

## **CHAPTER 1 "R-2" TWO-FAMILY RESIDENTIAL DISTRICT.**

### **Subd. 1. Purpose.**

The purpose of the R-2 Two-Family Residential District is to provide for low-density, two-family residences and directly related complimentary uses.

### **Subd. 2. Permitted Uses.**

- A. The following uses are permitted in the non-shoreland portion of the "R-2" Two-Family Residential District:
  1. Two-family dwelling.
  2. Single family dwelling.
  3. Licensed Day Care Home/facility.
  4. Public parks and playgrounds.
  5. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
  6. Bed & Breakfast.
  7. Public or semi-public recreational buildings and neighborhood or community centers; public and private educational institutes limited to elementary, junior high and senior high schools; and religious institutions such as churches, chapels, temples and synagogues, provided that:
    - a. Side yards shall be double that required for the district.
    - b. No building shall be located within thirty (30) feet of any lot line of an abutting lot in a Residential District.
    - c. Said structures are adequately screened from adjacent properties as determined by the Planning Commission and/or City Council.
    - d. Adequate screening from abutting residential uses is provided.
    - e. Adequate off-street parking and access is provided on the site or on lots directly abutting the site.
- A. The following uses are permitted in the shoreland overlay portion of the "R-2" Two Family Residential District:
  1. Recreational Development Shoreland (Minnie Lake)
    - a. Single and two family residential dwelling units.
    - b. Forest Management.
    - c. Licensed Day Care Home/facility.
    - d. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
  2. General Development Shoreland (Middle & Lower Spunk Lakes)
    - a. Single and two family residential dwelling units.
    - b. Forest Management.
    - c. Licensed Day Care Home/facility.

- d. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
- 3. Natural Environment Shoreland (Linneman, Ochotto, & Lake Anna)
  - a. Single and two-family residential dwelling units.
  - b. Forest Management.
  - a. Licensed Day Care Home/facility serving twelve.
  - b. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
- 4. Tributary Stream (Spunk Creek)
  - a. Single and two-family residential dwelling units.
  - b. Forest Management.
  - c. Licensed Day Care Home/facility serving twelve.
  - d. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.

**Subd. 3. Accessory Uses.**

The following are permitted accessory uses in the "R-2" Residential District:

- A. Private garages, parking spaces and carports, provided said garage shall not be used for the storage of commercial vehicles.
- B. Recreational vehicles and equipment displaying current licenses and in operable condition.
- C. Home Occupations as regulated by Chapter 18 of this Ordinance.
- D. Swimming pools, tennis courts and other recreational facilities which are operated for the enjoyment and convenience of the residents of the principal use and their guests.
- E. The keeping of animals typically classified as animals that are domesticated pets and buildings and structures for the keeping of such animals and storage of related equipment.
- A. Storage of facilities used solely for the purpose of ice-fishing provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts, and provided said facilities display current licenses and are not used as independent living/sleeping quarters.
- F. Piers and Docks and storage thereof provided said storage is placed in the side and/or rear yard portion of the lot, lying furthest from the public right-of-way upon which the lot fronts.
- G. Fences.
- H. One (1) lodging room per single-family dwelling.
- I. Tool houses, sheds and similar non-commercial storage buildings.
- J. Each lot in the shoreland overlay district may have one water-oriented accessory structure not meeting the normal structure setback as defined in Subdivision 5 of this Chapter and Chapter 22, Subd. 3(A) provided the water-oriented structure or facility:

1. Shall not exceed ten (10) feet in height, exclusive of safety rails, and shall not occupy an area greater than two hundred fifty (250) square feet. Detached decks shall not exceed eight (8) feet above grade at any point.
  2. The structure or facility shall be setback from the ordinary high water level a minimum of ten (10) feet.
  3. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
  4. The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area.
  5. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities.
- K. Uses determined by Planning Commission to be similar to those listed in this Subdivision.

