

Chapter 31. Zoning

Article II. "R-1" One-Family Dwelling District

[1] *Cross Reference — See §31-65 As to when a shared use of an existing or approved tower shall be permitted, see §31-44.1(D)(11).*

Section 31-19. Use regulations.

[Ord. No. 738 § 6, 1-9-1961; Ord. No. 953 § 1, 4-12-1971; Ord. No. 1024 § 1, 8-27-1973; Ord. No. 1119 § 1, 5-17-1978; Ord. No. 1237 § 1, 7-18-1985; Ord. No. 1603 § 10, 3-18-1991; Ord. No. 1643 §§ 1-2, 10-21-1991; Ord. No. 1861 § 1, 8-21-1995; Ord. No. 1987 § 1, 1-19-1998; Ord. No. 2087 § 1, 10-18-1999; Ord. No. 2353 § 1, 6-20-2005; Ord. No. 2615 § 1, 9-20-2010]

A. *Permitted Uses.* In District "R-1", no building, structure or land shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed or altered, except for one (1) or more of the following uses:

1. Dwellings, one-family, provided that any residential home for unrelated mentally or physically handicapped persons shall in the exterior appearance of the house and property be in reasonable conformance with the general neighborhood standards and shall be no closer than eight hundred (800) feet to any other such home as measured by the distance between the closest property lines of the two (2) properties.^[1]
[1] *State Law Reference — See § 89.020.*
2. Churches, publicly owned and operated community buildings, public museums, public administrative buildings, public libraries, Police stations and fire stations.
3. Public parks and playgrounds, including public recreation or service buildings within such parks, and private country clubs of not less than eighty (80) acres and a nine (9) hole golf course, swimming pool, clubhouse and other buildings and uses reasonably incident thereto.
4. Public schools, elementary, middle and high, and private schools with curriculum equivalent to that of a public elementary, middle or high school, nursery schools not subject to State or Federal licensing laws and regulations governing day care homes and day-care centers, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
5. Farming and truck gardening.
6. Nurseries and greenhouses limited to the propagation and cultivation of plants; provided, no retail or wholesale business shall be conducted upon the premises, no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer renovation is conducted thereon.
7. Railroad rights-of-way, not including railroad yards.
8. Accessory uses, including automobile parking areas, customarily incident to the above uses and

located on the same lot therewith, not involving the conduct of a business or industry.

- a. The term "accessory use" shall include customary home occupations, such as the office of physician, dentist, surgeon, dressmaker, musician or artist, but not including barbers or beauticians, under the following restrictions:
 - i. That such uses are located in the dwelling used by a person as his or her private residence or in a detached building on the same parcel as the said dwelling.
 - ii. That no assistant other than a member of the family household is employed, and that no window display or sign, either illuminated or more than one (1) square foot in area, is used to advertise the same.
 - iii. That any applicable State or City licenses be obtained and maintained.
 - iv. That no power other than single-phase electric is used in such activities.
- b. A billboard, signboard or advertising sign shall not be permitted as an accessory use except as follows:
 - i. The placing of one (1) unilluminated "For Sale" or "For Rent" sign, not more than eight (8) square feet in area, may be permitted as an accessory use; provided that if a "For Sale" or "For Rent" sign contains information indicating it is a sign of a real estate broker, then there may be one (1) such sign not more than eight (8) square feet in area for each separate real estate broker having the right to list the property "for sale" or "for rent."
 - ii. During construction or remodeling of a building, one (1) unilluminated sign showing the names of contractors or architects for such a building shall be permitted as an accessory use; provided, such sign shall not be more than eight (8) square feet in area and shall not be set more than five (5) feet in front of the established or customary building line, and that such sign shall be removed immediately upon completion of the building or remodeling.
 - iii. Public governmental bodies and nonprofit private institutions including but not limited to the City, churches, museums, and libraries, may display one (1) sign, not attached to the building, either illuminated or non-illuminated, showing name, activities and services therein offered, provided the sign meets the following requirements: The descriptive message of the sign shall be mounted on a back board of suitable material to support the letters of the message and of a material designed for outdoor use or treated with material to retard deterioration. The sign shall not be more than two (2) inches thick excluding the supporting members, framework or bracing, and shall be in the form of a square or rectangle no larger than twenty-five (25) square feet in area excluding the supporting members, framework or bracing. The sign shall be set back so it does not extend more than five (5) feet into a required front yard. The supporting members, framework or bracing of the back board of the sign shall be no larger than four (4) inches by four (4) inches in cross-section whether the supporting members, framework or bracing are round, square, elliptical or ornamental in design. The supporting members, framework or bracing of the back board of the sign shall be erected either horizontal or vertical or a combination of both, and shall not have more than six (6) inches of space between the back board and the supporting members, framework or bracing as viewed from the front of the sign. The supporting members, framework or bracing of the back board of the sign shall be buried or shall be in concrete below grade in a manner sufficient to support the sign substantially in a vertical manner.^[2]

