

City of Olivia, Minnesota  
Ordinance 2022-07

AN ORDINANCE AMENDING CITY CODE SECTION 152.046  
REGARDING ACCESSORY BUILDINGS AND USES

WHEREAS, the City of Olivia has adopted Ordinances regulating land usage pursuant to Minnesota Statutes Chapter 462 and other related Chapters; and

WHEREAS, City Staff and the City Council have found certain sections of existing Zoning Code that need to be updated to fit the current needs and best interests of the City.

THE CITY COUNCIL OF THE CITY OF OLIVIA, ORDAINS that City Code Section 152.046 shall be amended to the following:

**§ 152.046 ACCESSORY BUILDINGS AND USES.**

Accessory Buildings and Uses are allowed in the Ag. Agricultural District, R-1, Low Density Residential District, R-2, High Density Residential District, B-1, Highway Business, B-3, Central Business, I-1, Light Manufacturing / Industrial District, and I-2, Heavy Manufacturing / Industrial Districts with a land use permit and must comply with the following requirements:

(A) Requirements for all accessory buildings and uses are as follows:

(1) Accessory buildings and uses must be incidental and customary to the permitted uses allowed, or by conditional use permit in the same zoning district as the principal use. Examples of accessory buildings include, but are not limited to: landscaping and decorative features, swimming pools, fallout shelters, tennis courts, home occupations, home offices, provided that the standards of section 152.085 -152.088 are met, and additional private and private-club recreational use, all non-commercial, play and recreational facilities which are operated for the enjoyment and convenience of the residents and their occasional guests, personal satellite dishes / antennas, signs as provided under section 152.150 – 152.158, tool houses, private garages, and off-street parking per section 152.120 - 0152.123.

(2) Accessory buildings shall not be constructed prior to the time of construction of the principal building to which it is accessory.

(3) All accessory buildings and uses shall be located a minimum of 10 feet to the rear of the principal use, 10 feet from a side property line and 10 feet from a rear property line or alley right-of-way.

(4) On a through lot, no accessory building shall be located closer to the rear property line than the distance required for front yard setbacks.

(B) Requirements for all accessory buildings in Residential Districts:

- (1) No accessory building shall be used for dwelling purposes.
- (2) All accessory buildings and uses shall be situated on the same lot.
- (3) Accessory buildings are permitted only for the purpose of personal use and the storage of personal belongings.
- (4) No accessory building shall contain more than 30 feet of vehicle door openings as measured horizontally.
- (5) In no case shall the accessory building be larger than the principal building in footprint or height.
- (6) A garage attached to the principal building is considered an accessory building. No attached garage shall be larger than the principal structure in footprint or height.
- (7) There shall be a maximum of two accessory buildings per residential lot.
- (8) Accessory buildings shall be of the same or similar aesthetics of the principle building in order to preserve the general appearance and be in keeping with the neighborhood area.
- (9) No building of any kind shall be erected until the structure complies with the zoning and other codes of the City.

(C) Additional requirements for detached accessory buildings and uses in Residential Districts.

- (1) No detached accessory buildings or uses are permitted to be located within the limits of a front yard.
- (2) No detached accessory building or uses on a corner lot shall project beyond the front yard setback requirement of the principal building.

(D) Requirements for accessory buildings and uses in Business and Manufacturing Districts.

- (1) In Business and Manufacturing Districts, accessory buildings and uses may be placed in rear and side yards, but must not project beyond the principal building in the front yard. Exceptions to this requirement are shown below in subdivision (D)(2). Accessory buildings are subject to the building code, and the fire zone regulations.
- (2) Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings may be located in front of the principal building in Manufacturing Districts.

(3) Accessory buildings that exceed the height of the principal building are allowed only through a conditional use permit. Except for structures not included in height of building, all accessory buildings must meet the height requirements of the district in which they are located.

(Ord. 280, passed 7-21-2005, Amended by Ord. 2020-04, passed May 4, 2020)

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Jon Hawkinson, Mayor

Attest:

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Dan Coughlin, City Administrator