

SUBCHAPTER 1D "R-1" RESIDENTIAL DISTRICT

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5-1D-1 "R-1" DISTRICT REGULATIONS:

1. The regulations set forth in this Chapter or set forth elsewhere in this Title, when referred to in this Chapter, are the regulations in the "R-1" Residential District.

5-1D-2 USE REGULATIONS:

1. A building or premises shall be used only for the following purposes:
  - a. Single family dwellings.
  - b. Two (2) family dwellings.
  - c. Churches.
  - d. Public buildings, parks, playgrounds, community center, and recreational vehicle campsites in City Parks as designated by Council Resolution.  
(Ord. 773, 1-6-92)
  - e. Public schools, elementary and high, and private education institutions having a curriculum the same as ordinarily given in public schools, and having no rooms regularly used for housing and sleeping rooms.
  - f. Home occupations.
  - g. Golf courses, except miniature courses or practice driving tees operated for commercial purposes.
  - h. Temporary buildings, the uses of which are incidental to the construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the

expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.

i. Cemetery or mausoleum on sites not less than twenty (20) acres.

j. Signs: Refer to the Subchapter 1O, Signs.

k. Accessory buildings and uses including, but not limited to, accessory private garages, swimming pools, home barbecue grills, accessory storage, and accessory off street parking and loading space.

#### 5-1D-3 PARKING REGULATIONS:

1. Off street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Subchapter 1L.

#### 5-1D-4 HEIGHT REGULATIONS:

1. No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35') feet except as provided in Subchapter 1K.

#### 5-1D-5 AREA REGULATIONS:

1. Yard Regulations. Subject to the modifications set out in Subchapter 1K, the regulations are as follows:

a. Front Yard. There shall be a front yard of not less than thirty (30') feet.

b. Side Yard. There shall be a side yard on each side of a lot of not less than seven feet (7').

c. Rear Yard. There shall be a rear yard of not less than thirty feet (30').

d. Front Porch Reconstruction.

e. If a residence was constructed prior to January 1, 1964, with a front porch that does not comply with the front yard or side yard setback requirements, then the front porch may be rebuilt provided that the overall square footage of the porch is not increased and the existing nonconforming front and side yard setbacks are not decreased.

#### 2.. Minimum Lot Area.

a. A lot occupied by a single family dwelling shall contain not less than seven thousand two hundred (7,200) square feet and shall not be less than sixty feet (60') in width.

b. A lot occupied by a two (2) family dwelling shall contain not less than nine thousand (9,000) square feet and shall not be less than seventy-five feet (75') in width.

c. A lot having an area or width less than herein required and which was recorded under separate ownership from adjoining lots at the effective date of this Title may be occupied by a single family dwelling or by any other permitted nonresidential use.

#### 5-1D-6 DEFINITIONS OF RECREATIONAL VEHICLE AND VESSEL:

1. As used in this Ordinance, camping and recreational vehicles and equipment is defined as and shall include the following:

a. **Recreational Vehicle:** A general term for a vehicular unit not exceeding thirty-six (36) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, which applies to the following specific vehicle types:

b. **Camper Trailer.** A folding or collapsible vehicular structure without its own power, designed as a temporary living quarters for travel, camping, recreation, and vacation uses and which is licensed and registered for highway use.

c. **Travel Trailer.** A rigid structure, without its own motive power, designed as a temporary dwelling for travel, camping, recreation, and vacation use; licensed and registered for highway use; and which when equipped for the road, has a body width of not more than eight (8) feet.

d. **Truck Camper.** A portable structure, without its own motive power, designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation, and vacation use; and which in combination with the carrying vehicle is licensed and registered for highway use.

e. **Motor Home.** A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for travel, camping, recreation, and vacation use, and which is for highway use licensed and registered.

f. **Boat Trailer.** A vehicular structure without its own motive power, designed to transport a recreational vessel for recreation and vacation use, for highway use and which is licensed and registered.

g. **Horse Trailer.** A vehicular structure without its own motive power designed primarily for the transportation of horses and which, in combination with the towing vehicle, is licensed and registered for highway use.

h. **Utility Trailer.** A vehicular structure without its own motive power designed and/or used for the transportation of all manner of motor vehicles, goods, or materials and licensed and registered for highway use.

i. **Recreational Vessel:** A general term applying to all manner of watercraft, other than a seaplane on water, whether impelled by wind, oars, or mechanical devices, and which is designed primarily for recreation or vacation use. A recreation vessel, when mounted upon a boat trailer,

and its towing vehicle, when parked, shall be considered one (1) unit, exclusive of its towing vehicle.