[2] *State Law Reference — Similar provisions, see RSMo., § 67.317.*

- c. For any dwelling house there shall be permitted one (1) detached, private garage, with space for not more than one (1) motor vehicle for each two thousand (2,000) square feet of lot area, or servants' quarters; provided, that such garage or servants' quarters shall be located not less than sixty (60) feet from the front lot line, nor less than three (3) feet from any side lot line, nor less than one (1) foot from any alley line; except, that, when the rear lot line is common to a side or rear lot line of another lot, such outbuilding must be located a minimum of three (3) feet from such rear lot line and, in the case of corner lots, not less than the distance required for residences from side streets; and further provided, that such servants' quarters shall be occupied only by servants employed on the premises. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building; except, that on a corner lot, a private garage, when attached to the main building and not exceeding the height of the main building, may extend into the required rear yard, to a point not less than eighteen (18) feet from the rear lot line, and shall not occupy more than thirty percent (30%) of the required rear yard. No part of a detached accessory building shall be closer than ten (10) feet to the main building. Where an existing detached private garage which does not conform to the above front yard setback requirement is to be replaced because of damage or deterioration, the replacement garage shall be located at least twenty-five (25) feet from the front lot line or at the location of the previous detached, private garage, whichever is the farther distance from the front lot line.
- d. A private stable will be allowed on a lot having an area of more than ninety thousand (90,000) square feet; provided, that it is located not less than one hundred (100) feet from the front lot line and not less than sixty (60) feet from any side or rear lot line. On such lots there shall not be kept more than one (1) horse, pony or mule for each thirty thousand (30,000) feet of lot area and one (1) cow for each thirty thousand (30,000) square feet of lot area. Twenty-five (25) fowl shall be permitted for each thirty thousand (30,000) square feet of lot area. No such fowl shall be kept or housed nearer than one hundred (100) feet to the front lot line or sixty (60) feet from any side or rear lot line.
- e. Community garages may be permitted by the Board. Such community garages may provide facilities for washing cars, and access thereto, if from the street, shall be by not more than one (1) driveway. Such garages shall be at least six (6) feet from any lot line which does not border on a street or alley and shall be set back from any front or side street line at least ten (10) feet more than would be required for a dwelling house in the same location, and shall be not over one (1) story or sixteen (16) feet high. No commercial vehicle shall be housed in any such community garage.
- f. Temporary real estate sales office, located on property being sold, and limited to period of sale, but not exceeding two (2) years without special permit from the Board.
- g. A hobby shop may be operated 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 on the premises, and provided, such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
- h. Garage sales or yard sales, being the sale or offering for sale to the general public of over five (5) items of personal property on any portion of a lot in a residential zone district, whether within or outside any building. A sale shall not extend for more than three (3) consecutive days. Sale of programs and food and beverage items at school athletic events or at church programs shall not be deemed to constitute garage sales. However, no more than four (4) garage sales or yard sales per dwelling located on a lot within a residential zone district shall be held per calendar year; except that one (1) additional sale per year shall be allowed if the sale results from the resident of that dwelling or lot moving from that lot to another dwelling or lot, or if the sale is conducted by or through the estate or legal guardian of a resident of that dwelling or lot. The placement of signs, placards, flyers, or other forms of advertising, or

directions, off premises, is prohibited.

