

**ARTICLE 7.04 - R-1 THROUGH R-7
ONE-FAMILY RESIDENTIAL DISTRICTS**

A. INTENT:

The R-1 through R-7 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

EFFECTIVE DATE: JANUARY 12, 1994

B. PRINCIPAL USES PERMITTED:

In a One-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the ordinance:

1. One-family detached dwellings.
2. Farms on those parcels of land separately owned outside the boundaries of either a proprietary or assessor's plat, having an area of not less than twenty (20) acres, all subject to the health and sanitation provisions of the City of Lapeer and provided further that no farms shall be operated as garbage fed piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption by persons residing on the premises.
3. Publicly owned and operated libraries, parks, parkways and recreational facilities.
4. Cemeteries which lawfully occupied land at the time of adoption of this ordinance.
5. Public, parochial and other private elementary schools offering courses in general education, and not operated for profit.
6. Accessory building and uses, customarily incident to any of the above permitted uses.
7. Garage sales in accord with the provisions of ARTICLE 7.17, Section S.
8. Home occupation subject to the following:
 - a. No home occupation shall be permitted that:
 - (1) Changes the outside appearance of the dwelling or is visible from the street;

- (2) Generates traffic, parking, sewerage or water use in excess of what is customary in the residential neighborhood;
 - (3) Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance;
 - (4) Results in outside storage or display of anything including signs;
 - (5) Requires the employment of anyone in the home other than the dwelling occupant;
 - (6) Requires exterior building alterations to accommodate the occupation;
 - (7) Occupies more than twenty-five (25) percent of the ground floor area of the dwelling, or fifty (50) percent of a detached garage;
 - (8) Requires parking for customers that cannot be accommodated on the site and/or not exceeding one (1) parking space at curb side on the street;
 - (9) Requires the delivery of goods or the visit of customers before 8:00 a.m. and after 8:00 p.m.
- b. The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:
- (1) Dressmaking, sewing and tailoring;
 - (2) Painting, sculpturing or writing;
 - (3) Telephone answering;
 - (4) Home crafts, such as model making, rug weaving and lapidary work;
 - (5) Tutoring, limited to four students at a time;
 - (6) Home cooking and preserving;
 - (7) Computer programming;
 - (8) Salespersons office or home office of a professional person;
 - (9) Laundering and ironing;
 - (10) Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference.

- c. The following are prohibited as home occupations:
 - (1) Barber shops and beauty parlors;
 - (2) Dance studios;
 - (3) Private clubs;
 - (4) Repair shops which may create a nuisance due to noise, vibrations, glare, fumes, odors or electrical interference;
 - (5) Restaurants;
 - (6) Stables or kennels;
 - (7) Tourist homes;
 - (8) Automobile repair or paint shops.

- d. Any proposed home occupation that is neither specifically permitted by paragraph b. nor specifically prohibited by paragraph c. shall be considered a use permitted subject to special conditions and be granted or denied upon consideration of those standards contained in paragraph a. above and under the procedures specified in Section 7.04 C.

C. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses may be permitted by the Planning Commission subject to the conditions hereinafter imposed for each use, including the review and approval of the site plan by the Planning Commission, and subject further to public notification and hearing held in accord with ARTICLE 7.18, Section 1:

- 1. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. Buildings of greater than the maximum height allowed in ARTICLE 7.15 SCHEDULE OF REGULATIONS may be allowed provided front, side and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 - b. All access to the site shall be in accordance with 7.17, R.
 - c. Adequate site space to allow for expansion shall be provided in order to allow for growth of facilities without causing an impact on the residential neighborhood.

2. Public, parochial and private intermediate or secondary schools offering courses in general education, not operated for profit. Access to the site shall be in accordance with 7.17, R.
3. Utility and public service buildings and uses (without storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
4. Uses and buildings of the municipality (without storage yards).
5. Day care homes subject to the following conditions:
 - a. Not less than twenty-five hundred (2,500) square feet of outdoor play area shall be provided on the site.
 - b. Screening and fencing of outdoor play area shall be provided as required by the Planning Commission.
 - c. Parking shall be provided to allow for direct drop-off and pick-up of children without requiring children to cross public streets.
6. Nursery schools and day care centers: (not including dormitories) providing the following conditions are met:
 - a. Provided that for each child so cared for there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot in any residential district.
7. Private noncommercial recreational areas, institutional or community recreation centers; nonprofit swimming pool clubs, all subject to the following conditions:
 - a. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one (1) property line abutting a major thoroughfare as designated on the Major Thoroughfare Plan and the site shall be so planned as to provide all access in accordance with 7.17, R.
 - b. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
 - c. Off-street parking shall be provided so as to accommodate not less than one-half (2) of the member families and/or individual members. The Planning Commission may recommend the modification of the off-street parking

requirements to the Board of Appeals in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off street parking requirement shall be determined by the Planning Commission on the basis of usage.

- d. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence in accord with the City of Lapeer Swimming Pool Ordinance.
8. Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - a. The site shall be so planned as to provide all access in accordance with 7.17, R.
 - b. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
 - c. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may recommend to the Board of Appeals the modification of this requirement.
 - d. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence in accord with the City of Lapeer Swimming Pool Ordinance.
 9. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, all subject to the following conditions:
 - a. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
 - b. All access to said site shall be in accordance with 7.17, R.
 - c. No building shall be closer than eighty (80) feet to any property line.

10. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the requirements of the City of Lapeer Ordinance known as "The Swimming Pool Ordinance" and such pools shall not require Planning Commission review and approval.
11. Cemeteries provided that:
 - a. Not more than fifty-one (51) percent of the land in the Residential Unit in which the cemetery is to be located is in recorded plats.
 - b. All access to said site shall be in accordance with 7.17, R.
12. Accessory buildings and uses customarily incident to any of the above permitted uses.

D. REQUIRED CONDITIONS:

All newly constructed dwellings for which a building permit is required shall be reviewed by the Building Inspector and shall be subject to the following conditions:

1. Dwelling units shall conform to all applicable City codes and ordinances. Any such local requirements are not intended to abridge applicable State or Federal requirements with respect to the construction of the dwelling.
2. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
3. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
4. Dwelling units shall be provided with roof designs with a minimum pitch of 4:12. Roofing materials shall be similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
5. Dwelling units shall be provided with attached garages in areas where 75 percent of the dwelling units located within 300 feet of the subject premises have attached garages.
6. Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three (3) to one (1), or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood. Each such dwelling

unit shall provide a minimum width and depth of at least twenty (20) feet over eighty (80) percent of any such width or depth dimension.

7. The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
8. Any such home shall be anchored by an anchoring system approved by the City.
9. The foregoing conditions 1-8 shall not apply to existing dwellings or existing accessory structures.

The Building Inspector may request a review by the Planning Commission of any dwelling unit with respect to Items 3, 4, and 6 above. The Building Inspector or, Planning Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the City at large. In reviewing any such proposed dwelling unit, the Building Inspector may require the applicant to furnish such plans, elevations, and similar documentation reasonably necessary to permit a complete review and evaluation of the proposal. The surrounding residential area shall mean those dwellings within three hundred (300) feet of the subject premises. If the area within three hundred (300) feet does not contain twenty (20) homes, then the nearest twenty (20) similar type dwellings shall be considered.

EFFECTIVE DATE OF AMENDMENT: May 29, 1991

E. AREA AND BULK REQUIREMENTS:

See 7.15, SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted land use, the maximum density permitted, and providing minimum yard setback requirements.