

An Ordinance establishing and adopting land use and zoning regulations and restrictions within the Town of Barry, Pine County, Minnesota.

Section 1 Intent

This Ordinance is enacted pursuant to Minnesota statues for the following purposes: To promote the health, safety, moral and general welfare throughout the Town of Barry by lessening congestion in public right of ways, securing safety form fire, panic and other dangers, providing adequate light and air; facilitating the adequate provision of water, sewerage and other public requirements; conserving the values of property and provide for the appropriate use of land and lessening congestion.

Section 2 Reference

This Ordinance shall be known and may be cited and referred to as the Barry Township Zoning Ordinance.

Section 3 Zone Districts Established

Barry Township is divided into the following zone districts

- Agricultural / Residential / Seasonal Recreational / Forestry District;
- Commercial / Industrial / Residential District.

3.1 Agricultural / Residential / Seasonal Recreational / Forestry District

(All Sections of Barry Township, except Sections 18, 19, 30)

A. Permitted Uses

1. Agricultural activities including agricultural buildings.
2. Residential structures including structures accessory to residential uses (seasonal and permanent).
3. Forestry activities for purpose of forest management.

B. Conditional Uses

1. gravel pits
2. other Conditional Uses which in the judgement of the Township Board are uses not inconsistent with the Permitted or other Conditional Uses allowed.

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3. Home Occupations which in the judgement of the Township Board are consistent with the general character of the area.
4. signs advertising permitted Conditional Uses, carried out on the premises. Such signs are limited to 32 square feet.

C. Lot sizes

1. All lots shall be a minimum of five (5) acre parcels, two (2) acres must be determined to be buildable land.
2. A subdivision of land with a minimum of sixty-six (66) feet of public road frontage providing access to an existing isolated parcel of land is allowed. The isolated parcel shall have a minimum of five (5) acres. These subdivisions must meet the following:
 - a. no other 66 foot access strip shall be located within 500 feet in either direction on the public road; and,
 - a. no structures or sewage treatment systems may be located on the 66 foot access strip.
3. Smaller lot sizes may be considered by the Town Board to resolve property line disputes created by survey errors or improper legal descriptions, or any transfer of land between adjoining property owners.

D. Structure Setbacks

1. All structures shall maintain the following setbacks:
 - a. 100 foot setback from the centerline of any public road;
 - b. 16.5 foot setback from all section lines; and,
 - c. 16.5 foot setback from all property lines.

3.2 Residential / Commercial / Industrial District (Sections 18, 19, 30)

A. Permitted Uses

1. Agricultural activities including agricultural buildings.
2. Residential structures including structures accessory to residential uses (seasonal and permanent).
3. Forestry activities for purpose of forest management.

B. Conditional Uses

1. Commercial uses, which in the judgement of the Township Board are uses not inconsistent with the Permitted or other Conditional Uses allowed.
2. Industrial uses, which in the judgement of the Township Board are uses not inconsistent with the Permitted or other Conditional Uses allowed.
3. Home occupations which in the judgement of the Township Board are consistent with the general character of the area.
4. Advertising signs on the premises. Such signs are limited to 32 square feet.

C. Lot sizes

1. All lots shall be a minimum of two and one-half (2 1/2) acre parcels, all of which must be determined to be buildable land.
2. A subdivision of land with a minimum of sixty-six (66) feet of public road frontage providing access to an existing isolated parcel of land is allowed. The isolated parcel shall have a minimum of two and one-half (2 1/2) acres. These subdivisions must meet the following:
 - a. no other 66 foot access strip shall be located within 500 feet in either direction on the public road; and,
 - b. no structures or sewage treatment systems may be located on the 66 foot access strip.
4. Smaller lot sizes may be considered by the Town Board to resolve

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property line disputes created by survey errors or improper legal descriptions, or any transfer of land between adjoining property owners.

D. Structure Setbacks

1. All structures shall maintain the following setbacks:
 - a. 100 foot setback from the centerline of any public road;
 - b. 16.5 foot setback from all section lines; and,
 - c. 16.5 foot setback from all property lines.

Section 4 Building Site Permit Required

A building site permit shall be required for all permanent structures constructed, located or move into the Town. All structures served by a water system shall be served by an Individual Sewage Treatment System (ISTS), permitted by Barry Township. No more than one residential, commercial or industrial structure shall be located on each lot or parcel.

