

EUREKA TOWNSHIP

INTERIM USE PERMIT (IUP)

APPLICATION INSTRUCTIONS

Allowable Interim Uses

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

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

General Requirements

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

1. The use is identified as a permitted interim use in the zoning district where the property is located.
2. The use will meet or exceed the performance standards set forth in the Zoning Ordinance and other applicable Township Ordinances.
3. The use complies with the specific standards for the use identified in the Ordinance allowing the interim use.
4. The date or event that will terminate the use can be identified with certainty.
5. Permitting the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
6. The user agrees to any conditions that the Town Board deems appropriate for permission of the use.
7. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
8. The use will be sufficiently compatible 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.
9. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
10. The use will not cause traffic hazards or congestion.
11. 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.
12. The Planning Commission shall recommend, and the Town Board shall determine the date or event upon which the interim use shall expire.

Procedure for Interim Use Permit Requests

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

1. Applications 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 an Interim 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 an IUP 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 § 462.3597.
6. The petitioner or a representative shall appear before the Planning Commission in order to present evidence concerning the proposed interim use.
7. If the Planning Commission recommends granting the IUP, 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 IUP 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 an IUP shall require passage by a minimum of three (3) members of the Town Board.
10. No application for an IUP shall be resubmitted for a period of six (6) months from the date of said order of denial.
11. Granted IUP'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.
12. If the land use does not conform to the conditions of the permit, the IUP may be revoked after notice to the applicant of a public hearing for the intended revocation and passage of a resolution by the Town Board to that effect.
13. All IUP'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 interim use will meet all twelve 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.

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.
8. Watershed permit or letter of exemption if located in the Dakota County Shoreland Zoning 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.