9. Guesthouse facility for a person, firm or corporation, where such person, firm or corporation can, but only without charge or compensation, hold business meetings and functions and provide meals and lodging for their guests, employees, customers, and others having a business relationship with said person, firm or corporation; provided, however, that no such facility shall be located on any lot having less than three (3) acres of lot area.
10. Homes where child care is provided to no more than four (4) children not related to the day care provider by blood, marriage or adoption, for any part of the twenty-four (24) hour day.
11. Antennas, including satellite dishes, pursuant to the following provisions:
 - a. *"Antenna"* means a device, designed and intended for transmitting or receiving television, radio, or microwave signals. An antenna includes all mounting and stabilizing items, such as a tower, a pole, a bracket, guy wires, hardware, connection equipment, and related items. Antennas include the following:
 1. An antenna that is designed to receive direct satellite service, including direct-to-home satellite service, that is one (1) meter (39.37 inches) or less in diameter;
 2. An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint services, and that is one (1) meter (39.37 inches) or less in diameter or diagonal measurement;
 3. An antenna that is designed to receive standard television signals broadcast on VHF and UHF Channels 2 to 83 inclusive;
 4. An antenna that is suitably designed and installed for use by a Federally-licensed amateur radio operator; and
 5. A radio antenna suitably designed and installed for transmission and/or reception in Federally designated citizen's bands (i.e. "CB").
 - b. *"Satellite dish"* means an antenna consisting of a radiation element that transmits or receives radiation signals generated as electrical, light, or sound energy, and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, or microwave signals to or from earth satellites.
 - c. *"Small satellite dish"* means a satellite dish or any other antenna that is one (1) meter (39.37 inches) or less in diameter.
 - d. No provision in this paragraph (11) pertaining to a small satellite dish or an antenna designed to receive standard television signals broadcast on VHF or UHF Channels 2 to 83 inclusive must be complied with if compliance with the provision would impair or degrade reception to the extent that an acceptable quality signal could not be received, except any provisions to protect public safety that are stated to be specifically exempt from this Subparagraph. Such provisions protecting public safety must be complied with even if doing so would impair or degrade reception to the extent that an acceptable quality signal could not be received.
 - e. Satellite dish antennas in compliance with the following provisions and other applicable provisions of paragraph (11) shall be permitted:
 1. A satellite dish antenna may not exceed a diameter of ten (10) feet (considering only the integer) for residential property and may not exceed a diameter of sixteen and one-half (16 1/2) feet (considering only the integer) for commercial, educational or industrial

property. One (1) or more satellite dishes, not exceeding such diameter, may be located on the ground near the dwelling or other lawful structure, so long as no part of such antenna is more than twenty (20) feet above the ground. Such an antenna structure shall be located only in the rear yard or side yard. All parts of the antenna structure shall be a minimum of six (6) feet in distance from any rear-yard property line or side-yard property line. On any corner lot any such antenna structure shall meet side-yard, front-yard and rear-yard requirements of Section **31-20** of this Chapter.

2. One (1) or more satellite dish antennas not more than a nominal six (6) feet in diameter (considering only the integer) may be installed on the roof of any dwelling or other lawful structure located on the lot occupied by the building served by such antennas. The maximum height of a roof-mounted satellite dish antenna shall be twelve (12) feet above the adjacent roof surface. Any such antenna shall be located behind the actual front building line of such lot and within all other required building lines, and all structural parts of any such antenna shall be a minimum of six (6) feet in distance from any rear or side property line.
 3. One (1) or more small satellite dish antennas may be installed on or affixed to a dwelling, accessory building, conventional residential-type television antenna tower, or other lawful structure, provided any such small satellite dish shall otherwise comply with the other satellite dish antenna provisions, and further provided that any such small satellite dish is not installed or affixed to the front yard side of or front face of the dwelling, accessory building, television antenna tower or other lawful structure. No building-mounted antenna shall be higher than twelve (12) feet above the adjacent roof surface.
 4. A satellite dish antenna shall be a neutral color. Black, white, tan and gray shall be considered neutral colors. Any color shall be considered neutral if such color blends with the surrounding dominant color, such color helps to camouflage the satellite dish antenna, and such color is neither bright nor metallic.
- f. No advertising of any form shall be permitted on any part of an antenna, including a satellite dish antenna, except for a six (6) inch square area displaying the manufacturer's or distributor's name.
 - g. Installation and erection of antennas, including satellite dish antennas, shall be in accordance with the manufacturer's specifications. Such antennas shall be of non-combustible and corrosive-resistant material, and shall be installed and erected in a secure, wind-resistant manner. Every tower or roof-mounted antenna shall be adequately protected against lightning. These provisions protect public safety and are exempt from the provisions of Subparagraph (d) of this paragraph (11).
 - h. No antenna, including a satellite dish antenna, shall be erected so as to impair the structural strength and/or the weather and water tightness of the roof and/or roof covering. When the antenna is removed from the roof, the roof covering shall be repaired to maintain weather and water tightness. The installation of any antenna structure, including a satellite dish antenna, mounted on the roof of a building shall not be erected nearer to the lot line than the total height of the antenna structure above the roof, nor shall such antenna structure be erected near electric power lines or encroach upon any street or other public space. The provisions in the immediately preceding sentence protect public safety and are exempt from the provisions of Subparagraph (d) of this paragraph (11).
 - i. No person shall install or erect an antenna without first obtaining a building permit issued by the City as provided for in Section **31-10** of this Chapter, and in all other respects complying with this Chapter and other applicable provisions of this Code, except that this provision does not apply to a small satellite dish or to an antenna designed to receive standard television

