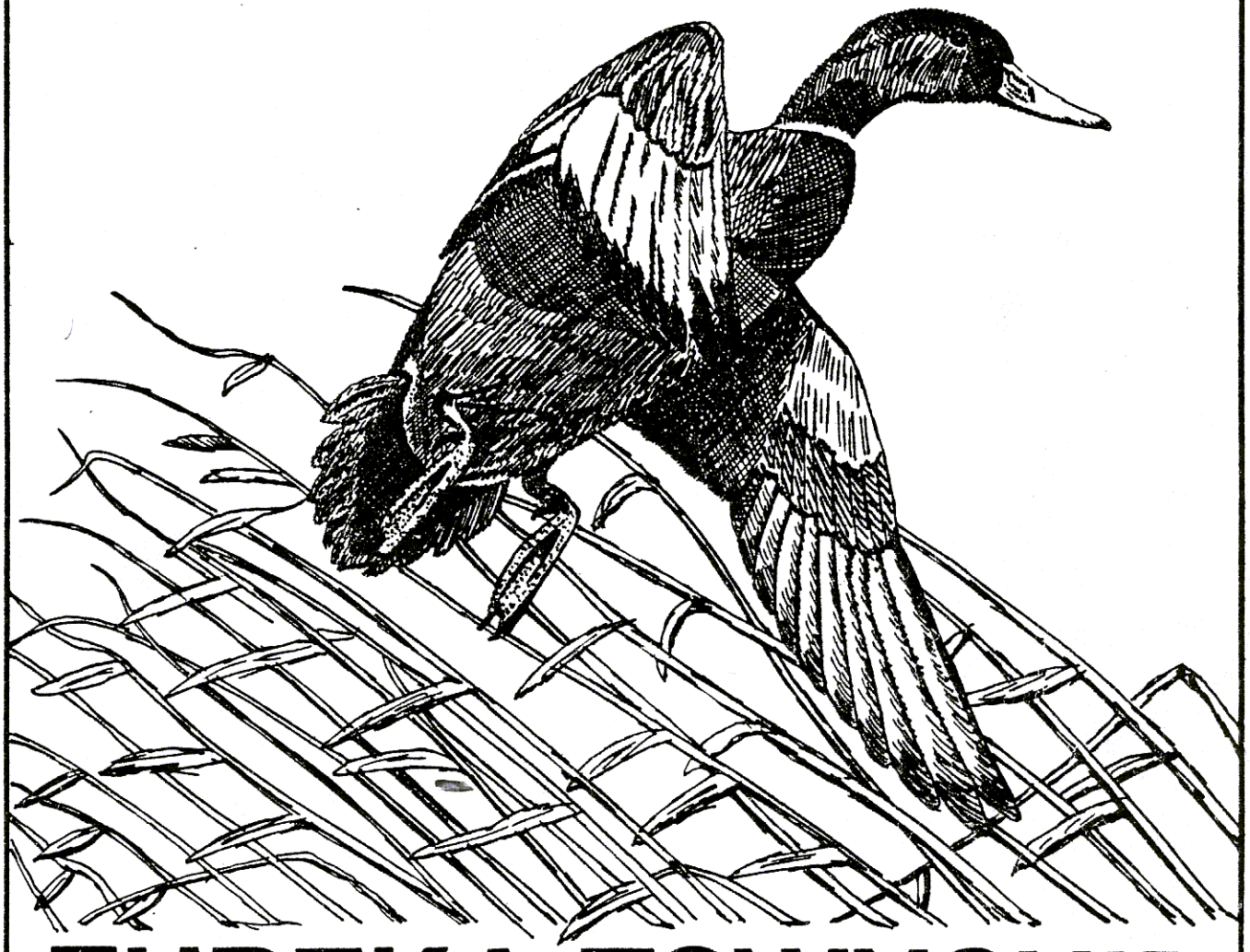
JOHN FORESS 437-0225 County Shoreline

Adopted Feb 22, 1983



EUREKA TOWNSHIP

ZONING ORDINANCE

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ADOPTED BY THE EUREKA TOWN BOARD
ON DECEMBER 11, 1978

AMENDED NOVEMBER 9, 1981

AMENDED APRIL 12, 1982

AMENDED FEBRUARY 22, 1983

AGRICULTURAL PRESERVES ELIGIBILITY
DECLARED APRIL 12, 1982

TECHNICAL ASSISTANCE PROVIDED BY:
DAKOTA COUNTY PLANNING SERVICES

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ORDINANCE NO. 20

THE ZONING ORDINANCE OF THE TOWNSHIP OF EUREKA, MINNESOTA, RELATING TO AND REGULATING THE LOCATION, SIZE, USE AND HEIGHTS OF BUILDINGS, THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION AND FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE, PROSPERITY AND GENERAL WELFARE IN SAID EUREKA TOWNSHIP, AND FOR SAID PURPOSE, TO DIVIDE THE TOWNSHIP INTO DISTRICTS, AND MAKE DIFFERENT REGULATIONS FOR DIFFERENT DISTRICTS AND REPEALING ORDINANCES INCONSISTENT THEREWITH.

The Board of Supervisors of the Township of Eureka ordains as follows:

Section 1. TITLE

1.1 This Ordinance shall be known, cited and referred to as the Eureka Township Zoning Ordinance.

Section 2. LEGISLATIVE INTENT AND STATEMENT OF PURPOSE

2.1 It is the intent of this ordinance to indentify and classify all lands within the boundaries of Eureka Township, Minnesota according to their most logical and appropriate long-term use, as established in the Eureka Township Comprehensive Plan.

2.2 It is the purpose of this Ordinance to:

a. Protect the public health, safety, morals, comfort, convenience, and general welfare.

b. Protect and preserve lands identified for long-term agricultural use.

c. Promote well managed and staged development of residential, commercial, industrial, recreational, and public areas.

d. Conserve and manage the use of natural resources.

e. provide for the compatability of different land uses and the most appropriate use of land throughout the Township.

Section 3. RULES

3.1 The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

a. The singular number includes the plural and the plural the singular.

b. The present tense includes the past and future tenses, and the future the present.

c. The word "shall" is mandatory, and the word "may" is permissive.

d. The masculine gender includes the feminine and neuter genders.

e. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition. If no set definition is given in the Ordinance, the Board of Appeals shall interpret and define any word or section of the Ordinance.

f. All measured distances expressed in feet shall be to the nearest tenth of a foot.

g. In event of conflicting provisions, the more restrictive provisions shall apply.

