



AKELEY TOWNSHIP ZONING ORDINANCE
 NO. 77-1 / LAST AMENDED 8/4/2022
 STATE OF MINNESOTA / COUNTY OF HUBBARD

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Section I Preamble

We, the people of the Township of Akeley, Hubbard County, Minnesota, believing that the Township is the basic form of government in the United States, and relying upon the constitutions of the United States and the State of Minnesota, which leave all undefined powers to the people, do hereby ordain and establish this Ordinance, known as Zoning Ordinance No. 77-1 of the Township of Akeley, and do hereby confer upon the duly elected Township Board of Akeley Township the authority to administer this Ordinance in such a manner as they deem necessary for the safety, health and welfare of the people of Akeley Township.

Section II General Provisions

1. Title

This Ordinance from the date of its passage shall be known as the Akeley Township Zoning Ordinance.

2. Purpose

The purpose of this Ordinance is to promote the health, safety, and general welfare of the people of the Township of Akeley, Hubbard County, Minnesota.

3. Enactment

Enacted pursuant to Minnesota Statute Chapter 426 and any other Statutes pertinent to zoning and planning. The council shall have the power to enact ordinances for the enforcement of the rights which shall be acquired under sections 462.12 to 462.17, and to fix penalties for their violation, including a fine not exceeding \$100 or confinement in the city workhouse not exceeding 90 days. Violations of the ordinances may be prosecuted in the district court. Restricted residence districts created pursuant to sections 462.12 to 462.16 shall be subject to the provisions of section 541.023. In construing the scope and effect of a residence district restriction, equitable principles shall be utilized, and the following shall be considered: the historic pattern of enforcement or nonenforcement; changed circumstances; the length of time during which current uses have been allowed to exist; the actual impact of current land uses; and detrimental reliance. (8.4.2022)

4. Regulation

No structure located in the township of Akeley shall be erected or altered which does not comply with the regulations of this Ordinance, nor shall any structure or premises be used for any purpose other than a use authorized by this Ordinance, nor shall any premises, land, lot, or parcel of land be less than the dimensions required by this Ordinance, unless acted upon by the Akeley Township Board. Regulation and administration of this Ordinance shall be determined by the Akeley Township Board.

Section III Definitions

For the purpose of this Ordinance, certain terms and words are herein defined as follows:

1. Words used in the present tense shall include the past and future tenses.
2. Words used in the singular shall include the plural number, and the plural shall include the singular.
3. The masculine gender includes the feminine and the neuter.
4. The word “shall” will be mandatory not discretionary.



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5. The word “may” will be permissive
6. All measured distances shall be to the nearest integral foot. If a fraction 12 foot or less, the integral foot next below shall be taken.
7. **Accessory Building:** A subordinate building or structure on the same lot or part of the main building or structure occupied or devoted exclusively to an accessory use.
8. **Accessory Use:** A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.
9. **Agricultural Building:** For the purpose of this ordinance any “agricultural building” is any structure existing or erected and used principally for agricultural purposes, except for human dwelling places.
10. **Agriculture:** Agriculture is the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, and storing of the produce, provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Nothing in this definition shall be construed to mean the allowance, use or growing of contraband of any nature. For the purpose of this definition the planting and growing of private flower and vegetable gardens, for personal use and not for sale, whether out of doors or enclosed in greenhouses and the like shall not be construed as agriculture.
11. **Apartment:** A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family. This includes a dwelling unit and efficiency unit.
12. **Building:** A principle building in which is conducted the main or principal use of the land or lot on which said building is situated and includes decks, patios, porches, overhangs, and other appendages, all of which are elevated above the ground level. (See paragraph 5.32 – Structure).
13. **Automobile Service Uses:** Those uses catering to the motorist traveling along the highway including, but not limited to; Auto laundry, car wash, eating establishments, motels, tourist courts, refreshment drive-ins, public garages, repair garages, service stations, seasonal produce stands, motor vehicle sales and service and rentals, and miscellaneous rental services.
14. **Building Code:** Shall be the Uniform Building Code in general use in the State of Minnesota
15. **Building Line:** Lines measured across the width of the lot at a point where the main structure is placed in accordance with the setback provisions.
16. **Business:** Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor, and materials, or where services are offered for compensation.
17. **Club or Lodge:** A non-profit making organization or association of persons, who are bona-fide members, paying annual dues, wherein the use of premises of such club or lodge is restricted to members and their guests.
18. **Commercial Recreation:** Bowling alley, racetrack, car track, jump centers, golf, pool hall, dance hall,



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skating rinks and arenas, taverns, theaters, firearms range, boat rental, amusement rides, campground, commercial park, and similar uses.

