

**EUREKA TOWNSHIP**  
**DAKOTA COUNTY, MINNESOTA**  
Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 240 OF THE CODE OF THE  
TOWN OF EUREKA REGARDING INDOOR GROWTH FACILITIES**

The Board of Supervisors of the Town of Eureka ordains:

**Section 1. Permitted Uses.** Article II, Section 240-7 of the Code of the Town of Eureka is hereby amended as follows:

B. Permitted uses and structures. The following uses are permitted uses and structures in the Agricultural District:

- ~~1) Any and all forms of commercial agriculture and commercial horticulture, as defined in § 240-64.~~
- ~~2) Agricultural buildings and accessory structures to agricultural buildings.~~
  - 1) Agriculture, except as may otherwise be regulated by this section.
- ~~3) 2) Farm drainage and irrigation systems.~~
- ~~4) 3) Forestry, grazing and gardening.~~
- ~~5) 4) Single-family dwelling.~~
- ~~6) Accessory structures to single-family dwellings, such as detached private garages, decks, swimming pools, nonilluminated signs, fences, tool sheds, and other such structures, for the storage of domestic supplies and equipment. Mobile homes, trucks, semitrailers, trailers, recreational vehicles (RVs), and campers shall not be used as storage structures.~~
- ~~7) 5) Historic sites.~~
- ~~8) Home occupations.~~
- ~~9) Private stables.~~
- ~~10) Private dog kennels.~~
- ~~11) Cell phone towers or wireless communication facilities as delineated in § 240-30A, provided they otherwise satisfy the requirements of this chapter.~~
- ~~12) Accessory solar energy systems which are designed to generate 40 kilowatts of power or less are allowed as accessory uses and structures in all districts, provided that the requirements of § 240-30C are met.~~

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D. Interim uses and structures.

- 4) Agricultural buildings, when no principal structure is present on the property.
- 5) Agricultural buildings that exceed the maximum limitation on total area for accessory structures.

E. Accessory uses and structures.

- 1) Agricultural buildings, when they are accessory to a principal structure present on the property.
- 2) Accessory structures to single-family dwellings, such as detached private garages, decks, swimming pools, nonilluminated signs, fences, tool sheds, and other such structures, for the storage of domestic supplies and equipment. Mobile homes, trucks, semitrailers, trailers, recreational vehicles (RVs), and campers shall not be used as storage structures.
- 3) Home occupations.
- 4) Private stables.
- 5) Private dog kennels.
- 6) Accessory solar energy systems which are designed to generate 40 kilowatts of power or less are allowed as accessory uses and structures in all districts, provided that the requirements of § 240-30C are met.
- 7) Cell phone towers or wireless communication facilities as delineated in § 240-30A, provided they otherwise satisfy the requirements of this chapter.

E. F. Prohibited uses and structures. All other uses and structures which are not specifically permitted as a right or by conditional use permit or interim use permit, including public stables and public boarding of dogs, shall be prohibited in the Agricultural District.

**Section 2.** Performance Standards for Indoor Growth Facilities. Article IV of the Code of the Town of Eureka is hereby amended by adding a Section 240-19.7 as follows:

**§ 240-19.7 Performance standards for indoor growth facilities.**

Indoor growth facilities shall comply with the following performance standards:

- A. Indoor grow facilities that constitute agricultural buildings, are located on agricultural land, and exceed the maximum total area allowed for accessory structures are permitted in the Agricultural District only after obtaining an interim use permit from the Township.

B. All activities shall comply with the conditions placed on the interim use permit.

C. The Township shall consider the following criteria when reviewing the appropriateness of an interim use permit for this type of structure:

- (1) The road serving the property must have adequate capacity to accommodate the additional vehicle trips the use would create, including employee trips, deliveries, shipping, and service vehicles.
- (2) Adequate parking for employees must be provided on the property, and any parking areas must be graveled or hard surfaced.
- (3) Adequate emergency vehicle access must be provided.
- (4) The proposed use of the site must not cause operations of the property to become out of character with the residential and/or agricultural uses already occurring in the area.
- (5) Any exterior lighting must comply with § 240-55 Lighting.
- (6) Interior lighting within this type of structure, when visible from any property line, shall be fully screened.
- (7) Retail operations shall not be permitted within this type of structure.
- (8) The structure shall meet all other relevant applicable codes such as, but not limited to, the building code, fire code, and electrical code.

**Section 3.** Standards for Accessory Uses or Structures. Article IV, Section 240-24 of the Code of the Town of Eureka is hereby amended as follows:

A. Relation to Principal Structure.

- 1) An accessory structure shall not be placed or constructed on a parcel without a principal structure existing on the same parcel.
- 2) No accessory building, of any type, shall be placed or constructed on any lot prior to the issuance of a certificate of occupancy for the principal structure to which it is accessory.
- 3) Notwithstanding the limitations in this paragraph, accessory structures for the purpose of storage of agricultural equipment, livestock, or agricultural products, located on agricultural land, may be permitted on land with no principal structure, with the issuance of an interim use permit.