Section 4. DEFINITIONS

4.1	Accessory Use or Structure:	A use or structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto.
4.2	Agricultural Use:	An area which is used for the production of farm crops as well as for the raising thereon of farm poultry and domestic and non-domestic farm livestock such as horses, cattle, sheep, and swine.

4.3	Apartment:	A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any units in buildings with more than two dwelling units.
4.4	Alley:	A public or private right-of-way which affords a secondary means of access to abutting property.
4.5	Basement:	A portion of a building in which half or more of its floor-to-ceiling height is below the average grade of the adjoining ground.
4.6	Boarding-house:	A building other than a motel, hotel or apartment where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for at least three but not more than 20 persons unrelated to the owner or lawful possessor by blood or marriage. The term shall include the terms "rooming house" or lodging house."
4.7	Building:	Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
4.8	Building Height:	The vertical distance to be measured from the grade of a building line to the top to the cornice or a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the upper most point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.
4.9	Building Line:	A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.

4.10	Carport:	An automobile shelter having one or more sides open.
4.11	Commercial Agriculture	The use of land for the growing and/or protection of field crops, livestock, and livestock products, including but not limited to the following: a. field crops: including but not limited to: barley, soybeans, corn hay, oats, potatoes, rye, sorgum, sun flowers, carrots and radishes. b. livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink. c. livestock products; including but not limited to: milk, butter, cheese, eggs, meat and furs. The above activities are not to be considered commercial agriculture unless at least 10 contiguous acres are devoted to such use.
4.12	Community Water & Sewer Systems:	Utilities systems serving a group of buildings, lots, or any area of the Township which are constructed and operated by the Township or other governmental unit having jurisdiction thereof.
4.13	Comprehensive Plan:	"Comprehensive Plan" is a compilation of goals, policy statements, standards programs and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environs, as defined in the Minnesota Municipal Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

4.14	Comprehensive Sewer Plan:	The plan and program of a local governmental unit for the collection, treatment and disposal of sewage which has been approved by the Metropolitan Waste Control Commission and the Metropolitan Council and adopted by the local governmental unit.
4.15	Conditional Use:	A use which may be appropriate or desirable in a specified zone, but which may create special problems such as excessive height or bulk or abnormal traffic congestion so that not all locations within a specified zone might be suitable or in the best interest of the community.
4.16	Curb Level:	The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.
4.17	Drainage System:	Any natural or artificial device for the conveyance or storage of water used to drain or store surface or underground water, including but not limited to streams, rivers, creeks, ditches, channels, conduits, gulleys, ravines or washes and including structures connected therewith including culverts, drainage tile, dams and bridges and water storage basins such as lakes, ponds, natural or man-made.
4.18	Dwelling, Attached:	A dwelling which is joined to another dwelling.
4.19	Dwelling, Detached:	A dwelling which is entirely surrounded by open space on the same lot.
4.20	Dwelling Unit:	A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes.
4.20.1	Earth Sheltered Home:	A single-family residential structure, partially or entirely below ground, that is water-proofed to sufficiently provide a low-humidity interior environment, is not designed for the future installation of an upper floor, aid is designed to meet or exceed all State Building Code Standards for fire safety, window area, and other requirements.

4.21	Exterior Storage:	The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building. The term includes open storage.
4.22	Extraction Area:	Any non-agricultural artificial excavation of earth exceeding fifty square feet of surface area or two feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth.
4.23	Family:	An individual, or two or more persons related by blood, marriage or adoption living together, or a group of not more than five persons who need not be related by blood, marriage or adoption, living together as a single house keeping unit in a dwelling unit, exclusive of usual servants
4.24	Farm	Real property used for commercial agricultur comprising 10 contiguous or more acres and which may comprise additional acreage which may or may not be contiguous to the principal 10 acres, all of which is owned and operated by a single family, family corporation, individual or corporate enterprise.
4.25	Farm Building:	All buildings other than dwellings which are incidental to the farming operation, including but not limited to barns, granarie silos, farm implement storage buildings and milk houses.
4.26	Farm Dwelling:	A structure designed for habitation by human beings located on a farm, the occupant of which owns or is employed thereon.
4.27	Feedlot:	A confined area used for feeding, breeding, or holding livestock for eventual sale in which animal waste may accumulate and including accessory structures thereto but not including barns or dairy farm operations

4.28 Floor Area: The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.

4.29 Garage, Private: An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles or other motor vehicles of the family or families resident upon the premises.

4.30 Historic Site: Structure or body of land or water of historic archeological, paleontological, or architectural content or value which has been designated as a historical site in the Federal Register of historical landmarks or by the Minnesota Historical Society or by resolution of a local governmental unit.

4.31 Home Occupation: Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit and not in an accessory building provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, over-the-counter retail sales are not involved, and entrance to the home occupation is gained from within the structure. Such uses include professional offices, minor repair services, photo or art studios, dressmaking, or teaching limited to 3 students at any one time, barber shops, beauty shops and similar uses; however, a home occupation shall not be interpreted to include tourist homes, restaurants, or similar uses.

4.32 Horticulture: The use of land for production for sale of fruits, including apples, grapes, and berries, vegetables, flowers, nursery stock, including ornamental shrubs and trees and cultured sod.

4.33	Irrigation System:	Any structure of equipment, mechanical or otherwise, used to supply water to cultivated fields or supplement normal rainfall, including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.
4.34	Junk Yard:	An open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to, scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes uses established entirely within enclosed buildings. This definition does not include sanitary landfills.
4.35	Lot:	A parcel of land, subdivided or otherwise, capable of legal description, and having a principal frontage along a public road.
4.36	Lot of Record:	Any lot which is one unit of a plat heretofore duly approved, one unit of an Auditor's Subdivision or a Registered Land Survey, or is separately described in a deed, contract for deed or other legally sufficient instrument of conveyance, and which is filed in the office of the Dakota County Recorder on April 12, 1982.
4.37	Lot Area:	The area of a lot in a horizontal plane bounded by the lot lines.
4.38	Lot, Corner:	A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-give degrees.
4.39	Lot Depth:	The mean horizontal distance between the front lot line and the rear lot line of a lot.
4.40	Lot Line:	The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the line of such public right-of-way shall be the lot line for applying this Ordinance.

