

SECTION 808- R-1: LOW DENSITY RESIDENTIAL

1. Purpose of District

- a. This zoning district is intended for low-density residential development primarily single-family detached dwellings.
- b. Provision is also made for such educational, recreational, and religious uses as are customarily associated with residential uses to provide the basic elements of a balanced and attractive residential area.

2. Principal Permitted Uses

- a. Single-family dwellings to include site built homes, modular homes, and Class A manufactured homes.
- b. Churches and other places of worship not expected to exceed 3,000 gallons of wastewater per day, excluding overnight shelters and temporary outdoor revivals
- c. Educational facilities of general instruction including cultural, administrative, and/or public buildings, not expected to exceed 3,000 gallons of wastewater per day
- d. Neighborhood parks, swimming pools, playgrounds, recreational and community center buildings and grounds, public golf courses, tennis courts, and similar public recreational uses
- e. Residential group homes in accordance with state and federal law

3. Accessory Uses

- a. Accessory uses, buildings and structures customarily incidental to the aforesaid permitted uses
- b. Boat docks
- c. Garages and garage workshops for private use
- d. Gazebos and similar out-buildings
- e. Noncommercial studios and workshops
- f. Noncommercial nurseries, greenhouses, and gardens
- g. Patios, decks, and similar structures
- h. Private swimming pools and recreational facilities (basketball or tennis courts). Swimming pools may not be placed in the front setback off the road or within any side setback.

- i. The placement of an above garage or attached apartment or “mother-in-laws” apartment is allowed so long as the dwelling unit is not used for rental purposes or exceeds 600 square feet. This kind of Accessory Use may not be placed on an Accessory Lot or constructed as a detached structure.
- j. Accessory Use Lot - The establishment of a non-lake frontage lot for the sole purpose of the placement of an Accessory Use structure or land-use, under the following stipulations:
 - i. No primary Use structure or land-use shall be allowed on an Accessory lot.
 - ii. The accessory use structure does not require a connection to any type of wastewater system.
 - iii. Front setback (off the roadway) is a minimum of 15-feet.
 - iv. Side and rear setbacks are a minimum of 7-feet.
 - v. Minimum Accessory Lot size is a minimum of 3,500 square feet.
 - vi. Minimum Accessory Lot width is a minimum of 40-feet.
 - vii. An Accessory Lot must be associated with a specific residential lot where a primary land-use is allowed although no restriction is placed on ownership of the accessory lot.
- k. Well house or other utility facility.

4. **Conditional Use Permits**

- a. Two-family dwelling unit (duplex)
- b. Cemeteries, not including mausoleums and crematories, provided that the new cemetery contains an area not less than five (5) acres
- c. Churches and other places of worship expected to exceed 3,000 gallons of wastewater per day, including overnight shelters and excluding temporary outdoor revivals
- d. Educational facilities of general instruction including cultural, administrative, and/or public buildings, expected to exceed 3,000 gallons of wastewater per day
- e. Model homes in Major Subdivisions or Planned Unit Developments
- f. Day care homes, if not more than ten (10) children are kept in addition to the resident family and subject to state licensing requirements
- g. Fraternal or private clubs (including country clubs)
- h. Bed and Breakfast