19. **Conditional Use:** A use of lands which is permitted within the zoning districts only when allowed by the Akeley Township Board, after a public hearing, if certain conditions are met that eliminate or minimize the incompatibility with the other permitted uses of the district. Final approval of all conditional uses rest with the Akeley Township Board. (8.4.22)
20. **Development:** is the use of land for the purpose of erecting two or more structures or buildings on a single parcel of land for sale, lease, or rental. Such buildings or structures shall include, but not limited to, single family dwellings, multiple family dwellings, mobile homes, office buildings, warehouses, and retail establishments.
21. **District:** A section of the Township of Akeley which the regulations governing the use of buildings and land are uniform.
22. **Dwelling:** Is any house or building or portion thereof which is occupied wholly as a home, residence or sleeping place of one or more human beings, either permanently or transiently. In case of mixed occupancy, where a building is occupied in part as a dwelling, for the purpose of this Ordinance shall comply with the provisions thereof relative to dwellings.
23. **Dwelling, One Family:** A dwelling so designed and arranged as to provide cooking, kitchen and sanitary accommodations and facilities for one family, together with such domestic help as may be necessary to service and maintain the premises and their occupants.
24. **Dwelling, Two Family:** A dwelling so designed and arranged as to provide cooking, kitchen and sanitary accommodations and facilities for occupancy by two families, together with such domestic help as may be necessary to service and maintain the premises and their occupants.
25. **Dwelling, Multiple:** A building or structure used or intended to be used as a dwelling by three or more families or as an apartment house or terrace building.
26. **Farm:** Shall be a parcel of land which is worked or as described in Section III, Paragraph 10. (Agriculture) and is a single continuous unit of no less than ten (10) acres. (3.8.2005)
27. **Farmyard:** That area of a farm immediately around the farm residence where accessory buildings are located and used in conjunction with general agricultural operation of the farm.
28. **(Repealed 3.8.2005)**
29. **Junk Yard:** A place maintained for keeping, storing, or piling in quantities, whether temporarily, irregularly, or continually, and/or the buying or selling and old, used, or second-hand material of any kind, including unlicensed motor vehicles. (3.8.2005)
30. **Lot:** Is a piece or parcel of land occupied, or to be occupied by a building or structure, or by any other activity permitted thereon, not including farms or farmyards. All lots shall meet the minimum size requirements of this Ordinance. (3.8.2005)



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31. **Mobile Home:** Shall mean a transportable, single-family unit suitable for year-round occupancy.
32. **Mobile Home Park or Trailer Coach Park:** Applies to any lot or tract of land upon which two or more occupied trailer coaches or mobile homes are harbored either with or without charge. (3.8.2005)
33. **Non-Conforming Use:** Any land use established before the effective date of the Township Zoning Ordinance which does not conform to the use restrictions of a particular zoning district.
34. **Recreational Vehicle:** Means any of the following:
 - 34a **Travel Trailer:** A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer.
 - 34b **Pick-Up Coach:** A structure designed to be mounted on a truck chassis, designed for use as a temporary dwelling for travel.
 - 34c **Motor Home:** A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.
 - 34d **Camping Trailer:** A folding structure, mounted on wheels and designed for travel, recreation, and vacation use.
35. **Recreational Vehicle Park:** Any area privately or publicly owned and used daily, nightly, weekly, or longer basis for the accommodation of two or more recreational vehicle-tent camping units.
36. **Road:** Any road owned publicly or privately which is intended for use by the general public. This shall not include private roads such as driveways, yard roads, private access to single family dwellings, and private field and farm roads.
37. **Setback:** The minimum horizontal distance between a structure and the normal high-water mark, or between a structure and a road or highway, or between a structure and the side lot lines.
38. *(Repealed 3.8.2005)*
39. **Structure:** Anything other than a building, as described in Section II, paragraph 5.13 (Definitions) constructed or erected with a fixed location including, but not limited to water.
40. **Structure Alteration:** Any changes in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the roof or exterior walls.
41. **Variance:** A modification or variation in the provisions of the local zoning ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provisions of the local Ordinance would cause unnecessary hardship or that the strict conformity with the local Ordinance would be unreasonable, impractical, or not feasible under the circumstances.



