

CHAPTER 1 "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT.

Subd. 1. Purpose.

The purpose of the R-1 Single Family Residential District is to provide for low-density, single 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-1" Single Family Residential District:
 1. Single-family dwelling.
 2. Licensed Day Care Home/facility.
 3. Public parks and playgrounds.
 4. Foster Home licensed by the State of Minnesota serving six (6) or less mentally or physically challenged persons.
 5. Bed & Breakfast.
 6. 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.
- B. The following uses are permitted in the shoreland overlay portion of the "R-1" Single Family Residential District:
 1. Recreational Development Shoreland (Minnie Lake)
 - a. Single 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 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 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.
4. Tributary Stream (Spunk Creek).
 - a. Single 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.

Subd. 3. Accessory Uses.

The following are permitted accessory uses in the "R-1" 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.
- F. 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 providing said facilities display current licenses and are not used as independent living/sleeping quarters.
- G. 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.
- H. Fences.
- I. One (1) lodging room per single-family dwelling.
- J. Tool houses, sheds and similar non-commercial storage buildings.
- K. 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 21, 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.
- L. 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-1" 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 substations and equipment houses.
 2. Two family residences which shall comply with R-2 District performance standards.
 3. 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.
 4. Residential Planned Unit Developments per Chapter 17 of this ordinance.
 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-1" 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 5, Subd. 2(A)6 and Chapter 5, Subd. 4(A)2.
 - b. Parks and Historic sites.
 - c. Two family residences.
 - d. 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 5, Subd. 2(A)6 and Chapter 5, Subd. 4(A)2.
 - b. Parks and Historic sites.
 - c. Two family residences.
 - d. 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 5, Subd. 2(A)6 and Chapter 5, Subd. 4(A)2.
 - b. Parks and Historic sites.
 - c. Two family residences.
 - d. Boat houses, providing they are not used as a dwelling and they do not contain sanitary facilities.
4. Tributary Stream (Spunk Creek)
- a. Semi-public uses as described and regulated by Chapter 5, Subd. 2(A)6 and Chapter 5, Subd. 4(A)2.
 - b. Parks and Historic sites.
 - c. Two family residences.
 - d. 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-1 Single 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 width (lot size/width requirements for lots existing on the effective date of this ordinance may adjusted to an average of adjoining lots without a variance when adjoining lots are of standard width/size but in conformance with this ordinance).

- 1. Non-shoreland areas: Minimum lot size 10,500 square feet, minimum lot width 75 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

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

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

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

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

Waters Edge development front yard: twenty (20) feet
 Serenity at Avon: PUD – no setback
 Avon Estates Circle: PUD (standard setbacks)

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.

Waters Edge development side yard : ten (10) feet/garage side five (5) feet
 Serenity at Avon: PUD – no setback
 Avon Estates - Lots 1-6, Block 4: five (5) feet (review by engineer)
 Avon Estates Circle: PUD (standard setbacks)

3. Rear yard:

- a. Principal building: Thirty (30) feet
- b. Accessory Buildings: Per Chapter 21, Subd. 3 of this Ordinance.

Waters Edge development rear yard: thirty (30) feet
 Serenity at Avon: PUD – no setback
 Avon Estates Circle: PUD (standard setbacks)

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 sewered 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. The setback from the ordinary high water level for Tributary Rivers shall be 100 feet for unsewered lots and 50 feet for sewered lots.
6. One water-oriented accessory structure designed in accordance with this Ordinance may be setback a minimum distance of ten (10) feet from the ordinary high water level.
7. 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 21 (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.

8. Avon Estates development, Block 3
1. When combining lots, buyer must pay SAC/WAC for both lots.
 2. Combined lots will be recorded as a single parcel.
 3. The city will require potential owners to provide preliminary plans for lot usage at time of purchase to determine viability of plans.
 4. Combined lots must meet setback requirements.
 5. Combined lots must meet impervious surface requirements.
 6. Outbuildings:
 - a. Outbuildings must be frame/stick built (not pole built).
 - b. Outbuilding must have a permanent foundation.
 - c. Sidewall of the outbuilding is restricted to 10 ft.
 - d. The accessory building must match the regular dwelling in aesthetics.
 - e. Footprint of the accessory building must not exceed 1500 sq. ft.
 - f. If the outbuilding is constructed prior to the primary residence, the primary building will then, be completed within 12 months of completion.
 - g. Only one driveway access will be allowed on the property.

9. Avon Estates development general regulations
1. **New Construction.** Prior to construction, bare lots must be mowed and maintained. All structures located on the Property must be of new construction,

and no structure may be moved from any other location onto any Lot within Avon Estates development. No manufactured homes may be located on the property.

2. **Landscaping.** Within 1 year from the completion of construction of a dwelling on a lot (date of the certificate of occupancy) the lot must be landscaped, which must include a sodded or seeded lawn on the front, side and rear yards.
3. **Grade Changes.** No sod, soil, sand, or gravel may be sold or removed from any part of the property, except for the purpose of excavating for the construction or alteration of a building or structure on the property, or for the proper grading thereof, and any excess soil remaining from excavation or grading, and not otherwise used by the owner in the improvement of the owner's own site must be removed by the owner. The elevation of a lot may not be changed so as to materially affect the surface elevation of surrounding lots. The owner of any land subject to this ordinance will be responsible for the drainage of surface waters from their part of the property other than by natural watercourses.
4. **Parking.** Each lot owner must provide off-street parking for all vehicles used by the lots residents. Garages and hard surfaced parking areas on the property may be used only for parking of vehicles owned or leased by owners and occupants and their guests, and incidental uses. No parking on landscaped areas is permitted. All parking areas must have a surface constructed of concrete, bituminous or brick type pavers. Parking surfaces of gravel and/or crushed granite will not be permitted.

- 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.
- D. **Floor Area Requirements for Single-Family Dwelling Units:** Single-family dwelling units erected in the R-1 District shall have a minimum floor area of one thousand (1,000) square feet.
- E. **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 as 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. These restrictions 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 point.

- F. **Maximum Site Coverage:**
 1. **Non-shoreland overlay areas:** No structure or combination of structures/impervious surface shall occupy more than (50) percent of the lot area.

2. Shoreland overlay areas: Structures or combinations of structures/impervious surface on lots shall not occupy more than 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 ¼” 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.
- G. 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.
- H. The lot width, lot size and floor area requirements for all principal buildings may not be less than those allowed in Subd. 6A, 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, F and G of this Chapter.

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