4.41	Lot Line, Front:	That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the Township.
4.42	Lot Line, Rear:	That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
4.43	Lot Line, Side:	Any boundary of a lot which is not a front lot line or a rear lot line.
4.44	Lot, Substandard:	A lot of record which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.
4.45	Lot, Through:	A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.
4.46	Lot Width:	The maximum horizontal distance between the side lot lines of a lot measured within the first thirty feet of the lot depth.
4.47	Landscaping:	Plantings such as trees, grass and shrubs.
4.48	Mining:	The extraction of sand, gravel, rock, soil or other material from the land in the amount of 400 cubic yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building provided such removal is an approved item in the building permit.

4.49	Mobile Home:	A housing unit designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connections to utilities and the like. A mobile home shall be contiguous to a one family dwelling.
4.50	Mobile Home Park:	Any premises on which lots are rented for the placement of non-transient occupied mobile homes.
4.51	Modular Home:	A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site. A module home shall be contiguous to a one family dwelling.
4.52	Motel:	A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accomodation of automobile transients. The term includes the term "tourist court."
4.53	Multiple Residence:	Two or more dwelling units in one structure. The definition includes apartment buildings.
4.54	Non-Farm Dwelling:	A structure intended for occupancy by human beings, the occupant of which is not employed or an owner of the farm on which it is located.
4.55	Open Sales Lot:	Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.
4.56	Parking Space:	A suitably surfaced and permanently Maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

4.57	Planned Unit Development:	An urban development having two or more principal uses or structures on a single lot and developed according to an approved plan. Where appropriate this development control advocates: (1) a mixture of land uses, one or more of the non-residential uses being regional in nature, (2) the clustering of residential land uses providing common and public open space, the former to be maintained either by the residents of the development or the local community and, (3) increased administrative discretion to a local professional planning staff and the setting aside of present land use regulations and rigid plat approval processes.
4.58	Planning Commission:	The Planning Commission of Eureka Township.
4.59	Poultry Operation:	A confined area or structure used for raising, feeding, breeding or holding chickens, turkeys, and other poultry for eventual sale or the production of eggs, in which animal wastes may accumulate.
4.60	Prefabricated Home:	A non-mobile housing unit, the walls, floors, and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site. A prefabricated home shall be a single family dwelling.
4.61	Principal Structure Or Use:	The purpose or activity for which the land structure or building thereon is designed, arranged or intended or for which it is occupied or maintained.
4.62	Public:	Land owned or operated by municipal, school district, county, state, or other governmental units.
4.63	Quarter Quarter Section	An approximately 40 acre parcel of land constituting the northeast, northwest, southwest or southeast quarter of a quarter section of the United States Government System of land survey.

4.64	Reclamation Land:	The improvement of land by disposition of material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered as reclaimed land.
4.65	Recreation Area:	A parcel of land which may include water bodies and incidental buildings thereto maintained for active or passive recreation, including but not limited to parks, playground, golf courses, hunting preserves, polo grounds, nature trails, bridle paths, beaches campsites, ski and snowmobile trails, and canoe routes; but not including stadiums, arenas, bowling alleys, swimming pools, (except privately-owned pools not open to the public), and other recreational activitie for which a structure is required to house the principal activity.
4.66	Road:	A public thoroughfare supporting access by pedestrians and vehicles to abutting properties, including without limiting, streets, highways, freeways, parkways, thoroughfares, roads, avenues, boulevards, lanes, or places, however described; however not including privately-owned driveways and access routes.
4.67	Single Family Dwelling:	A free-standing (detached) permanent structure designed for habitation by human beings, designed for and occupied by one family only.
4.68	Story:	That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.
4.69	Structural Alteration:	Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.
4.70	Structure:	Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.

4.71 Townhouse: A single family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside.

4.72 Use, Non-conforming: A use of land, building or structures lawfully existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance of any use of land, building or structure lawfully existing prior to the adoption of an amendment which would not comply with all of the regulations.

4.73 Use, Permitted: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of such district.

4.74 Variance: A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or feasible under the circumstances.

4.75 Yard: A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

4.76 Yard, Front: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street, right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

4.77 Yard, Rear: The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

4.78 Yard, Side: The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

4.79 Zoning Amendment: A change authorized by the governing body either in the allowed use within a district or in the boundaries of a district.

4.80 Zoning District: An area or areas within the limits of the township for which the regulations and requirements governing use are uniform.

Section 5. GENERAL PROVISIONS

5.1 Application of This Ordinance

a. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

b. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resoltuion, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

c. Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.

5.2 Separability

It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

a. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.

b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgement shall not affect other property, buildings or structures.

5.3 Substandard Lot Provisions

A substandard lot or a lot of record shall be deemed a buildable lot provided it:

a. Has 250 feet frontage on a public right-of-way;

b. Was under separate ownership from abutting lands on April 12, 1982, except that this requirement shall not apply to a lot which is one unit of a plat heretofore duly approved;

c. Its area is at least two (2) acres;

d. Its development for single family residential purposes will not violate the general intents and purposes of this Ordinance including but not limited to the prevention of pollution of applicable waters and surrounding lands and the preservation of the health, safety, and welfare of the general public;

e. It would have been eligible for a building permit on December 12, 1978.

5.4 Non-conforming Uses and Structures

Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued subject to the following conditions:

a. No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.

b. If a non-conforming use is discontinued for a period of one year, further use of the structures or property shall conform to this Ordinance. The County Assessor shall notify the Building Inspector or Planning Commission in writing of all instances of non-conforming uses which have been discontinued for a period of twelve consecutive months.

c. If a non-conforming use is replaced by another use, the new use shall conform to this Ordinance.

d. Any non-conforming sewage disposal system may be continued for a period of five years after the effective date of this Ordinance, after which such non-conforming use shall cease.

e. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alternations which do not extend or intensify the non-conforming use.

Section 6. ADMINISTRATION

6.1 Enforcing Officer

The Town Board of Eureka Township shall instruct the Township building inspector or deputy inspector to enforce this Ordinance and perform the following duties:

a. Conduct inspections of buildings and use of land to determine compliance with the terms of this Ordinance.

b. Serve as an ex-officio non-voting members of the Planning Commission.

c. Receive, file, and forward all applications for appeals, variances, special uses, building permits or other matters to the designated official bodies.