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42. *(Repealed 3.8.2005)*

43. **Water Supply Purposes:** Includes any uses of water for domestic, commercial, industrial, or agricultural purposes.

44. *(Repealed 8.4.22)*

45. *(Repealed 3.8.2005)*

Section IV *(Repealed 3.8.2005)*

Section V *(Repealed 8.4.22)*

Section VI Permitted Uses

- A. **Agriculture:** Single family dwellings, nurseries or greenhouses, farm buildings and farming activities.
- B. **Residential – Single Family:** Single family residences, public parks, playgrounds, essential service buildings.
- C. **Residential - Waterfront:** Single family dwellings, public parks, playgrounds, essential service buildings, public accesses.
- D. **Residential – Multiple:** Duplexes, apartment houses, condominiums, hotels, and motels.
- E. **Commercial:** Retail stores, banks, service shops, filling stations, garages, municipal buildings, libraries, offices, clinics, public buildings, schools, churches, hospitals, nursing homes, private clubs, bars, lounges, accessory structures, and the like.
- F. **Industrial:** Processing, fabrication, manufacturing, warehouses, wholesale services, meat packing, radio and television studios and towers, machine shops, trucking, and general heavy industry.
- G. **Recreational:** Parks, playgrounds, marinas, athletic fields, amusement parks.
- H. *(Repealed 3.8.2005)*

Section VII Special Uses

- A. The following uses may be permitted, but, by their nature, shall be reviewed by the Township Board to ascertain such compatibility.
 - 1. The offices of members of recognized professions such as Doctor of Medicine and Dentistry, Chiropractors and Engineers, Lawyers, Architects and Realtors, provided such professions are carried on in their respective residences. Certain other home occupied professions as determined by the Akeley Township Board.



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2. Federal, State, or Local government buildings and facilities
3. Nursing homes, hospitals, and sanitarium.
4. Resorts, campgrounds, and other recreation-oriented commercial use.
5. Accessory buildings other than private garages.
6. Elementary, Junior and Senior High Schools, and incidental uses when situated on the same property.
7. Two-Family and Multiple Family Dwellings, including apartments and condominiums
8. Junk and auto machinery salvage yards.
9. Such other uses and structures as may, from time to time, be approved by the Akeley Township Board, only upon proper application, and having been first acted upon by the Akeley Township Board, and will include, but not be limited to, public gatherings, parades, public auctions, and special events. (8.4.22)

Section VIII Non- Conforming Uses

A. Non-Conforming Uses

1. Any use in existence prior to the date of the adoption of this Ordinance which does not conform to the use restrictions of the established zoning district are non-conforming uses.
2. Any lawful use existing at the time of adoption of this Ordinance may be continued after the adoption of this Ordinance as follows:
 - a) No non-conforming use shall be expanded or reconstructed except that it may be restored to its original use and size if damaged by any cause, not to exceed fifty (50) percent of its replacement cost at the time of the damage as satisfactorily demonstrated to and approved by the Akeley Township Board. (8.4.22)
 - b) If a non-conforming use shall cease to be used and shall remain unused for a period of twelve consecutive months, or is changed to a conforming use, any subsequent use shall meet the requirements of the zoning district wherein located.
 - c) The structure shall have normal maintenance necessary to keep it in good condition.
 - d) It shall not be judged to be a public nuisance by the Akeley Township Board. (8.4.22)
3. A non-conforming use shall not be moved to any other part of its site or to another site where it would still constitute a non-conforming use.
4. Non-conforming use, zone change: The foregoing provisions relative to non-conforming uses shall apply to buildings, land and uses which hereafter become non-conforming due to reclassification of districts under this Ordinance.



