

# EUREKA TOWNSHIP

## CONDITIONAL USE PERMIT (CUP)

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### APPLICATION INSTRUCTIONS

#### **Allowable Conditional Uses**

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

1. Churches, cemeteries, airports, schools, local government buildings and facilities, and government-owned facilities for the maintenance of roads and highways.
2. Agricultural service establishments primarily engaged in performing agricultural or horticultural services on a fee or contract basis.
3. Mining and extraction operations, provided that they otherwise satisfy the requirements of the Mining Ordinance in Eureka Township Ordinance 6.
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.
5. Energy windmills.
6. On-site advertising signs with accumulative area larger than fifty (50) sq. ft.; signs illuminated by flashing, intermittent rotating or moving light, or lights.

#### **General Requirements**

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.

8. In permitting a new or alteration of an existing conditional use, the Planning Commission and Town Board may impose additional conditions which they deem necessary to protect the best interest of the surrounding area or the community as a whole.
9. 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.

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

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

1. Applications will not be accepted from anyone who is not an owner of land for which the application is made.
2. The person applying shall fill out and submit to the Zoning Administrator a Conditional Use application form and pay the filing fee and escrow as set forth in Ordinance 7.
3. The Zoning Administrator shall provide landowners within 1,000 ft. of the applicant's property with notification of the application for a CUP 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 and provide notice of the hearing per MN § 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 CUP, 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 CUP to the Town Board. The Planning Commission shall make findings 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 CUP shall require passage by a minimum of three (3) members of the Town Board.
10. An amended CUP application shall be administered in a manner similar to that required for a new CUP. The fee shall be as set by separate action of the Town Board. Amended CUP's shall include requests for changes in conditions and as otherwise described in this Ordinance.
11. No application for a CUP shall be resubmitted for a period of six (6) months from the date of said order of denial.
12. Granted CUP's 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. 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 CUP 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 CUP's that are granted by the Town Board must be recorded at the office of the Dakota County Recorder.

### **Documents Required for a Complete Application**

1. Completed Land Use and Zoning application form, signed by the landowner(s).
2. A written explanation of how the proposed conditional use will meet all nine requirements listed under General Requirements above.
3. Application fee and escrow as set forth in Ordinance 7.
4. Proof of ownership of all involved parcels. Parcel ID will be verified by the Town Clerk; 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 the legal description of the lot, lot lines and the size of the lot.
6. 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.
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:**

- New structures require a Building Permit.
- New driveways that front a County road require a permit from the Dakota County Highway Department.
- Parcels located in the Dakota County Shoreland Zoning area require a Shoreland permit from the Dakota County Planning Department.
- Parcels located in the Vermillion River Watershed require a permit from the VRWJPO.