6.2 Maintenance of Records

The Town Board of Eureka Township shall instruct the Town Clerk to perform the following duties:

a. Maintain permanent and current records of this Ordinance, including but not limited to; all maps, amendments, and special uses, variances, appeals and applications therefore.

b. Receive, file, and forward all applications for appeals, variances, special uses or other matters to be designated official bodies.

6.3 Appeals and the Board of Adjustments and Appeals.

The Town Board of Eureka Township, shall, through the passing of a resolution, provide for the establishment of a Board of

Appeals. Pursuant to Minnesota Statutes Section 462.354 Subd. 2. The Board shall have the powers set forth in M.S.A. 462.357, Subd. 6 and 462.359, Subd. 4. The Board, by resolution, shall determine whether this shall be a separate Board of Appeals and Adjustments or whether the governing body for the Planning Commission or a committee of the Planning Commission shall serve as the Board of Appeals.

6.4 Zoning Amendments

6.41 Procedures

a. An amendment to the text of the Ordinance or the zoning map may be initiated by the Town Board, the Planning Commission, or by application of a property owner. Individuals wishing to initiate an amendment to the zoning ordinance shall fill out an application as indicated in the appendix, and submit it to the Secretary of the Planning Commission or Town Clerk.

b. No zoning ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the Planning Commission. The public hearing on the rezoning application shall be held by the Planning Commission within forty-five days after the request for the zoning amendment has been received. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the Township at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of forty acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within one mile of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person, and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made. The Planning Commission shall make its report to the Town Board at the next regular meeting of the Town Board following the hearing recommending approval, disapproval, or modified approval of the proposed amendment.

c. The Town Board must take action on the application within sixty days following referral by the Planning Commission. The person making the application shall be notified of the action taken. The Town Board shall maintain records of amendments to the text and zoning map of the Ordinance.

d. No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

6.5 Conditional Use Permits

6.51 Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Town Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect on values of property and scenic views in the surrounding area, and the effect of the proposed use on the Comprehensive Plan. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission or Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which they consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

a. Increasing the required lot size or yard dimension.

b. Limiting the height, size or location of buildings.

c. Controlling the location and number of vehicle access points.

d. Increasing the street width.

469-1228 Diane Reper

e. Increasing the number of required off-street parking spaces.

f. Limiting the number, size, location or lighting of signs.

g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

h. Designating sites for open space.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Town Clerk shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Town Board, time limits, review dates, and such other information as may be appropriate.

6.52 procedure

a. The person applying for a conditional use permit shall fill out and submit to the Planning Commission Secretary or Town Clerk an application together with a fee of $100.00.

b. The application shall be referred to the Planning Commission. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the Township at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, property owners within 350 feet of the property in question shall be notified, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notification shall be by registered mail.

c. The Planning Commission shall hold a public hearing on the proposal.

d. The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.

e. The report of the Planning Commission shall be placed on the agenda of the Town Board at its next regular meeting following referral from the Planning Commission, but not later than sixty days after the applicant has submitted the application.

f. The Town Board must take action on the application within sixty days after receiving the report of the Planning Commission. If it grants the conditional use permit, the Town Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.

g. An amended conditonal use permit application shall be administered in a manner similar to that required for a new conditional use permit except that the fee shall be $50; amended conditional use permits shall include requests for changes in conditions, and as otherwise described in this Ordinance.

h. No application for a conditional use permit which has been denied shall be resubmitted for a period of six months from the date of said order of denial.

i. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten days prior to the review; it shall be the responsibility of the Clerk to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A public hearing for annual review of conditional use permit may be granted at the discretion of the Town Board.

$50.00 Annual fee

Fee for Renewal

6.6 Variances

6.61 Criteria for Granting Variances

A variance may be granted only in the event that all of the following circumstances exist:

a. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this ordinance have had no control.

b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

c. That the special conditions or circumstances do not result from the actions of the applicant.

d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to others of other lands, structures or buildings in the same district; and

e. The variance will not allow any use that is not permitted under the Ordinance for a property in the zone where the affected applicants land is located.

Different than Conditional Use.

6.62 Procedure

a. The person applying for a variance shall fill out and submit to the Town Clerk or Planning Commission Secretary an application together with a fee of $25.00.

b. The application shall be forwarded to the Zoning Board of Adjustments and Appeals. Property owners within 1/2 mile of the property in question shall be notified, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notification shall be by registered mail.

c. The Zoning Board of Adjustment and Appeals shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper of the Township at least 10 days prior to the hearing.

d. The petitioner or his representative shall appear before the Zoning Board in order to answer questions concerning the proposed variance.

e. The report of the Zoning Board shall be placed on the agenda of the Town Board at its next regular meeting following referral from the planning Commission, but not later than ninety days after the applicant has submitted the application.

f. The Town Board must take action on the application within sixty days after receiving the report of the Zoning board. If it grants the variance, the Town Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.

6.7 Building Permit

Building permits shall be required and administered as provided by Eureka Township Ordinance No. 8 and by Minnesota State Uniform Building Code.

Section 7. DISTRICT PROVISIONS

7.1 Purpose

The zoning districts are designed to implement the intents and purposes of the Comprehensive Plan.

The zoning districts are based upon the Comprehensive Plan which has the purpose of protecting the Public health, safety, convenience and general welfare. Before any amendment to the boundary lines of the established zoning districts are made, any necessary amendments must first be made to the Comprehensive Plan.

For the purposes of this Ordinance, Eureka Township is hereby divided into the following zoning districts when the regulations outlined herein will apply.

AG	Agricultural District
RR-I	Rural/Residential District
MWP	Marsh and Wetlands Protection District
FP	Flood Plain District

The locations and boundaries of the districts established by this Ordinance are hereby set forth on the zoning map of Eureka Township, and said map is hereby made part of this Ordinance.

7.2 RR-I Rural/Residential District

7.21 Intent

This district is intended for application in those areas of the Township where whole sections of untillable, vacant land have become subject to increased amounts of single-family residential development. Despite the fact that poor soils, rough topography and insufficient irrigation make these lands uneconomical for agricultural purposes, there are some suitable sites for single-family home construction.