signals broadcast on VHF or UHF Channels 2 to 83 inclusive. The applicant for a permit that is required to be obtained shall include in the application the manufacturer's installation requirements and product specifications.

- j. Short-wave radio antennas intended for reception or transmission by Federally-licensed operators, either amateur or commercial, and citizen band operators shall conform to the terms of this paragraph (11) to the extent the terms are applicable to such antennas.
- B. *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 **31-65**:
1. Green houses where wholesale or retail business is conducted upon the premises.
 2. Detached meeting halls for youth groups which are units of a national organization, such as Boy Scouts of America, Girl Scouts of America, National 4-H Federation and similar organized youth groups.
 3. Detached meeting halls for religious, philanthropic, or eleemosynary groups.
 4. Day care home, being a family-home occupied as a permanent residence by the day care provider, in which family-like care is given to at least five (5) children not related by blood, marriage or adoption to the child care provider but no more than ten (10) children, excluding children related by blood, marriage or adoption to the day care provider, for any part of the twenty-four (24) hour day, except that an overlap of more than the said ten (10) children for times not exceeding a total of two (2) hours per twenty-four (24) hour day is permitted for children more than two (2) years of age to a maximum of one-third (1/3) the number of children provided for on the license of the home day care provider, and provided that the following provisions are complied with and followed:
 - a. All applicable State and Federal laws and regulations concerning day care homes are met and required licenses are obtained and maintained.
 - b. No day care home may be closer than eight hundred (800) feet to an existing day care home in District "R-1" or District "R-2", as measured by the distance between the closest property lines of the two (2) properties.
 - c. Written notice of the time, date and place of the public hearing before the Planning and Zoning Commission on whether to grant or deny the application for the conditional use permit shall be delivered to all owners and occupants of real estate located in full or part within three hundred (300) feet of any of the boundaries of the subject property. This notice shall replace the notice to the owners and occupants within one hundred eighty-five (185) feet of the boundaries of the subject property provided for in Section 31-65(c)(3).
 5. Signs not permitted as an accessory use, as detailed herein:
 - a. Regarding unilluminated "For Sale" or "For Rent" signs not more than eight (8) square feet in area: more than one (1) such sign of a particular real estate broker having the right to list the property "for sale" or "for rent", or more than one (1) such sign of someone other than a real estate broker;
 - b. Regarding unilluminated signs showing the names of contractors or architects for a building during the construction or remodeling of such building:
 - i. More than one (1) such sign not more than eight (8) square feet in area and not set more than five (5) feet in front of the established or customary building line, or
 - ii. One (1) or more such signs more than eight (8) square feet in area and not set more than five (5) feet in front of the established or customary building line, or