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B. Substandard Uses

1. Any uses of land in existence prior to date of adoption of the Ordinance, which are permitted within the applicable zoning district, but do not meet the minimum lot areas, setbacks, or other dimensional requirements of this Ordinance are substandard uses. Substandard uses, including substandard sanitary facilities may be allowed to continue. However, if a complaint is received and validated by the Akeley Township Board showing that such system shall be considered non-conforming and shall be corrected within a time limit established by the Akeley Township Board. Provided further, no existing system shall be modified or expanded unless the entire system conforms to the requirements of this Ordinance. However, any structural alterations or addition to a substandard dimension will not be allowed.

Section IX Conditional Uses

A. Mobile Home Parks

1. Site plans for mobile home parks shall be approved by the Akeley Board of supervisors.
2. There shall be not less than 15 feet on one side of a mobile home and 10 feet on the other side, with regard to lot lines. There shall be a minimum lot size of seventy-five (75) feet by one hundred fifty (150) feet per mobile home unit.
3. The mobile home park site plan must be submitted to the Akeley Township Board for approval. (8.4.22)
4. A centralized sewage disposal facility and centralized water supply facility which meets the standards, criteria, rules and regulations of the Minnesota Department of Health and the Pollution Control Agency must be installed.
5. The location of this facility must be consistent with the number of units served, soil types and topography.
6. Adequate protective barriers shall be required to be shown on site plans along all lot lines and adjoining property lines subject to approval of the Akeley Township Board. (8.4.22)
7. Any time fifty (50) or more sites are involved, copies of site plans shall be submitted to and approved by the Environmental Quality Council along with Environmental Assessment Worksheet.

B. Recreational Vehicle – Tent Camping Areas

1. Site plans for recreational vehicle-tent camping areas shall be approved by the Akeley Board of Supervisors.
2. Recreational Vehicle – tent camping areas shall be licensed by and meet the standards prescribed by the Minnesota Department of Health, except where the provisions of this Ordinance are more restrictive, and then these provisions shall prevail.



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3. Any resort in operation at the time of the adoption of this Ordinance shall be allowed eight recreational vehicle-tent camping sites without any additional frontage, provided that if sufficient frontage is not provided, the sites would be located to the rear of the property within a reasonable distance.
4. Any properly zoned land or campground with larger amounts of area will be considered on its own merits with complete site plans submitted to the Akeley Township Board. (8.4.22)
5. A centralized sewage disposal facility and centralized water supply facility which meets the standards, criteria, rules and regulations of the Minnesota Department of Health and the Pollution Control Agency can be allowed to be installed.
6. Adequate protective barriers shall be required to be shown on the site plans along all lot lines, and adjoining property lines, subjected to approval by the Akeley Township Board. (8.4.22)
7. Any time fifty (50) or more sites are involved, copies of the site plans shall be submitted to and approved by the Environmental Quality Council along with an Environmental Assessment Worksheet.

Section X Roads

All roads, as defined in Section III, paragraph 36, (Definitions) shall have a minimum width of sixty-six (66) feet. Additional land shall be provided by easement or acquisition to provide for proper ditching and drainage, and for ease of plowing and grading. No development, as defined in Section III paragraph 20, (Definitions) shall be granted a permit until an acceptable plan for roads, accesses and sanitary sewer facilities and water supply has been approved by the Akeley Township Board. The Akeley Township Board may, at their discretion, require suitable bond to be posted to guarantee the building and installing of such facilities. After the building and installing of such facilities, the Akeley Town Board will release any bond which may have been required. The owner or developer of an area that the Akeley Township Board has approved shall brush the public roads in that developed area to keep those roads from reverting back to a natural state of brush and trees. (3.10.1981, 8.4.22)

Section XI Subdivision (8.4.22)