**Subd. 4. Conditional Uses.**

- A. The following are conditional uses in non-shoreland overlay portion of the "R-2" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
1. Essential services: equipment and structures such as transformers, unit substations and equipment houses.
  2. Municipal administration buildings, post offices, fire stations, museums, art galleries and other municipal service type buildings provided said building(s) shall not be located within fifty (50) feet of any lot in a residential district.
  3. Residential Planned Unit Developments per Chapter 17 of this ordinance.
  4. Manufactured home parks, pursuant to the issuance of a permit under section R-MH of this ordinance and subject to submittal of site development plans and all minimum requirements of State, County and local regulations for said uses and provided that no manufactured home is less than 50' from any lot line of an abutting lot in a Residential District. All manufactured home parks will comply with Chapter 8.
  5. Hospitals and clinics.
  6. Ground source heat pump systems in public waters may be permitted subject to the following:
    1. Approval from the Minnesota Department of Natural Resources
    2. Written consent of all property owners and/or approval by an association in accordance with its adopted bylaws.
    3. Demonstrated compliance with applicable city permit requirements.
- B. The following are conditional uses in shoreland overlay portion of the "R-2" Residential District (Requires a conditional use permit based upon procedures set forth in and regulated by Chapter 23, Subd. 10 of this Ordinance):
1. Recreational Development Shoreland (Minnie Lake):
    - a. Semi-public uses as described and regulated by Chapter 6, Subd. 2(A)7 and Chapter 6, Subd. 4(A)2.
    - b. Parks and Historic sites.

- c. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.
- 2. General Development Shoreland (Middle & Lower Spunk Lakes)
  - a. Semi-public uses as described and regulated by Chapter 6, Subd. 2(A)7 and Chapter 6, Subd. 4(A)2.
  - b. Parks and Historic sites.
  - c. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.
- 3. Natural Environment Shoreland (Linneman, Ochotto, & Lake Anna)
  - a. Semi-public uses as described and regulated by Chapter 6, Subd. 2(A)7 and Chapter 6, Subd. 4(A)2.
  - b. Parks and Historic sites.
  - c. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.
- 4. Tributary Stream Shoreland (Spunk Creek)
  - a. Semi-public uses as described and regulated by Chapter 6, Subd. 2(A)7 and Chapter 6, Subd. 4(A)2.
  - b. Parks and Historic sites.
  - b. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.

**Subd. 5. Interim Uses.**

A. The following are interim uses in the shoreland and non-shoreland and portions of the R-2 Two Family Residential District.

- 1. A short-term use of a temporary building shall be permitted only after application for and issuance of a permit.

**Subd. 6. Performance Standards.**

A. Minimum lot size and lot width:

- 1. Non-shoreland areas:

USE	MINIMUM LOT SIZE	MINIMUM LOT WIDTH
Single Family	10,500 square feet	75 feet
Two Family	12,000 square feet	100 feet

- 2. Shoreland overlay areas as identified in the following tables:

RECREATIONAL DEVELOPMENT LAKES (Minnie Lake) Minimum Single Family Lot Area (square feet)/Lot Width			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
40,000/150	20,000/75	40,000/150	15,000/75

<b>GENERAL DEVELOPMENT LAKES (Middle &amp; Lower Spunk Lakes)</b> <b>Minimum Single Family Lot Area (square feet)/Lot Width</b>			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
20,000/100	15,000/75	40,000/150	10,500/75

<b>NATURAL ENVIRONMENT LAKES</b> <b>(Linneman, Ochotto, &amp; Lake Anna)</b> <b>Minimum Single Family Lot Area (square feet)/Lot Width</b>			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
80,000/200	40,000/125	80,000/200	20,000/125

<b>TRIBUTARY STREAM</b> <b>(Spunk Creek)</b> <b>Minimum Single Family Lot Width</b>			
Riparian Lots			
Unsewered		Sewered	
100		75	

<b>RECREATIONAL DEVELOPMENT LAKES (Minnie Lake)</b> <b>Minimum Two Family Lot Area (square feet)/Lot Width</b>			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
80,000/225	35,000/135	80,000/265	26,000/135

<b>GENERAL DEVELOPMENT LAKES (Middle &amp; Lower Spunk Lakes)</b> <b>Minimum Two Family Lot Area (square feet)/Lot Width</b>			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
40,000/180	26,000/135	80,000/265	17,500/135

<b>NATURAL ENVIRONMENT LAKES</b> <b>(Linneman, Ochotto, &amp; Lake Anna)</b> <b>Minimum Two Family Lot Area (square feet)/Lot Width</b>			
Riparian Lots		Non-Riparian Lots	
Unsewered	Sewered	Unsewered	Sewered
120,000/300	70,000/225	160,000/400	35,000/220

<b>TRIBUTARY STREAM</b> <b>(Spunk Creek)</b> <b>Minimum Two Family Lot Width</b>			
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Riparian Lots		
Unsewered	Sewered	
150	115	

