public libraries.

Public museums.

Public parks and playgrounds, including public recreation or service buildings within such parks.

Public schools, elementary and secondary, private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning including gymnasiums, stadiums, and dormitories if located on the campus. Before any building or structure shall be hereafter constructed on a campus of an institution of higher learning, a development plan of the campus shall be submitted to the commission, and after a public hearing, such commission shall report its recommendations to the council. If the council shall approve the development plan by ordinance, such plan shall be filed with the permanent records of the city. The development plan shall show existing and future buildings, parking areas, streets and drives, athletic facilities, and other features which may affect surrounding property or the public interest. The director of community development shall determine, or cause to be determined, that any building or structure hereafter constructed substantially conforms to the approved development plan prior to the issuance of a building permit. If at any time a major deviation from the approved development plan is proposed, said plan shall be amended and submitted to the commission and the council for approval in the same manner as the original plan.

Publicly owned and operated community buildings.

Temporary real estate sales office, located on property being sold and limited to a period of sale, but not exceeding two (2) years without special permit from the board.

(c) *Conditional Uses:* The following uses shall be permitted in district R-1 only after the issuance of a conditional use permit pursuant to the provisions of section 29-23:

Buildings and premises for public utility services or public service corporations, whose buildings or uses the board deems reasonably necessary for public convenience or welfare.

Cemeteries, which may include mausoleums thereon, for humans.

Home occupations, subject to the criteria listed for home occupations in subsection (b); except that the home occupation may be carried out by occupants of the dwelling unit as well as by one full-time forty-hour individual or two one-half time (twenty hours each) individuals who do not reside in the dwelling unit. In addition, the Board may allow that not more than forty (40) percent of the total floor area of the dwelling unit and garage shall be devoted to the home occupation. A conditional use permit for a home occupation shall expire three (3) years from the date of approval, after which a new conditional use permit may be requested.

Private lakes.

Private outdoor swim and tennis clubs.

Private stables.

Reservoirs, wells, water towers, filter beds, water supply plants, or water pumping stations.

Reuse of places of public assembly: Church plants, mosques and synagogues or any property used primarily as a place of public assembly as a permitted use in the R-1 district may be reused as a place of public assembly subject to such restrictions as the board may impose, and provided that:

- (1) The building or structure was constructed and used primarily as a place of public assembly;
- (2) The reuse shall be primarily as a place of public assembly, provided that uses which are ordinarily accessory uses to a place of public assembly may be permitted;
- (3) The reuse shall be for not-for-profit and for noncommercial purposes by a charitable, philanthropic, eleemosynary, or other organization which could be organized as a not-for-profit corporation under state law; and
- (4) The reuse shall not constitute a more burdensome use nor impose a greater adverse impact on the neighborhood than the existing or prior use, and in determining such, the board shall consider:
 - (a) Traffic;
 - (b) Congestion;
 - (c) Parking;
 - (d) Storm drainage; and
 - (e) Neighborhood impact.

(d) *Height and Area Regulations.* In district R-1 any building, portion of a building, or dwelling hereafter erected, constructed, reconstructed or altered shall be subject to the following regulations (for exceptions, see section 29-26 Height and Area Exceptions):

(1) *Lot size.* Not less than seven thousand (7,000) square feet, provided that where a lot has less area than herein required in separate ownership at the time of the passage of Ordinance No. 9958, but not less than five thousand (5,000) square feet, this regulation shall not prohibit the erection of a one-family dwelling. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than fifteen thousand (15,000) square feet per family.

(2) *Lot width.* Not less than sixty (60) feet at the building line, provided, that where a lot has less width than herein required, in separate ownership at the time of the passage of Ordinance No. 9958, this regulation will not prohibit the erection of a one-family dwelling.

(3) *Yards:*

- a. Front--Not less than twenty-five (25) feet in depth, except as provided in section 29-27.
- b. Rear--Thirty (30) per cent of lot depth, or twenty-five (25) feet, whichever is less.

c. Side--Not less than six (6) feet in width each. Buildings on corner lots where interior lots have been platted on side streets shall provide a side yard adjacent to the side street of not less than fifty (50) per cent of the front yard established for buildings on interior lots on the side street, provided this regulation shall not be so interpreted as to reduce the buildable width of a corner lot of record at the time of passage of Ordinance No. 9958 to less than sixty-five (65) per cent of the total width of such lot, and provided further that the minimum side yard regulations in this section must be observed. Accessory buildings on corner lots, where interior lots have been platted on side streets, shall not project beyond the front yard line established on the side street, provided this regulation shall not reduce the buildable width to less than twenty (20) feet.

(4) *Building height.* Not over thirty-five (35) feet except as provided in section 29-26.

(5) *Vision clearance.* On any corner lot on which a front or side yard is required, no wall, fence, sign or other structure or no plant growth of a type which would interfere with traffic visibility across the corner, shall be permitted or maintained higher than three (3) feet above the curb level, within fifteen (15) feet of the intersection of the street right-of-way lines.

(6) *Floor area.* Not less than six hundred fifty (650) square feet excluding basements, porches and garages.

(7) *Parking.* (See section 29-30 Off-Street Parking and Loading.)

(Code 1964, § 19.150; Ord. No. 9958, § 1, 10-3-83; Ord. No. 12211, § 1, 4-17-89; Ord. No. 13169, § 1, 11-18-91; Ord. No. 14940, § 1, 8-19-96; Ord. No. 15134, § 1, 2-3-97; 15187, § 1, 4-7-97; Ord. No. 21095, § 13, 9-19-11)