~~A.~~ B. Location. No detached accessory building or structure shall be located closer than 10 feet to any principal building or to any other accessory building or structure.

~~B.~~ C. Easements. No accessory building or structure except for utility panels or boxes or moveable and temporary buildings or small (less than 120 square feet) storage sheds shall be erected in any easement area.

~~C.~~ D. ~~Area.~~ Accessory Building Size.

1) The maximum total area of all accessory buildings shall not total more than 5,000 square feet on lots of two to 5.999 acres in size, and not more than 10,000 square feet on lots of six or more acres in size. ~~There shall be no maximum limitation to total area for agricultural buildings, and agricultural buildings shall not be considered in the total sum of accessory buildings on an individual parcel.~~

2) There is no maximum limitation on total area for agricultural buildings located on agricultural land. Agricultural buildings shall not be considered in determining the total sum of accessory building square footage on an individual parcel.

3) Notwithstanding the exemption for agricultural buildings in paragraph (2) above, an indoor growth facility shall not exceed, or cause a parcel to exceed, the maximum total area limitation on accessory buildings without first obtaining an interim use permit from the Township. To be eligible for an interim use permit, the indoor growth facility must be located on agricultural land.

~~D.~~ E. Maintenance. All detached accessory buildings shall be maintained in a manner that is compatible with the primary uses and does not present a hazard to public health, safety, and general welfare of the surrounding community.

~~E.~~ F. Prohibitions.~~4)~~ No accessory building may be used for human habitation except temporarily as specifically permitted by the Township of Eureka in § **240-28B(3)**. An accessory building or structure shall be limited to a half bathroom facility inclusive of all individual accessory buildings on an individual property. "Half bathroom facility" shall mean provision of a sink and toilet. Bathroom facilities shall be limited to a single bathroom with one toilet and one sink, except as required by other applicable rules or statutes.

~~2)~~ ~~There can be no accessory structure without a principal structure existing on the same parcel.~~

**Section 4. Definitions.** Article X, Section 240-64 of the Code of the Town of Eureka is hereby amended as follows:

#### ACCESSORY BUILDING

A subordinate building that serves an accessory use of the parcel on which it is located and does not change the character of the principal use. ~~In other words, an~~

~~accessory building is a building which is an accessory structure.~~ Accessory buildings include, but are not limited to, garages, storage sheds, agricultural buildings, greenhouses, high tunnels, low tunnels, and similar structures.

#### AGRICULTURAL BUILDING

~~Any building other than a dwelling that is incidental to the farming operation, including but not limited to barns, granaries, silos, farm implement storage buildings and milk houses.~~

A structure that meets the definition of “agricultural building” in Minnesota Statutes, section 326B.103, subdivision 3.

#### AGRICULTURE

~~The use of land for the production of farm crops as well as for the raising of livestock.~~

A use that meets the definition of “agriculture” in Minnesota Rules, part 5200.0260.

#### AGRICULTURAL LAND

Land meeting the definition of “agricultural land” under Minnesota Statutes, section 273.12, subdivision 23.

#### GREENHOUSE

A greenhouse is an enclosed structure with transparent or translucent walls and roof—typically made of glass or plastic — designed to grow plants in a controlled environment.

#### HIGH TUNNEL

An unheated structure, covered in plastic, polyethylene, fabric, or polycarbonate, intended to protect crops grown in the natural soil profile from the elements and to extend the growing season.

#### INDOOR GROWTH FACILITY

A structure used to grow products in controlled, or partially controlled, conditions using natural or artificial light sources, or a combination of light sources for commercial agriculture, horticulture, or cultivation. Indoor growth facilities include, but are not limited to, greenhouses, high tunnels, low tunnels, or similar structures used for growing products. For the purposes of this definition, “products” mean any variety of plants, crops, molds, or fungi grown for commercial purposes.

#### LOW TUNNEL

An unheated structure, no more than four feet in height, covered in plastic, polyethylene, fabric or polycarbonate, intended to reduce pest pressure, protect crops grown in the natural soil profile from the elements and to extend the growing season.

#### PRINCIPAL STRUCTURE

~~A~~ The structure that is the main or primary structure as designated by the main or principal use of the land and distinguished from subordinate or accessory structures. ~~A~~

~~dwelling or agricultural building in an agricultural district are examples of a principal structure.~~

**Section 5. Incorporation of Amendments.** The Town Clerk-Treasurer is hereby authorized and directed to incorporate the amendments made by this ordinance, and any previous amendments that have not been incorporated, into the Code of the Town of Eureka, including updating the table of contents and making non-substantive corrections as may be needed. Such updated document shall constitute the Town's official Code of the Town of Eureka.

**Section 6. Effective Date.** This ordinance shall be effective upon the first day of publication after adoption.

Adopted on the 9<sup>th</sup> day of June 2026.

**BY THE TOWN BOARD**

\_\_\_\_\_  
Mark Ceminsky, Chairperson

Attest: \_\_\_\_\_  
Liz Atwater, Clerk-Treasurer

New material is shown in double underlining and deleted material is shown in ~~strikeout~~.