#### 5-1D-7 REGULATIONS GOVERNING RECREATIONAL VEHICLES AND VESSELS:

1. Any owner, lessee, or bailer of a recreational vehicle may park one such vehicle or one such vessel on a single lot in a residential district, subject to the following:

a. Such recreational vehicle or vessel shall be maintained in a clean, well kept state so as not to detract from the appearance of the surrounding area.

b. If such recreational vehicle or vessel is equipped with liquefied gas containers, such containers shall meet the standards of either the Interstate Commerce Commission or the Federal Department of Transportation or the American Society of Mechanical Engineers, as such standards exist on the date of passage hereof. Further, the valves of such liquefied petroleum gas containers must be closed when the vehicle or vessel is not being readied for immediate use, and in the event that leakage is detected from such liquefied petroleum gas containers, immediate corrective action must be taken.

c. At no time shall such parked recreational vehicle or vessel be occupied or used for living, sleeping, or housekeeping purposes except as provided in Sub-section (4) of this Section.

d. It shall be lawful for only non-paying guests at a residence in a residential district to occupy one recreational vehicle or vessel, parked subject to the provisions of this Ordinance, for sleeping purposes only for a period not exceeding seventy-two (72) consecutive hours. The total number of days during which a recreational vehicle or vessel may be occupied under this Subsection shall not exceed fourteen (14) in any calendar year.

e. Such recreational vehicle or vessel may be parked in the following manner:

(1). Inside any enclosed structure which structure otherwise conforms to the zoning requirement of that particular location.

(2). Outside in the side yard or in the rear yard, and shall not be nearer than two (2) feet to any side or rear lot lines.

f. Parking of recreational vehicles or vessels is permitted in front driveway or an area adjacent to the driveway, provided:

(1) Space is not available in the side yard, or there is no reasonable access to either the side or rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and an access can be had without substantial damage to existing large trees or landscaping. A corner lot shall normally be deemed to have reasonable access to the rear yard.

(2) Inside parking is not possible.

(3) The recreational vehicle or vessel may not extend over the public sidewalk or publicly owned right-of-way.

d. The City Manager or Chief of Police may issue a permit for parking on any City street or alley for a period not to exceed seventy-two (72) hours.

e. The City Manager or Chief of Police may issue a permit for parking more than one recreational vehicle or more than one recreational vessel on a single lot in a residential district.

f. The owner of a recreational vehicle or recreational vessel parked on a single lot in a residential district shall also be the owner or the renter of such residential lot.

#### 5-1D-8 HOME OCCUPATIONS:

1. Definitions. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

a. "Home Occupations" means any business, profession, occupation or trade conducted for gain or support within a residential building or an accessory structure thereto, which is incidental and secondary to the use of such a building for dwelling purposes and which does not change the essential residential character of such building.

2. Home Occupations Inspector. There is hereby created the position of Home Occupations Inspector and this position shall be discharged by the City Manager. The Home Occupations Inspector is hereby given the authority to enforce this Ordinance. The powers of the Home Occupations Inspector shall include but not be limited to:

a. The authority to issue a municipal infraction citation for a violation of this Ordinance and to issue a municipal infractions citation or a notice to abate nuisance for a violation of this Ordinance.

(Ord. 1142, Passed June 2, 2018)

b. The authority to inspect residential real estate for the enforcement of this Ordinance.

c. The authority to determine that the particular use of a residence comes within one of the exceptions to this Home Occupation Ordinance under 5-1D-8-(3); and the authority to grant or deny an application for a home occupation permit.

d. The authority to make a redetermination of a decision made under 5-1D-8-(3).