A. Lot Sizes

1. Single family residential lots shall align with Hubbard County's requirements. (3.8.2005, 3.13.2007, 8.4.22)
2. Single family residential – Waterfront: shall be the same as Hubbard County Shoreland Management Ordinance.
3. No lot, for any use shall be less than the minimum size required for single family residential, but all sizes for the other uses shall be determined and approved by the Akeley Township Board after consideration of the proposed use and its compatibility with adjacent zones and uses. (8.4.22)
4. As described under Section III, paragraph 26 (Definitions), a farm shall have a single continuous unit not less than ten (10) acres, to qualify under the description of agriculture. (8.4.22)



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5. Any commercial or industrial uses shall have as minimum lot dimensions a frontage of at least three hundred (300) feet and a minimum lot size of five (5) acres. Exceptions to this paragraph may be made by the Akeley Township Board for various businesses falling under the various definitions

Section XII Private Driveways and Field Approaches (8.4.22)

A. Access Driveway or Entrance Permit to be constructed subject to the following requirements.

1. No private driveway or field approach shall be constructed to connect to a public road except by written permission of the Akeley Township Board. Fee charges may change at the discretion of the Akeley Township Board. See Fee Schedule Appendix B. (3.13.1990, 3.8.2005, 8.4.22)
2. Where work on travelled roadway is necessary, traffic must be protected and flags, flares and proper barricades must be placed in accordance with the standards of Akeley Township and any other applicable state, local, federal standards
3. No work under required application shall be started until application is approved and permit issued.
4. No foreign material such as dirt, gravel or bituminous material shall be left or deposited on the road during the construction of driveway or installation of drainage facilities.
5. Roadside must be cleaned up after work is completed.
6. After driveway construction is completed, the applicant shall notify the Akeley Township Board that the work has been completed and is ready for final inspection and approval by Akeley Township Board.
7. No changes or alterations in entrances may be made at any time without written permission of the Akeley Township Board. (2.2.2020)
8. Driveway fill slopes shall be constructed 6:1 (6' horizontal to 1' vertical) where existing road slopes are 4:1 or better and shall be hand finished and seeded.
9. Concrete or Pavement shall end at the right-of-way of the township road not the road edge.
10. Culvert shall be metal with a minimum of 15" w/apron on the end
11. Obstructions: No vegetation, except field and garden crops shall be planted; and no structure shall be erected, to interfere with vision at an intersection.

C. (Repealed 3.6.1979 & 3.8.2005)

D. Obstructions: Moved to 11 (8.4.22)



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Section XIII Temporary Conditional Uses (8.4.22)

All Conditional uses of a temporary nature will require the posting of a bond, to be determined and approved by the Township Board, to guarantee that the premises used for such conditional use shall be left in the same condition as it was when such permit was granted. (3.8.2005)

Section XIV Signs (8.4.22)

All signs in Akeley Township larger than two feet by three feet shall require a Special Use Permit. No sign shall be erected or placed where it would impair the visibility of any road, street, or highway. Each application for the erection, construction, or placing of any sign shall be individually considered by the Township Board. Such determination shall take into consideration the impact and applicability of the proposed sign on the surrounding area and the Township as a whole.

Section XV Administration (8.4.22)

A. Building and Conditional Use Permits

1. Written application on the form designated by the Township Board shall be made for all building and conditional use permits. Written application shall be accompanied by fees, as provided by the Township Board. See Schedule of Fees, Appendix A
2. A building permit shall be obtained prior to erecting, installing altering, converting, or remodeling any structure or part thereof.
3. For the purposes of this Ordinance, remodeling consists of any project which changes the sizes and shapes of structures and buildings. Any new structure, such as garages, sheds, and the like, are not considered remodeling and will be considered Section A, subsection 2, above.
4. A proposed conditional use permit shall be presented to the Akeley Township Board for the determination of its applicability to the Township as a whole. The Akeley Township Board may require the submission of complete architectural drawings, sketches, or preliminary plans of all buildings, groups of buildings, or the complete project, as it sees fit. Such drawings and sketches will be used to note the effect of the building(s) or project on the total community and to the extent that they will fit in with the orderly development of the Township. Final approval rests with the Akeley Township Board.
5. The Akeley Township Board will determine the administrative sequence of processing a conditional use permit. Written notice shall be sent to all nearby property owners who might be affected by the proposed conditional use, who will have the right to appear at the Board meeting to offer objections or approval of such proposed use. After such notification, the Akeley Township Board shall consider the conditional use application at its next regular meeting. The applicant or his representative shall appear before the Akeley Township Board and answer any questions concerning the proposed conditional use. The Akeley Township Board may require the applicant to appear, personally, to answer such questions.
6. The Akeley Township Board shall act on the application for a conditional use within sixty (60) days after receiving same. It may grant the conditional use, deny the conditional use, or call for a public



