

Introduced by Council Member Wang.

Seconded by Council Member Massmann.

**ORDINANCE NO. 2021-1**

**AN ORDINANCE OF THE CITY OF FERTILE, MINNESOTA AMENDING FERTILE ZONING ORDINANCE, CHAPTER 152A, SECTION III BY ALLOWING ACCESSORY STRUCTURES PRIOR TO CONSTRUCTION OF A PRINCIPAL STRUCTURE BY CONDITIONAL USE**

**BE IT ORDAINED BY THE CITY OF FERTILE, as follows:**

**Section 1.** Fertile Zoning Ordinance, Section 152A, Section III, Subdivision 3(C) entitled “Conditional Uses” is amended by adding the following subpart 14:

- 14. An accessory building or structure may be constructed on a lot in a residential district prior to the construction of the principal building to which it is accessory by conditional use.---

**Section 2.** Fertile Zoning Ordinance, Section 152A, Section III, Subdivision 3(D)(2) entitled “Accessory Uses” is repealed and replaced with the following:

- 2. No accessory building or structure shall be constructed on any lot in a residential district prior to the construction of the principal building to which it is accessory, except for the following circumstances: (1) when both the accessory and principal building or structure are built with the same land use permit and within the permitted one-year time period; or (2) by conditional use as set forth in Section III, Subdivision 3(C)(14).---

**Section 3.** Fertile Zoning Ordinance, Section 152A, Section III, Subdivision 4(C) entitled “Conditional Uses” is amended by adding the following subpart 7:

- 7. An accessory building or structure may be constructed on a lot in a residential district prior to the construction of the principal building to which it is accessory by conditional use.---

**Section 4.** Fertile Zoning Ordinance, Section 152A, Section III, Subdivision 4(D)(2) entitled “Accessory Uses” is repealed and replaced with the following:

- 2. No accessory building or structure shall be constructed on any lot in a residential district prior to the construction of the principal building to which it is accessory, except for the following circumstances: (1) when both the accessory and principal building or structure are built with the same land use permit and within the

permitted one-year time period; or (2) by conditional use as set forth in Section III, Subdivision 4(C)(7).---

**Section 5.** Fertile Zoning Ordinance, Section 152A, Section III, Subdivision 9(C) entitled “Conditional Uses” is amended by adding the following subpart 6:

- 6. An accessory building or structure may be constructed on a lot in a residential district prior to the construction of the principal building to which it is accessory by conditional use.---

**Section 6.** Fertile Zoning Ordinance, Section 152A, Section III, Subdivision 4(D)(2) entitled “Accessory Uses” is repealed and replaced with the following:

- 2. No accessory building or structure shall be constructed on any lot in a residential district prior to the construction of the principal building to which it is accessory, except for the following circumstances: (1) when both the accessory and principal building or structure are built with the same land use permit and within the permitted one-year time period; or (2) by conditional use as set forth in Section III, Subdivision 9(C)(7).---

**Section 7.** Any provision(s) of previous ordinance(s) inconsistent with this ordinance, to the extent that any such provision is inconsistent, is/are repealed; remaining consistent provisions shall continue in full force and effect.

**Section 8.** If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

**Section 9.** This ordinance shall take effect upon the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Voting in the negative: None

Voting in the affirmative: Wang, Massmann, Wise, and Wilkens

Passed this 12th day of April, 2021.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Administrator

[Published in Fertile Journal on April 27, 2021.]