

**APPLICATION INSTRUCTIONS****Conditional Use Permits**

This instruction sheet explains application requirements for conditional use permits (CUP). 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](mailto:eurekatn@frontiernet.net).

**Allowable Conditional Uses**

The following conditional uses may be approved by the Town Board, provided that the provisions and requirements in Eureka Township Ordinance 3, Ch. 4 are fulfilled:

1. Churches, cemeteries, airports, schools, local government buildings and facilities, and government-owned facilities for the maintenance of roads and highways (Ord. 3, Ch. 2, Sect. I[b]).
2. Agricultural service establishments primarily engaged in performing agricultural or horticultural services on a fee or contract basis (Ord. 3, Ch. 2, Sect. I[b]).
3. Mining and extraction operations, provided that they otherwise satisfy the requirements of the Mining Ordinance located at Ordinance 6 (Ord. 3, Ch. 2, Sect. I[b]).
4. Public utility and public service structures including electric transmission lines and distribution substations, gas regulator stations, communications and equipment and buildings, pumping stations and reservoirs (Ord. 3, Ch. 2, Sect. I[b]).
5. On site advertising signs with accumulative area larger than fifty (50) square feet; signs illuminated by flashing, intermittent rotating or moving light, or lights (Ord. 3, Ch. 8, Sect. 5[b] and Sect. 11); or off-site advertising signs (Ord. 3, Ch. 8, Sect. 6).

**General Requirements**

Conditional 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 a conditional 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 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.
2. The use will be sufficiently compatible or separated by 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.
3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
4. The use in the opinion of the Planning Commission and Town Board is reasonably related to the existing land use.
5. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use is not in conflict with the Comprehensive Plan of the township.
7. The use will not cause traffic hazards or congestion.



In permitting a new conditional use or the alteration of an existing conditional 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.

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.

### **Procedure for Conditional Use Permit Requests**

The following procedure is required for all new or amended conditional use permit requests:

1. Applications for conditional 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 a conditional use permit shall fill out and submit to the Zoning Administrator a conditional 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 a conditional 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 462.3595.
6. The petitioner or a representative shall appear before the Planning Commission in order to present evidence concerning the proposed conditional use.
7. If the Planning Commission recommends granting the conditional 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 Conditional Use Permit to the Town Board. The Planning Commission shall make finding of facts 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 a conditional use permit shall require passage by a minimum of three (3) members of the Town Board.
10. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. The fee shall be as set by separate action of the Town Board. Amended conditional use permits shall include requests for changes in conditions and as otherwise described in this Ordinance.
11. No application for a conditional use permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
12. Granted conditional use permits shall become void if applicant does not proceed substantially on the work within six months. To proceed substantially means to make visible improvement to the property. One or more extensions for not more than six (6) months each may be granted by the Town Board for good cause.
13. If the land use does not conform to the conditions of the permit, the conditional 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.
14. All Conditional Use Permits that are granted by the Town Board must be recorded at the office of the Dakota County Recorder.



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**Documents Required for a Complete Application**

To be considered complete, an application for a new or amended conditional 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 conditional use will meet all seven requirements listed under "General Requirements" on page 1 of this instruction sheet.
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 conditional 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.