Section 5 Access to parcels

Access from all landlocked parcels shall be to the nearest existing public road and shall be furnished by each parcel owner. Each parcel owner is responsible for construction, maintenance and paying for all costs of driveways, including culverts, to connect to the nearest existing public road.

Section 6 Appointment of a Zoning Administrator

The Town Board shall designate a township Zoning Administrator. The Zoning Administrator shall have the authority to issue Permits for permitted uses under this Ordinance. The township Zoning Administrator shall also coordinate Conditional Use Permit applications for appropriate public hearing and review by the Township Board.

Section 7 Advertising Signs

Advertising signs are permitted only as part of a Conditional Use Permit issued under this Ordinance. All advertising signs shall be no larger than thirty-two (32) square feet in area.

Section 8 Foundations Required

All structures intended as permanent or seasonal residential structures, or intended as a permitted Conditional Use under this Ordinance, shall be constructed on an engineered concrete slab or constructed on footings extending below frost level.

Section 9 Manufactured Home Standards

All manufactured homes shall comply with the construction certification standards of the Department of Housing and Urban Development. All structures intended to be used in conjunction with a permitted Home Occupation or other Conditional Use Permit issued under this Ordinance shall meet the certification standards of the Department of Housing and Urban Development.

Section 10 Subdivisions of Land

All subdivisions of land which result in more than four (4) separate parcels shall be processed as a plat under the Pine County Subdivision and Platting Ordinance.

Section 11 Blight

No person shall cause or allow land under their ownership or control to be used in a manner leading to an unhealthy condition or generally found to be in a condition not compatible with surrounding land uses. Blight can consist of salvaged materials, junk, auto hulks, solid waste, demolition debris or scrap materials

Section 12 Variances

Requests for variance from any dimensional standard in this Ordinance shall be submitted to the Zoning Administrator on an application provided. The Zoning Administrator shall determine if the application is complete and shall cause the variance application and public hearing to be scheduled before the Township Board, as required in applicable state statutes.

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Section 13 Conditional Uses

Application for a Conditional Use Permit shall be submitted to the Zoning Administrator on a form provided. The Zoning Administrator shall determine if the application is complete and shall cause a Conditional Use public hearing to be scheduled before the Township Board, as required by applicable state statute. The Township Board may attach conditions to any Conditional Use Permit issued.

Section 14 Amendment to this Ordinance

This Ordinance may be amended by the Township Board resulting from a request from any individual or any member of the Township Board. The Zoning Administrator shall submit all requests for amendments to this Ordinance to the Township Board. The Township Board shall proceed as required by state statute in acting on amendments to this Ordinance.

Section 15 Violations

Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any of these provisions, or who shall make false statements in any document required to be submitted under this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$700.00 or by imprisonment of not to exceed 90 days. Each 30 days that a violation continues shall be a separate offense.

Section 16 Repeal of Ordinance

This Ordinance repeals and replaces the following previous township ordinance: "An Ordinance Establishing and Adopting Land Use And Zoning Regulations and Restrictions within the Town of Barry, Pine County, Minnesota adopted October 16, 1995 by the Barry Township Board of Supervisors.

Section 16 Date of Effect

This Ordinance shall be in full force and effect from and after passage and publication as required by state statutes.

This Ordinance was duly passed by the Town Board of Barry on 7-15-03

Attest:

Township Board of Supervisors

Theresa Ausmus
Clerk

Myron J. Workman
Chairman

Marvin Roberts
Supervisor

Supervisor

DRAFTED BY
BARRY TOWNSHIP
650 DUCK DR
HINCKLEY MN 55037

OFFICE OF REGISTRAR OF TITLES
STATE OF MINNESOTA
COUNTY OF PINE

This is to certify that the within document was filed
in this office on the 19 day
of August 2003 at
1:30 o'clock P M.

