



APPLICATION INSTRUCTIONS
Interim Use Permits

This instruction sheet explains application requirements for interim use permits. More information and a fee schedule for permits can be found on the "Building Permits, Land Use, and Zoning Procedures" handout available on the township website or from the town clerk. If you are unsure whether a structure or project requires a permit, contact the Eureka Town Clerk at 952-469-3736 or eurekatn@frontiernet.net.

Allowable Interim Uses

The following interim uses may be approved by the Town Board:

1. Mining and extraction operations, provided that they otherwise satisfy the requirements of the Mining Ordinance located at Ordinance 6.
2. Airstrips, provided that they otherwise satisfy the requirements of Ordinance 3, Chapter 6.
3. Automobile graveyards, provided that they otherwise satisfy the requirements of Ordinance 3, Chapter 9.

General Requirements

Interim uses are regulated under Eureka Township Ordinance 3, Chapters 1–4. You can get a copy of the Eureka Zoning Ordinance from the town clerk or from the Eureka Township website at <http://eurekatownship-mn.us/permits.html>.

In granting an interim use permit, the Planning Commission and Town Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission and Town Board shall make the following findings where applicable:

1. The interim use is identified as a permitted interim use in the zoning district where the property is located.
2. The interim use will meet or exceed the performance standards set forth in the Zoning Ordinance and other applicable Township ordinances.
3. The interim use complies with the specific standards for the use identified in the ordinance allowing the interim use.
4. The date or event that will terminate the use can be identified with certainty.
5. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
6. The user agrees to any conditions that the Town Board deems appropriate for permission of the use.
7. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
8. The use will be sufficiently compatible with or separated by adequate distance or screening from adjacent agriculturally or residentially zoned or used land so that existing property will not be depreciated in value and there will be no deterrence to development of vacant land.
9. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
10. The use will not cause traffic hazards or congestion.

In permitting a new interim use, the Planning Commission and Town Board may impose, in addition to the standards and requirements expressly specified by Township Ordinances, additional



conditions which the Planning Commission and Town Board consider necessary to protect the best interest of the surrounding area or the community as a whole. The Planning Commission shall recommend, and the Town Board shall determine, the date or event upon which the interim use shall expire.

Procedure for Interim Use Permit Requests

The following procedure is required for all interim use permit requests:

1. Applications for interim use permits will not be accepted from anyone who is not an owner of land for which the application is made.
2. The person applying for an interim use permit shall fill out and submit to the Zoning Administrator an interim use application form and filing fee.
3. The Zoning Administrator shall provide landowners within 1,000 feet of the applicant's property with notification of the application for an interim use permit via first class mail.
4. The Zoning Administrator shall refer the application to the Planning Commission for review.
5. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided by Minnesota Statute 462.3597.
6. The petitioner or a legally authorized representative shall appear before the Planning Commission in order to present evidence concerning the proposed interim use.
7. If the Planning Commission recommends granting the interim use permit, it may recommend conditions it considers necessary to protect the public health, safety and welfare.
8. The Planning Commission shall forward its recommendation to either deny or approve the interim use permit to the Town Board. The Planning Commission shall make findings of fact and recommend to the Town Board such actions or conditions relating to the request. Such findings shall be entered in and made part of the written record of the Town Board's meeting.
9. The Town Board will take final action on the request. Approval of an interim use permit shall require passage by a minimum of three (3) members of the Town Board.
10. No application for an interim use permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
11. Granted interim use permits shall become void if applicant does not proceed substantially on the work within six (6) months. To proceed substantially means to make visible improvement to the property. Up to two (2) extensions for not more than six (6) months each may be granted by the Town Board for good cause.
12. If the land use does not conform to the conditions of the permit, the interim use permit may be revoked after notice to the applicant of a public hearing for the intended revocation and passage of a resolution by the Town Board to that effect.
13. All interim use permits that are granted by the Town Board must be recorded at the office of the Dakota County Recorder at the expense of the applicant.

Documents Required for a Complete Application

To be considered complete, an application for an interim use permit requires all of the following, unless waived by the Zoning Administrator:

1. Completed "Land Use and Zoning Request Application" form, signed by the landowner(s). (If the individual signing the form has power of attorney for the landowner or is acting on behalf of a trust, attach proof that the individual is authorized to act in this capacity).



2. A written explanation of how the proposed interim use will meet all ten (10) requirements listed under "General Requirements" on page 1 of this instruction sheet, including the date or event that will terminate the use along with supporting explanation or rationale.
3. Application fee and escrow, as set forth in Eureka Township Ordinance 7.
4. Proof of ownership of all involved parcels. Parcel IDs will be used for verification of ownership; conflicts must be resolved with a proper deed.
5. Two (2) copies of a certificate of survey of the lot or tract of land on which the interim use will occur, prepared and signed by a Minnesota-licensed land surveyor. The survey shall include (a) the legal description of the lot, (b) lot lines, and (c) the size of the lot.
6. Two (2) copies of a site plan showing all of the following:
 - a. Location of existing buildings
 - b. Location of well
 - c. Location of septic system
 - d. Location of existing driveway(s)
 - e. Location of wetlands
 - f. Location, setback, and dimensions of all proposed buildings and structures.
 - g. Location of all adjacent buildings located within 100 feet of exterior boundaries of the property in question.
 - h. Location, number, dimensions, and setbacks of proposed parking spaces and drive aisles.
 - i. Location, width, and setbacks of any proposed driveway(s).
 - j. Vehicular circulation
 - k. Location and type of all proposed lighting, including details of all proposed fixtures.
 - l. Location, size, and lighting of all proposed signs.
 - m. Provisions for storage and disposal of waste, garbage, and recyclables, including details for screening exterior trash/recycling enclosures.
7. A landscaping plan for purposes of screening, utilizing current certificate of survey as a base for the site in question, depicting the following:
 - a. Location of plant materials
 - b. Quantities
 - c. Common Names
 - d. Size of plant material
 - e. Planting schedule

In addition, other permits may be required as follows:

- For new structures, building permits are required by Eureka Township.
- For new driveways that front on a county road, a permit is required from the Dakota County Highway Department.
- If the land parcel is located in the Dakota County Shoreland Zoning area, a Shoreland permit is required from the Dakota County Planning Department.
- If the land parcel is located in the North Cannon River Watershed District, a storm water permit may be required by Eureka Township.