B. Setbacks (as measured from lot lines). When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks including but not limited to, front, side and rear setbacks and setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

1. Front yard: Thirty (30) feet
2. Side yard:
  - a. Interior lots: Ten (10) feet
  - b. Corner lots: Not less than twenty (20) feet on the side yard abutting a public street.
3. Rear yard:
  - a. Principal building: Thirty (30) feet
  - b. Accessory Buildings: Per Chapter 22, Subd. 3 of this Ordinance.
4. Structures and independent sewage treatment facilities shall be setback from the Ordinary High Water Mark as follows:

Lake	Structures on unsewered lots	Structures on sewerred lots	Sewage treatment system
Minnie Lake	100 feet	75 feet	75 feet
Linneman, Ochotto, & Lake Anna	150 feet	150 Feet	150 Feet
Middle & Lower Spunk Lakes	75 feet	50 feet	50 feet
Spunk Creek	100 feet	50 feet	

5. All structures shall be setback a minimum of thirty (30) feet from the top of the bluff and in accordance with standards contained in Chapter 22 (General Provisions), Chapter 16 (Land & Water Preservation) and Chapter 15 (Surface Water Management).

*Note: in the case of a corner lot, that yard with the shortest dimension on a public street shall be considered the front.*

- C. Maximum Building Height: Thirty-five (35) feet or two and one-half (2 ½) stories in non-shoreland areas, and twenty-five (25) feet in shoreland overlay areas.
1. Floor Area Requirements for Single-Family Dwelling Units: Single-family dwelling units erected in the R-2 District shall have the minimum floor area of one thousand (1,000) square feet per dwelling unit.

D. General Building and Performance Standards:

Single Family Dwellings: All single family dwellings shall meet the following design criteria.

All structures shall have permanent type foundations that are designed and constructed in accordance with all applicable provisions of the State Building Code adopted in the State of Minnesota.

The exterior wall finish of all single family residences shall be similar in appearance to normal wood, stucco, stone, veneer or masonry material. Vinyl and metal siding is permitted with no exposed fasteners and overlapping in sections not wider than 12 inches. Sheet metal siding is not permitted.

All roofs shall be covered with materials as approved by the State Building Code.

Roof pitch shall be a minimum of 3/12 and a maximum of 12/12.

No dwelling shall have a width of less than 20 feet at its narrowest point. This restriction shall not apply to breezeways or other passageways that connect principal parts of a dwelling as long as the principal parts of the dwelling have a width of at least 20 feet at the narrowest.

E. Maximum Site Coverage:

1. Non-shoreland overlay areas: No structure or combination of structures/impervious surface shall occupy more than fifty (50) percent of the lot area.
2. Shoreland overlay areas: Structures or combinations of structures/impervious surface on lots shall not occupy more than twenty-five (25) percent of the lot area.
3. In determining impervious surface calculations within the City of Avon, decks with standard spacing of 1/4" between floorboards and with a maximum deck size of 144 square feet will not be counted as long as the weed barrier or geotextile material placed under the landscaping beneath the deck area is pervious. For any deck larger than 144 square feet, the amount over 144 square feet will be counted as impervious surface. The portion of a driveway that lies in the city right of way will not be included in the impervious surface calculation. Manufacturer guidelines will be used when determining the percentage of infiltration and run off that occurs when utilizing permeable pavers, permeable concrete, and other permeable surface products

F. Additional requirements, including but not limited to shoreland, surface water, home occupation, parking, sign, and general district provisions as set forth within the appropriate Chapters of this Ordinance, as may be amended.

G. The lot width, lot size and floor area requirements for all principal buildings may not be less than those allowed in Subd. 5A , except if all of the following apply.

1. The requirements pertain directly to the proposed replacement of the principal residential use structure on lots of record provided the area and width of lots thereof are within forty-five percent (45%) of the minimum requirements of this ordinance.
2. The lot of record is within a residential district.
3. There is a demonstrated need and potential for continued residential use.
4. The building has an evident re-use as a principal structure in a residential district.
5. The structure has been and will continue to be maintained in a manner that is compatible with adjacent residential uses and does not present a hazard to public health, safety and general welfare.

6. The proposed structure is in compliance with Subd. 5 B, C, and F of this Chapter.

**Additional regulations regarding parking, accessory structures, fences, and other items are found in other sections of this ordinance.**