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hearing on the application. If it grants the conditional use the Akeley Township Board may impose any special conditions it deems necessary to protect the health, safety, and welfare of the public. Final approval rests with the Township Board.

7. Public hearing may be held on any proposed conditional use that the Akeley Township Board feels is in the public interest. If such public hearing is held, notification of such hearing will be posted at the official posting places of the Township and will be published in the nearest newspaper which is considered the “official publication.” However, official notice shall be considered given, so long as notices have been posted at the official posting places, regardless of any other publications. Except for the Comprehensive plans, road improvements and the like, which have an impact on the entire Township, notice to nearby affected property owners shall be sent for all public hearings. For those public hearings that affect the entire Township, notice must be published in accordance with Minnesota Statutes. All notices must be posted, published, or sent at least (10) days before any public hearing and a short description of the conditional use project or other project, will be included in the notices. As noted in 6 above, the Akeley Township Board shall act on any proposed conditional use within sixty days of receipt of application.

8. Copies of all notices of any public hearing to consider variances, conditional uses, or amendments pertaining to land within the shoreland district shall be received by the Commissioner of Natural Resources at least ten (10) days prior to such hearing. A copy of amendments and final decisions granting variances or conditional uses within the shoreland district shall be received by the Commissioner of Natural Resources within ten (10) days of final action or amendment.

B. Board of Adjustment

1. There is hereby created a Board of Adjustment s, which shall hear appeals from applicants. The Board of Adjustment shall be made up of the Township Board and the Clerk of the Township shall be the Clerk of the Board of Adjustment.

2. The decisions of the Township Board may not be final. Such interested persons shall have the right of appeal to County or District Courts, on questions of law and fact.

Adopted by the Akeley Township Board this 4th day of August, 2022.

Roger Geimer
Chairman, Roger Geimer

Absent
Supervisor, George Lueck

Loren Kraumer
Supervisor, Loren Kramer

ATTEST: Sebrina J Hegg
Akeley Township Clerk, Sebrina Hegg



SCHEDULE OF FEES

APPENDIX A

Building and Conditional Use Permits

Written applications shall be accompanied by fees as hereinafter provided:

\$50.00 – FINISHED VALUE OF LESS THAN \$50,000.00

\$100.00 – FINISHED VALUE OF \$50,000.00 - \$100,000.00

\$200.00 – FINISHED VALUE OF \$100,000.00 - \$200,000.00

AFTER-THE-FACT (AFT) PERMITS SHALL BE 2x THE PERMIT FEE
(3.6.1979, 3.8.2005, 5.2.2019, 8.4.22)

APPENDIX B

Driveway Access and Field Approach

Written applications shall be accompanied by fees as hereinafter provided:

\$200.00 – FOR ALL DRIVEWAY / ENTERANCE / FIELD APPROACHES

\$100.00 – REIMBURSEMENT UPON SATISFACTORY COMPLETION

\$300.00 – AFTER-THE-FACT (AFT) NO REIMBURSEMENT

(3.8.2005, 8.4.22)

APPENDIX C

Subdivision of Any Land

Written applications shall be accompanied by fees as hereinafter provided:

\$50 Minimum Fee

\$5.00 per lot over 10 lots.

***Fees are subject to change under the discretion of the
Akeley Township Board (5.2.2019)***