3. Exceptions. Notwithstanding the definition of home occupations set forth above, certain occupations that are pursued partially or entirely in a district zoned R-1, R-2, R-3 and A-1 may be excluded from the requirements and regulations of this Ordinance by determination of the Home

Occupations Inspector. Those occupations that may be excluded from the operation of this Ordinance are:

- a. McNess dealers
- b. Amway dealers
- c. Avon dealers
- d. Mary Kay products dealers
- e. Home Interior salespersons
- f. Insurance salespersons
- g. Sewing and alterations
- h. Seed corn or agricultural products
- i. Salesperson
- j. Woodworking
- k. Catering from the home and home baking

l. Any other home occupation which the Home Occupations Inspector has determined has such an insignificant impact on the neighborhood that it may be exempt from the requirement to apply for and obtain a Home Occupations Permit.

m. The Home Occupations Inspector, in making his determination to exempt an occupation from the operation of this Ordinance shall, take into consideration whether the home occupation and residence substantially complies with the requirements of 5-1D-8-(7) (a through j); and, the Home Occupations Inspector shall also consider the comments of neighbors within 200 feet of the premises in question.

#### 4. Permit Required.

a. It shall be unlawful for any person to carry on a business, profession, occupation or trade at a residence in an area of the City zoned R-1 or R-2 or R-3 or A-1, unless the person has applied for and received a permit to do so or has obtained an exemption under 5-1D-8-(3) from the Home Occupations Inspector. Each day that this Ordinance is violated shall be a separate violation of this Ordinance.

b. It shall be unlawful for a title holder to real estate to knowingly allow a person to use the real estate for a home occupation in violation of this Ordinance after title holder has received

written notice from the Inspector that the real estate is being used in violation of this Ordinance and seven days have elapsed from the receipt of that notice.

c. It shall be unlawful for anyone who is granted a permit to carry on a Home Occupation to violate any of the rules and regulations set forth at Section 5-1D-8-(7) of this Ordinance and of the Municipal Infractions Ordinance.

5. Penalty. Each violation of this Ordinance shall create a municipal infraction.

(Ord. 991, Passed April 19, 2004)

(Ord. 1142, Passed June 2, 2018)

6. Nuisance. In addition, any violation of this Ordinance may be subject to abatement as a nuisance under Title 3 Chapter 2 of the Code of Ordinances.

7. General Regulations. It shall be unlawful to operate a business, profession, occupation or commercial activity within a district zoned R-1, R-2, R-3, or A-1 unless the person operating the business complies with the following regulations:

a. The business, profession, occupation or activity shall employ only members of the immediate family living within the dwelling. No more than one person other than a member of the family may be employed on a temporary basis and such employees shall be limited to a total of not more than thirty (30) individual days in any twelve (12) month period for all the employees' combined time.

(Ord. 774, 1-6-92)

b. The Home Occupation shall be conducted entirely within the principal dwelling unit or permitted accessory building.

c. A Home Occupation shall not occupy more than the equivalent of thirty (30%) percent of the gross floor area of one (1) story of each building. A Home Occupation may occupy the entire gross floor area, of any accessory building. This restriction shall not apply to persons who operate child care services.

(Ord. 776, 2-3-92)

d. There shall be no outdoor display or storage of equipment or material used in the Home Occupation that shall indicate from the exterior that the building is being utilized in whole or in part for any other purpose other than that of a dwelling. This restriction shall not apply to persons who operate child care services.

(Ord. 776, 2-3-92)

e. No Home Occupation shall permit generation or emission of noise, vibration, smoke, dust, or other particulate matter, odorous matter, humidity, glare, refuse, radiation, or other objectionable emission that will be detrimental to the residential character of the neighborhood at any time.

f. No Home Occupation shall be permitted which is noxious, offensive, or hazardous by reason of vehicular traffic, parking of vehicles or pedestrian traffic.

g. Spaces for off-street parking and loading shall be provided in compliance with provisions set forth in Subchapter 1L, Off-Street Parking Requirements, for any type of home occupation or commercial activity that would require more than two off-street parking spaces.

h. Any sign or display shall be limited to one (1) only and shall not exceed two (2) square feet in size. It shall carry only the name and occupation of the occupant of the premises. The sign or display shall be non-lighted and non-reflective in nature and shall be attached to the dwelling or accessory building or located within two (2) feet thereof.

i. Occasional garage sales are exempt from the provisions of this Ordinance. Garage sales that are conducted for more than three (3) consecutive days or more than three garage sales in any twelve (12) month period are considered to be Home Occupations and are subject to the provisions of this Ordinance.

j. No Home Occupation shall be permitted in an accessory building that had previously been used as a dwelling unit or residence. No Home Occupation shall be expanded upon an adjacent residential lot or separately platted parcel of land other than the lot where the home or principal building is located.