40# Snow load on Roof

However, because of the fact that there are severe environmental constraints on residential development in this area, and because of the fact that urban services such as central sewer and water will not be provided for at least 15 years; and because significant amounts of residential development will adversely affect surroundings agricultural operations, residential development in this district must be kept to a reasonable rural density.

7.22 Permitted Uses and Structures

The following shall be permitted uses by right:

a. Any and all forms of commercial agriculture and commercial horticulture as defined by this Ordinance.

b. Farm buildings and accessory structures.

c. Farm drainage and irrigation systems.

d. Forestry, grazing and gardening.

e. One single-family farm dwelling unit per farm.

f. Four single-family non-farm dwelling units per each quarter quarter section not containing a farm dwelling unit provided:

1) The dwelling units shall be located on a separately conveyed parcel which shall equal or exceed 2 acres.

(a) In the event that the owner of the parcel seeking permission to erect a single-family non-farm dwelling unit not own the entire 40 acres in the quarter section upon which the dwelling is to be located, the number of dwelling units shall depend upon the total number of acres owned as follows:

Between 2 acres and 12 acres, 1 single-family non-farm dwelling unit.

Between 12 acres and 21 acres, 2 single-family non-farm dwelling units;

2) The parcel on which a dwelling unit is located shall have at least 250 feet of frontage along a public road.

3) The driveway serving a parcel shall be separated from adjacent driveways on the same side of the road by the following distances:

a) Township road: 100 feet

b) County/State highway: 300 feet

c) Minimum distance from the intersection of two or more of the above: 300 feet

4) All structures shall be setback as follows for permitted and conditional uses:

a) Lot width: 250 feet

b) Side yard setbacks for structures: 30 feet

c) Rear yard setbacks for structures: 30 feet

5) All dwellings shall be separated by at least 250 feet from the nearest farm building.

6) There shall be no maximum height limitation.

g. Historic Sites.

h. Home occupations.

7.23 Conditional Uses

The following conditional uses may be approved by the Town Board in the RR-I Rural/Residential District provided that the provisions and requirements of Section ~~6.61~~ 6.51 of the zoning ordiance are fulfilled:

a. Outdoor recreation areas;

b. Churches, cemeteries, airports, schools, local government buildings and facilities and government owned facilities for the maintenance of roads and highways;

c. Feed lots and poultry operations;

d. A second single-family farm dwelling in the quarter quarter section containing the farm dwelling, provided that:

1) It is occupied by one who owns, or is employed by the farm on which it is located.

2) It meets the requirements of Section 7.22, f, 1-4.

e. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis including corn shelling; hay baling and threshing; sorting; grading and packing fruits and vegetables for the grower; agricultural produce, milking and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting and plowing; farm equipment service and repair; veterninary services;

boarding and training of horses; commercial hunting and trapping; and the operation of game reservations; roadside stands for the sale of agriculture produce grown on the site.

f. Mining and extraction operations, provided that they otherwise satisfy the requirements of Eureka Township Ordinance No. 13.

g. Public utility and public service structures including electric transmission lines and distribution substations, gas regulator stations, communications equipment and buildings, pumping stations and reservoirs.

h. Highway--neighborhood commercial uses.

7.24 Prohibited Uses and Structures

All other uses and structures which are not specifically permitted as a right or by conditional use permit shall be prohibited in the RR-I Rural/Residential District.

7.25 Minimum Lot Size

For farm dwellings: 2 acres.

For non-farm single-family dwellings: 2 acres.

For conditional uses: 2 acres.

7.26 Minimum Yard Dimension Requirements

For permitted and conditional uses:

a. Lot width: 250 feet.

b. Side yard setback for structures: 30 feet.

c. Rear yard setback for structures: 30 feet.

d. Structure setback from:

Township Road: 100 feet from centerline.

County Road: 110 feet from centerline.

7.27 Maximum Height

a. For farm uses: None.

b. For non-farm and conditional uses: 35 feet.

7.3 Marsh and Wetlands Protection District

All uses within this district shall be governed by the Dakota

County Shoreland Zoning Ordinance and other Dakota County Zoning Ordinances which may be applicable thereto and enforced from time to time.

7.4 FP - Flood Plain District

All buildings within this District shall be governed by Dakota County Shoreland Zoning Ordinance and other Dakota County Ordinances which may be in effect from time to time and which may be applicable thereto.

7.5 AG - Agricultural District

7.51 Intent

Agricultural Districts are established in rural areas for the purpose of; protecting viable agricultural lands from non-farm influence; retaining valuable areas for conservational purposes; preventing scattered non-farm growth; preserving a secure economy in governmental expenditures and other natural resources of the community.

7.52 Permitted Uses and Structures

The following shall be permitted uses by right:

a. Any and all forms of commercial agriculture and commercial horticulture as defined by this Ordinance.

b. Farm buildings and accessory structures.

c. Farm drainage and irrigation systems.

d. Forestry, grazing and gardening.

e. One single-family farm dwelling unit per farm.

f. One single-farmily non-farm dwelling unit per each quarter-quarter section not containing a farm dwelling unit provided:

   1. The dwelling units shall be located on a separately conveyed parcel which shall equal or exceed 2 acres.

   2. The parcel on which a dwelling unit is located shall have at least 250 feet of frontage along a public road.

   3. The driveway serving a parcel shall be separated from adjacent driveways on the same side of the road by the following distances:

a) Township road: 100 feet

b) County/State highway: 300 feet

c) Minimum distance from the intersection of two or more of the above: 300 feet

4. All structures shall be setback as follows for permitted and conditional uses:

a) Lot width: 250 feet

b) Side yard setbacks for structures: 30 feet

c) Rear yard setbacks for structures: 30 feet

5. All dwellings shall be separated by at least 250 feet from the nearest farm building.

6. There shall be no maximum height limitation.

g. Historic Sites.

h. Home occupations.