- i. Residential Based Business:
 - a. A Residential Based Business may involve land-uses that normally are not allowed in an R-1 zoning district as long as they are scaled to a less intensive level and/or are conditionally approved so as to be compatible to the surrounding area.
 - b. Must meet the following criteria:
 - i. No more than one (1) person other than a member of the immediate family occupying the dwelling shall be employed
 - ii. Not more than 30% of the gross square footage of the dwelling can be devoted to the Residential Based Business either within the dwelling or in an accessory building
 - iii. In no way shall the premises (property or structures) be altered or the business allowed to operate in a manner that would cause the property or structures to differ from its normal residential character
 - iv. No truck traffic shall be generated by the business that would be greater in kind or intensity from a normal residential land-use
 - v. No outdoor display of goods or outdoor storage of materials used in the Residential Based Business shall be permitted
 - vi. Only one (1) nameplate not to exceed four (4) square feet in area will be allowed to be displayed. It shall not be illuminated or otherwise physically appear as a nuisance
 - vii. The use shall not generate noise, vibration, glare, fumes, odor, or electrical interference beyond what normally occurs in a residential area
 - c. Does not involve the construction of a structure solely for the Residential Based Business. The business must operate from a residential structure or a residential accessory structure
 - d. Cannot be located within the area of a recorded residential subdivision with the following stipulations:
 - i. The term subdivision does not refer to the great lot divisions of Shawnee Bend 1-6 or Horseshoe Bend 1-9
 - ii. Subdivisions in which all lots are 3-acres or larger may be excluded from this stipulation by the Planning Commission
 - iii. Residential Based Businesses shall not be allowed in subdivisions that specifically preclude commercial land-uses within legally active recorded covenants or restrictions
 - e. The Residential Based Business structure cannot be physically located within 200-feet of an existing occupied residential structure on property not owned by the applicant
 - f. Any retail sales must meet the following stipulations:
 - i. No sales of alcohol or petroleum based fuels
 - ii. Does not involve the sale of fireworks or other explosive products

- iii. The retail sales portion of the Home Based Business may not exceed 80% the allowed square footage (as explained in item i, b, ii above)
 - g. Customer parking must be provided and clearly marked on-site
 - h. A Residential Based Business can be approved only for an owner occupied property
 - i. Home Based Business operations may not have hours of operation (open to public) that start earlier than 7:00 AM or extend past 10:00 PM of any day of the week
- J. Special Events that are non-commercial or non-profit in nature
- k. Lake Development Project: For one or two-family residential developments that are due primarily to such physical parameters as topography, shoreline configuration, soil and rock conditions, etc. and where the project acreage is not large enough to classify as a Planned Unit Development (PUD), the Planning Commission may issue a Conditional Use Permit that will allow carefully designed projects with the following flexible provisions:
 - i. Minimum Lot size can be reduced up to 7,500 square feet for individual lots although the overall density of the development cannot exceed five (5) dwelling units per acre.
 - ii. Modifications to the required road standards may be approved.
 - iii. Minimum setback requirements can be reduced to:

Road Setback (off the right-of-way)	= 15 feet.
Side Corner Setback	= 15 feet.
Side Setback	= 7.5 feet
Lake Setback (or Rear if 2 nd Tier)	= 25 feet

5. Height, Density and Yard Requirements

- a. All tracts and lots of property, excluding those for utility facilities and Accessory Use lots, created after the effective date of these regulations shall have a minimum road frontage dimension of fifty (50) feet and a width dimension of seventy (70) feet measured through the building area of the lot in at least one location (between the front and rear setbacks) measured perpendicular to the centerline of the lot. On cul-de-sacs and curves the minimum road frontage measurement may be measured along the arc of the setback line although actual road frontage cannot be reduced below 25-feet in this manner.
- b. All tracts and lots of property created after the effective date of these regulations shall have a minimum average area of three (3) acres unless served by a MDNR-approved centralized wastewater system. Then the minimum lot area allowable by the Planning Commission shall be 8,500 square feet. For purposes of Minor Plat approval, any lot that is less than 2-acres in area must be approved by the Planning Commission.
- c. The maximum height of any non-farm structure shall be fifty (50) feet above the finished grade.

- d. The minimum size of any residential structure in the R-1 zoning district shall be 680 square feet.
- c. Lots and tracts located in the R-1 Low Density Residential zoning district shall not include the area of road rights-of-way.
- f. Minimum yard setback requirements:
 - i. Minimum front yard setback - Twenty-five (25) feet
 - v. Minimum side corner yard setback - Fifteen (15) feet
 - vi. Minimum side yard setback - Ten (10) feet
 - vii. Minimum rear yard setback - Fifteen (15) feet