

EUREKA TOWNSHIP

Non-Conforming Use Expansion or Alteration

APPLICATION INSTRUCTIONS

To be eligible for expansion or alteration, a non-conforming use must have registered with the Township as prescribed in Ordinance 3, Chapter 1 on or before December 31, 2004.

Registered legal non-conforming uses may be altered as long as the impact on neighboring properties remains the same. Any alteration which may alter the impact on neighboring properties must go through the expansion process set forth below. Impacts include, but are not limited to, noise, hours of operation, number of trips, sounds, view and any other effect or observable activity associated with the use which might be argued to negatively impact on the health, safety, welfare and enjoyment of property of adjoining property owners.

Registered legal non-conforming uses may be expanded as follows:

1. A public hearing shall be held on the proposed expansion.
2. Expansion will be allowed only in conformity with conditions and limitations such as may be required by the Town Board to prevent and abate nuisances, and to protect the public health, welfare or safety.
3. Whether to permit an expansion is a discretionary decision of the Town Board. Owners and operators of a legal non-conforming use do not have an automatic right to expansion.
4. When determining whether to grant an expansion request, the Town Board shall consider and make findings regarding:
 - a. The additional nuisance impact, if any, of the proposed growth.
 - b. The applicant's history of ordinance compliance.
 - c. Input from neighbors and residents.
 - d. What reasonable conditions, including whether there should be a prohibition on further expansions, should be imposed on the expanded legal non-conforming use.

Documents Required for a Complete Application

1. Completed Land Use and Zoning application form, signed by the landowner(s).
2. Application fee and escrow as set forth in Ordinance 7.
3. Proof of ownership of all involved parcels.
4. 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 the legal description of the lot, lot lines and the size of the lot.
5. Two (2) copies of a site plan showing location of:
 - a. Existing buildings
 - b. Well and septic system

- c. Existing driveway(s)
 - d. Wetlands
 - e. Location, setback and dimensions of all proposed buildings and structures.
 - f. All adjacent buildings located within 100 ft. of exterior boundaries of the property.
 - g. Location, number, dimensions and setbacks of proposed parking spaces and drive aisles.
 - h. Location, width and setbacks of any proposed driveway(s)
 - i. Vehicular circulation
 - j. Location and type of all proposed lighting, including details of all proposed fixtures.
 - k. Location, size and lighting of all proposed signs.
 - l. Provisions for storage and disposal of waste, garbage and recyclables, including details for screening exterior trash/recycling enclosures.
6. 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.
7. Watershed permit or letter of exemption if located in the Dakota County Shoreland District or the Vermillion River Watershed District.

In addition, other permits may be required as follows:

- New structures require a Building Permit.
- New driveways that front a County road require a permit from the Dakota County Highway Department.