7.53 Conditional Uses

The following conditional uses may be approved by the Town Board in the AG Agricultural District provided that the provisions and requirements in Section 6.51 6.61 of the Zoning Ordinance are fulfilled:

a. Outdoor recreation areas;

b. Churches, cemeteries, airports, schools, local government buildings and facilities and government owned facilities for the maintenance of roads and highways;

c. Feed lots and poultry operations;

d. A second single-family farm dwelling in the quarter quarter section containing the farm dwelling, provided that:

1. It is occupied by one who owns, or is employed by the farm on which it is located.

2. It meets the requirements of Section 7.52, f, 1-4.

e. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis including corn shelling; hay baling and threshing; sorting; grading and packing fruits and vegetables for the grower; agricultural produce, milking and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting and plowing; farm equipment service and repair; veterinary services; boarding and training of horses; commercial hunting and trapping; and the operation of game reservations; roadside stands for the sale of agriculture produce grown on the site.

f. Mining and extraction operations, provided that they otherwise satisfy the requirements of Eureka Township Ordinance No. 13.

g. Public utility and public service structures including electric transmission lines and distribution substations, gas regulator stations, communications equipment and buildings, pumping stations and reservoirs.

h. Highway - neighborhood commercial uses.

7.54 Prohibited Uses and Structures

All other uses and structures which are not specifically permitted as a right or by conditional use permit shall be prohibited in the AG Agricultural District.

7.55 Minimum Lot Size

For farm dwellings: 2 acres.

For non-farm single-family dwellings: 2 acres;

For conditional uses: 2 acres.

7.56 Minimum Yard Dimension Requirements

For permitted and conditional uses:

a. Lot width: 250 feet.

b. Side yard setback for structures: 30 feet.

c. Rear yard setback for structures: 30 feet.

d. Structure setback from:

Township Road: 100 feet from centerline.

County Road: 110 feet from centerline.

7.57 Maximum Height

a. For farm uses: None.

b. For non-farm and conditional uses: 35 feet.

Section 8. PERFORMANCE STANDARDS

8.1 Intent

These performance standards are designed to prevent and eliminate those conditions that are hazardous and endanger people, private and public property, and the natural environment. The performance standards established in this section shall apply to all future structures and land uses in all zoning districts. The standards shall also apply to existing development where so stated. The Town Board, Planning Commissions, and Building Inspector shall be responsible for enforcing these standards.

Before any building permit is approved, the Town Board shall determine whether the proposed use will conform to the performance standards. The petitioner, developer, or land owner shall sypply data necessary to demonstrate conformace with these standards at the request of the Planning Commission or Town Board. Such data may include environmental information on soils, topography, geology, water courses, wetlands, tree cover, etc., locations of road right-of-ways, boundary lines, equipment and construction processes to be used, hours of operation, and provisions of diposal of all wastes produced by the use. It may occasionally be necessary for a developer to employ specialized consultants to demonstrate that a given use will not exceed the performance standards.

8.2 Performance Standards for Structures and Accessory Uses

A. Foundation - All residential structures in the community shall be firmly anchored to a wood or concrete block foundation below frost line, and attached with anchor bolts, in accordance with the State of Minnesota Building Code in effect at the time the building permit is granted, and as required by the manufactures installation instructions.

B. Square Footage - All residential structures consisting of one single level, shall possess a minimum of 960 sq.ft. of livable floor area, excluding any basement floor area. All multi-level or split-level residential structures shall possess a minimum of 1,248 sq.ft. of livable floor area, excluding any basement floor area.

C. Wall Joist Construction - All residential structures shall possess wall joist construction consisting of framing materials of at least 1½' x 3½" dimensions.

D. Roof Pitch - All residential structures, except earth sheltered homes, shall possess pitched roofs, with a minimum of 4:12 pitch, and snow load capacity to meet minimum requirements of the State Building Code.

E. Garage - All residences must have a garage with a minimum width of 22 feet, and a minimum length of 22 feet.

F. Width and Length - All residential structures, except earth sheltered homes, shall possess a minimum width of 24 feet, and a minimum length of 26 feet. The measurement of such dimensions shall not include bay windows, roof overhangs, porches, or eaves under which there is no interior space.

8.3 Dwelling Units Prohibited

No basement, garage, tent, travel trailer, or accessory building (except if specifically permitted by other Eureka Township Ordinances in effect at the time of the passage of this Ordinance) shall be at any time used as a dwelling. The basement portion of a finished home may be used for normal eating and sleeping purposes, provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Building Inspector.

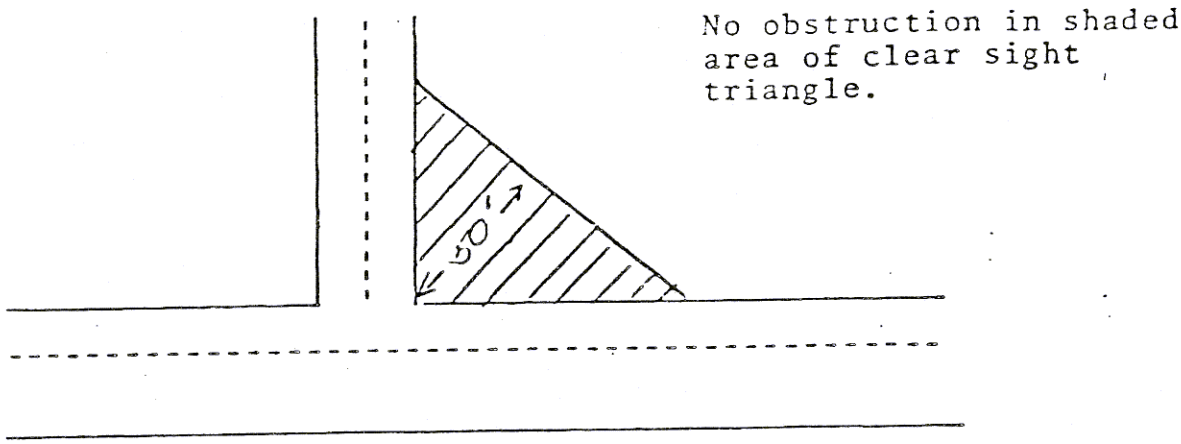
8.4 Landscaping Maintenance

All structures requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

8.5 Traffic Control

The traffic generated by any use shall be channelized and controlled in a manner that will avoid: (a) congestion on the public streets, (b) traffic hazards, and (c) excessive traffic through residential areas, particularly truck traffic.

On corner lots, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the right-of-way lines.



8.6 Parking

Parking spaces accessory to one and two-family dwellings shall be located on the same lot. Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes. Except for short-term parking (six hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having an automobile driver's license.