Document # 15811
Cert. # _____ BK _____ PG _____

Janara Lucas
Registrar of Titles

By _____ Dep.
Rec'd. 2003 Ret. OTH WC Rec'd. _____

OFFICE OF COUNTY RECORDER
STATE OF MINNESOTA
COUNTY OF PINE

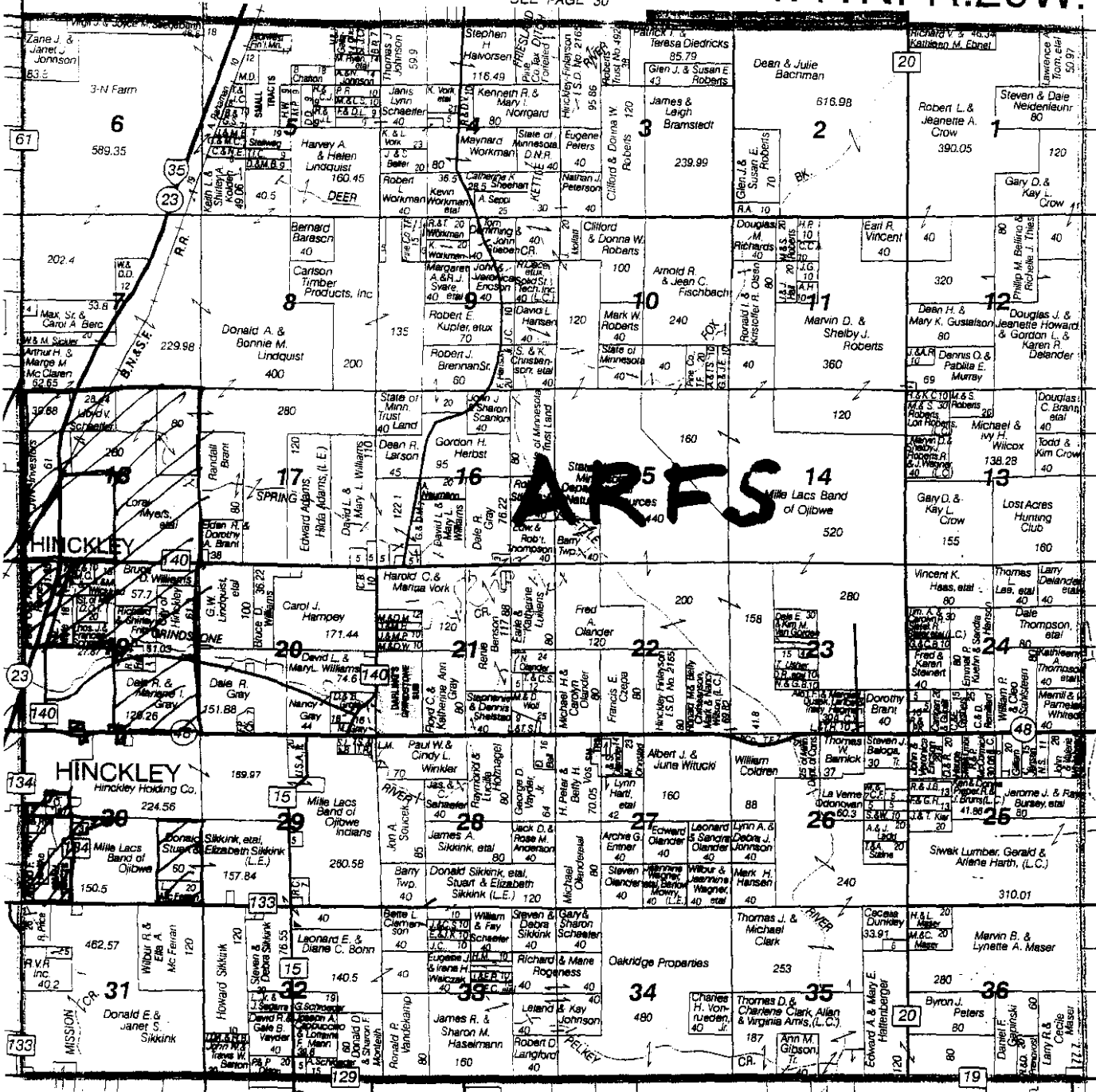
This is to certify that this instrument was filed in this
office on the 19 day of August
2003 at 1:30 o'clock P M.

and was recorded as
Document # 424122

Janara Lucas
County Recorder

By _____ Dep.
Rec'd. 2003 Ret. OTH WC Rec'd. _____

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Pine County, MN



RESIDENTIAL, COMMERCIAL, INDUSTRIAL

ARFS AGRICULTURAL, RESIDENTIAL, FORESTRY,
SEASONAL RECREATIONAL