(Ord. 774, 1-6-92)

k. It shall be unlawful to operate a motor vehicle repair or motorcycle repair or small engine repair business within a district zoned R-1, R-2, R-3 or A-1 and such a business shall not be granted a Home Occupation permit by the Inspector; however, the operator of a small engine repair business may appeal the decision of the Inspector under the appeal procedure in 5-1D-8-(10).

8. Home Occupation Permit. Any person wishing to operate a Home Occupation must make application for a Home Occupation Permit upon forms provided by the Home Occupations Inspector.

a. Upon receipt of the application the Home Occupations Inspector shall set a hearing upon the Application and shall cause one publication of notice of the date, time, place and purpose of the hearing. The publication shall appear in the newspaper selected for official notices not less than 5 days before and not more than ten days before the date of the hearing.

b. The hearing shall be conducted informally by the Home Occupations Inspector and upon the conclusion of the hearing the Home Occupations Inspector may grant the permit, deny the permit, or determine that the occupation is an exception under 5-1D-8-(2). The decision of the Home Occupations Inspector must be communicated in writing within five days of the conclusion of the hearing.

c. The Home Occupations Inspector shall deny the application for the permit if the applicant has not complied with the requirements of 5-1D-8-(7) (a through j). Any decision of the Home Occupations Inspector may be appealed under 5-1D-8 (10).



d. Should an applicant be denied a permit for failure to comply with 5-1D-8 (7) (a through j), the applicant may appeal for an exemption from one or more requirements for 5-1D-8 (7), (a through j), by using the appeal procedure in 5-1D-8 (10).

9. Consent to Inspection. The signature of the applicant upon the application shall grant the consent by the applicant to an inspection of the Home Occupation premises by the Home Occupations Inspector. Failure by the applicant to allow for the inspection of the premises by the Home Occupations Inspector shall be grounds for refusal to grant a permit or a determination by the Inspector.

10. Appeal. The applicant or a neighbor who lives within 200 feet of the applicant's residence or the Council Person for the applicant's Ward may appeal any decision made by the Home Occupations Inspector under this Ordinance.

a. The applicant or neighbor or Council Person shall state his/her objection to the decision of the Home Occupations Inspector in writing and mail or deliver the Appeal to the City Manager at City Hall. The Appeal must include the name, address and signature of the person making the Appeal and the name and address of the person operating the Home Occupation subject to the Appeal. The Appeal must be mailed or delivered no later than twenty days after the decision of the Inspector has been made.

b. The City Manager shall place the matter of the Appeal on the City Council Agenda for the regularly scheduled meeting of the Council following receipt of the Appeal.

c. The City Council shall take up the matter of the Appeal in public session and shall by resolution uphold the decision of the Inspector or reverse the decision of the Inspector with instructions for the correction of the decision which may include an exemption from one or more requirements of 5-1D-8 (7) (a through j). The Council shall consider the requirements of Section 5-1D-8 (7) and the comments of the neighbors and the applicant in ruling upon the Appeal.

d. A party to the Appeal who is aggrieved by the decision of the Council may seek a remedy for that decision in the District Courts of the State of Iowa as provided by law.

11.. Effective Date. This Ordinance shall take effect the day it is duly enacted by the Council, signed, and published. However, no citations for violations of this Ordinance shall be issued until after September 1, 1991.

12 Repeal Section. The Council hereby repeals Sections 5-1D-8 ((1 through 3)), and, all other Sections that cannot be read in conformity with this Ordinance are hereby repealed.

(Ord. 751, 5-20-91)