8.7 Setbacks

8.71 Side and Rear Setbacks

Subject to regulations contained in the building code and other applicable regulations including this Ordinance.

8.8 Soil Erosion and Sedimentation Control

8.81 General Standards

a. All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for soil erosion.

b. Slopes over eighteen percent in grade shall not be developed.

c. Development on slopes with a grade between twelve to eighteen percent shall be carefully reviewed to insure adequate measures have been taken to prevent erosion, sedimentation, and structural damage.

d. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

e. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

f. The drainage system shall be constructed and operational as quickly as possible during construction.

g. Whenever possible, natural vegetation shall be retained and protected.

h. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.

i. When soil is exposed, the exposure shall be for the shortest feasible period of time. No exposure shall be planned to exceed 60 days. Said time period may be extended only if the Planning Commission is satisfied that adequate measures have been established and will remain in place.

j. The natural drainage system shall be used as far as is feasible for the storage and flow of runoff. Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshalands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flows, erosion damage, and construction cost.

8.82 Exposed Slopes

The following control measures shall be taken to control erosion during construction.

a. No exposed slope should be steeper in grade than five (5) feet horizontal to one (1) foot vertical.

b. Exposed slopes steeper in grade than ten (10) feet horizontal to one (1) foot vertical should be contour plowed to minimize direct runoff of water.

c. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter the natural drainage system.

d. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron, a gravel energy dissapator should be installed to prevent erosion at the discharge end.

e. Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch should be anchored to slopes with liquid asphalt, stakes, and netting, or should be worked into the soil to provide additional slope stability.

f. Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

8.9 Preservation of Natural Drainageways

8.91 Waterways

a. Above ground runoff disposal waterways may be constructed to augment the natural drainage system. The natural and constructed waterways may be coordinated with an open space trail system. The trail system shall be confined to the edges and not the bottom of the waterway.

b. The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.

c. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.

d. The banks of the waterway shall be protected with a permanent turf vegetation.

e. The banks of the waterway should not exceed (5) feet horizontal to one (1) foot vertical in gradient.

f. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.

g. The bed of the waterway should be protected with turf, sod, or concrete. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quaried limestone, fieldstone (if random rip rap is used) or construction materials provided said construction materials are limited to asphalt, cement, and concrete. The rip rap shall be no smaller than two (2) inches square nor no larger than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recretaion trail system.

h. If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or rip rap would be allowed to prevent erosion at these points.

8.92 Waterway Velocity

a. The flow velocity of runoff in waterways shall be controlled to a velocity that will not cause erosion of the waterway.

b. Flow velocity should be controlled through the installation of diversions, berms, slope drains, and other similarly effective velocity control structure.

8.93 Sediment Control

a. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.

b. Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a twenty five (25) year storm.

c. Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

8.94 Maintenance of Erosion Control System

a. The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Ordinance.

b. Sediment basins shall be maintained as the need occurs to insure continuous desilting action.

c. The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basins and waterways shall be landscaped.

d. Prior to the approval of any plat for development, the developer shall make provision for continued maintenance on the erosion and sediment control system.

8.10 Sewage Disposal Standards.

8.101 General Provisions

a. These standards shall be as provided by the Minnesota State Uniform Building Code which may be in force and effect from time to time.

8.11 Refuse

All waste materials, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and weeds. Existing uses shall comply with this provision within six months following enactment of this Ordinance.

8.12 Bulk Storage (Liquid)

All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall require a conditional use permit in order that the Town Board may have assurance that fire, explosion, or water or soil contamination hazards are not present (that would be detrimental to the public health, safety, and general welfare). All existing, above ground liquid storage tanks having a capacity in excess of one thousand (1000) gallons shall secure a conditional use permit within twelve (12) months following enactment of this Ordinance. The Town Board may require the development of diking around said tanks. Diking shall be suitably sealed, and shall hold a leakage capacity equal to one hundred fiften (115) per cent of the tank capacity. Any existing storage tank that, in the opinion of the Town Board constitutes a hazard to the public safety shall discontinue operations within five years following enactment of this Ordinance.

8.13 Nuisance Charateristics

No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat glare, dust, or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. The following standards apply to non-industrial districts.

8.131 Odors

Odors shall not be allowed to exceed the standards stated in the Minnesota State Air Pollution Control Regulations, numbers 9 and 10.

8.132 Toxic Matter

All toxic matter emitted from a use shall conform to those standards set forth by the Minnesota State Air Pollution Control Regulations. In the event the toxic matter being considered is not specifically regulated by Minnesota State Air Pollution Control Regulations, the following standards and procedures shall be followed.

The measurement of toxic matter shall be at the lot boundary line and measured at ground level or habitable elevation and shall be the average of any 24 hour period. The release of any airborne toxic matter shall not exceed 1/30th of the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in this listing, the applicant shall satisfy the governing body that the proposed levels will be safe to the general population.

8.133 Exhaust Emission

No exhaust pipe, flue, chimney or whatever shall emit an

emission that exceeds those standards set forth in Minnesota State Air Pollution Control Regulations, numbers 1, 5, and 6.

8.134 Miscellaneous Nuisances

a. It shall be unlawful to create a nuisance affecting the health, peace or safety of any person.

Section 9.

9.1 Performance Standards for Agricultural Operations.

All farms in existence upon the effective date of this Ordinance and all farms which are brought into the Township by annexation shall be a permitted use where the operator can conduct a farming operation. However, all regulations contained within Section 8 and other Township Ordinances in effect shall apply to all changes of the farming operation which will cause all or part of the area to become more urban in character. Setback and other regulations shall apply to farming operations just as they do to residential developments. The Town Board may require any farm operation to secure a Conditional Use permit to expand or intensify said operations in the event of the following:

The farm is adjacent to, or within two hundred fifty feet of any non-farm dwelling unit and may be detrimental to living conditions by creating safety hazards or by emitting noise, odor, vibrations or the like.

The farming operations are so intensive as to contitute industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade and further that such operations may tend to become a permanent industrial type operation that cannot be terminated as can a normal farming operation.

Section 10.

10.1 Performance Standards for Commercial Operations

In addition to those standards outlined in Section 8 of this Ordinance, the following requirements shall apply to commercial uses in all districts.

10.2 Off-Street Parking

Off-street parking shall be determined by the governing body of municipality from time to time. Subject to determination shall be on an individual, case by case basis.