- iii. One (1) or more such signs more or less than eight (8) square feet in area and set more than five (5) feet in front of the established or customary building line;
- c. Regarding a sign not attached to a building, either illuminated or unilluminated, on the property of a public governmental body or a nonprofit private institution showing name, activities and services therein offered:
 - i. More than one (1) such sign not exceeding twenty-five (25) square feet in area and two (2) inches in thickness if said signs shall be set back so that said signs do not extend more than five (5) feet into a required front yard, or
 - ii. One (1) or more such signs exceeding twenty-five (25) square feet in area and/or two (2) inches in thickness if said sign or signs shall be set back so that said sign or signs do not extend more than five (5) feet into a required front yard, or
 - iii. One (1) or more such signs exceeding or not exceeding twenty-five (25) square feet in area and exceeding or not exceeding two (2) inches in thickness with a sign set back extending more than five (5) feet into a required front yard, or
 - iv. One (1) or more signs failing to meet any requirements specified in Subparagraph (iii) of Paragraph 8 (b) of Subsection (A) of Section **31-19**.
- d. One (1) or more unilluminated one-sided or two-sided directional signs, with each side not exceeding a total of seven (7) square feet in area, with a sign setback extending in a required front yard and/or required side yard but not interfering with traffic visibility if on a corner lot, and directing the public to a nonprofit private institution located on other property if the nonprofit private institution also performs one (1) or more functions for a public governmental entity on the other property, such as being the site of a public election polling place. Such conditional use shall be jointly applied for by both the nonprofit private institution and all the owner(s) of the property where the directional sign is to be located.
- 6. Bed-and-breakfast facility containing not more than nine (9) guest sleeping rooms, which provides sleeping rooms and meals for transient guests occupying rooms for no more than fourteen (14) consecutive days, for compensation; and which further provides, for compensation, rooms for business or non-business meetings and similar functions, rooms for wedding receptions and rooms for dances; all provided that such bed-and-breakfast facility is located on a lot having at least three (3) acres of lot area.

In considering whether to grant or deny an application for issuance of a conditional use permit pertaining to the conditional uses specified in this paragraph, the Planning and Zoning Commission or the Board of Adjustment shall take into account only those provisions of Paragraph (11) of Subsection (C) of Section **31-65** that are applicable and shall give due consideration and regard to the following factors as they may relate to the sign or signs referred to in the application: Quality in terms of indicated design, materials, and workmanship; harmony of design with respect to structure(s) to which the sign or signs relate and to other nearby structures; location with respect to required set-backs, grade elevation, overall height of sign or signs as mounted, and relationship to other structure(s) on lot; overall appearance; degree of enhanced suitability for the purpose intended over that provided by the non-conditional use limitation on square footage of sign area, number of signs, and location of sign or signs; and the necessity and justification for more than one (1) sign and/or variance in set-back requirement, if such is requested in the application.

Section 31-20. Height, yard and area regulations.

[Ord. No. 738 § 6, 1-9-1961; Ord. No. 1121 § 1, 7-11-1978; Ord. No. 2703 § 1, 10-15-2012]

In District "R-1", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows:

- A. *Height.* No building hereafter erected or structurally altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height; except, as provided hereafter.
- B. *Rear Yard.* The depth of the rear yard shall be not less than thirty (30) percent of the depth of the lot; provided such depth need not be more than a total of thirty (30) feet.
- C. *Front Yard.* There shall be a front yard not less than twenty-five (25) feet in depth; except, as provided hereafter.
- D. *Side Yards.* There shall be a side yard on each side of a building, not less than six (6) feet in width; provided, that on a lot having a width of less than sixty (60) feet at the building line, as shown by the last conveyance of record as of January 9, 1961, the Board of Adjustment may grant a variance in case of hardship. 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 percent (50%) 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 as of January 9, 1961, to less than sixty-five percent (65%) of the total width of such lot, and provided further, that the minimum side yard regulations in this Section shall 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.
- E. *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 median line street level within fifteen (15) feet of the intersection of the street right-of-way lines.^[2]

[2] *Cross Reference — As to owners of lots to remove weeds, etc.; notice and hearing; removal by City and taxing of costs against property, see § 13-5; as to street intersections, see § 30-26.*

- F. *Width of Lot.* The minimum width of a lot shall be sixty (60) feet at the building line; provided, that where a lot platted before January 9, 1961, has less width than herein required, this Section will not prohibit the erection of a one-family dwelling thereon, but, provided further, that where two (2) contiguous adjacent lots in common ownership as of January 9, 1961, have been used as one (1) lot by erecting a dwelling on the common lot line, that no further dwellings shall be erected on either lot.
- G. *Lot Area Per Family.* Every building or portion of building hereafter erected or altered for residence purposes in District "R-1" shall provide a lot area of not less than seven thousand (7,000) square feet per family; provided that, where a lot has less area than herein required, in separate ownership as of January 9, 1961, 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.
- H. *Floor Area.* Every dwelling hereafter erected, constructed, reconstructed or altered in a District "R-1" shall have a floor area, excluding basements, open and screened porches and garages, of not less than six hundred fifty (650) square feet.

[1] *Cross Reference — As to height exceptions, see § 31-45 et seq. As to yard requirements, see § 31-47. As to board of adjustment, see § 31-59 et seq.*