Section 11.

11.1 The purpose of this section is to protect, insure, maintain and regain the natural and scenic beauty and attractiveness of the roadside throughout Dakota County. By the construction of Public Roads, the public has created views to which the public retains a right-of-view and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this Ordinance.

11.2 Permit Required. Except as otherwise provided in this Ordinance, no sign shall be erected, constructed, altered, rebuilt, relocated, until a permit for the same has been issued by the Town Board. An application shall be submitted in such form as may be prescribed and shall include such information as may be required for complete understanding of the proposed work.

Section 12. Responsibility; Effect

12.1 Responsibility. Neither the issuance of a permit nor compliance with the conditions thereof, nor with the provisions of this Ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability on the Township of Eureka or its officers or employees for injury or damage to persons or property. A permit issued pursuant to this Ordinance does not relieve the permitee of the responsibility for securing and complying with any other permit which may be required by any other law ordinance or regulation.

12.2 Penalty. Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor and may be punished by imprisonment for a period not to exceed 90 days or by a fine in an amount not to exceed $300.00 or both, each days the violation continues shall constitute a separate offense.

12.3 Severability. If any part of this Ordinance is held to be unconstitutional or otherwise illegal, the remainder of this Ordinance shall be deemed and held to be valid and remain in force and effect as if such portion had not been included herein. If this Ordinance or any provision herein is held to be

inapplicable to any person, property or work, such holding shall not affect the applicability hereof to any other person's property or work.

12.4 Repeal

Any provisions of the Eureka Township Ordinances in effect on the date of passage of this Ordinance are hereby repealed to the extent that they are inconsistent with the provisions of this Ordinance.

_____
Chairman

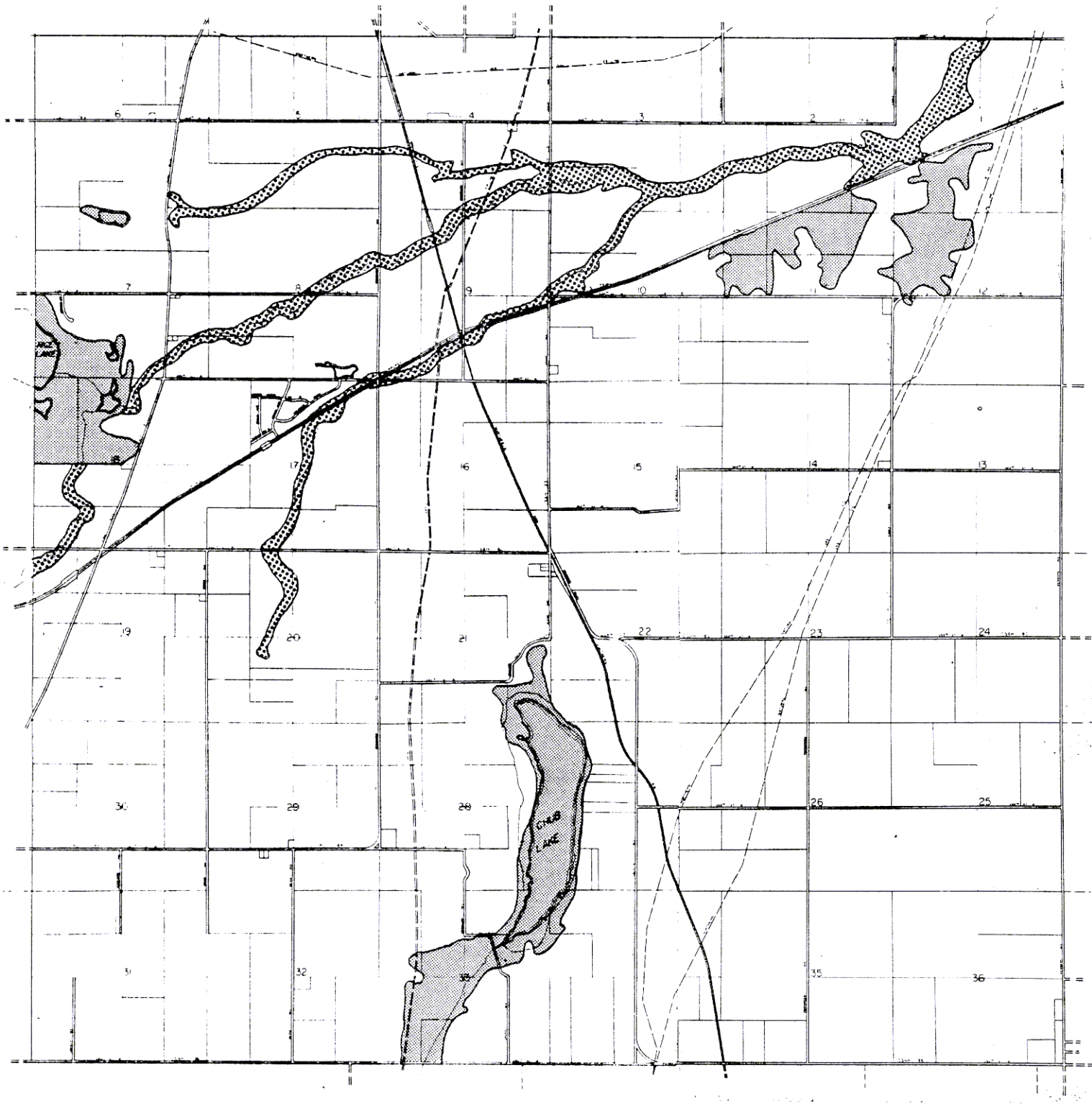
_____
Clerk

Notice of Public Hearing published in the Dakota County Tribune on the _____ day of _____, 1978.

Public Hearing held on _____ day of _____, 1978.

Passed by the Town Board on the _____ day of _____, 1978.

Published in the Dakota County Tribune on the _____ day of _____, 1978.



AGRICULTURE (AG)

MARSH and WETLAND (M/W)

FLOODPLAIN (FP)

RURAL RESIDENTIAL (RR-1)

EUREKA TOWNSHIP
DAKOTA COUNTY, MINNESOTA

ZONING MAP

Scale in miles

0 1/2 1

Prepared by DAKOTA CO. PLANNING DEPT.

ORDINANCE NO. 20-42