

**LAKE MINNETONKA CONSERVATION DISTRICT  
STATE OF MINNESOTA**

**ORDINANCE NO. 238**

**AN ORDINANCE MAKING CLARIFYING AMENDMENTS TO THE LAKE  
MINNETONKA CONSERVATION DISTRICT CODE OF ORDINANCES**

THE BOARD OF DIRECTORS OF THE LAKE MINNETONKA CONSERVATION  
DISTRICT ORDAINS:

**Article I. Legislative Findings.** The Board of Directors hereby finds and determines as follows:

- a. The Lake Minnetonka Conservation District Code of Ordinances (“LMCD Code”) is a collection of more than 230 ordinances adopted by the Board of Directors under its authority in Minnesota Statutes, sections 103B.601–103B.645 over several decades.
- b. In order to make the LMCD Code more accessible to the public and easier to administer and enforce, the Board of Directors directed the LMCD Attorney to recodify the then existing LMCD Code (“Previous Code”) without making substantive changes to the regulations.
- c. The recodification occurred over more than a year, was adopted by the Board of Directors, and the updated LMCD Code went into effect on October 28, 2019 (“Updated Code”).
- d. The recodification project provided the LMCD an opportunity to reword, add, and rearrange the language to further explain and clarify the previously adopted provisions and regulations.
- e. Given the scope of the recodification project, the Board of Directors understood the LMCD office would identify the need for clarifying amendments as it began to administer the Updated Code to ensure it reflects the intent of previously adopted ordinances and how they have been administered.
- f. The definition of commercial use is expanded to capture the full scope of the term commercial dock in the Previous Code, while maintaining the distinction in use categories used in the current LMCD Code.
- g. Regulations applicable to lake maintenance equipment were mistakenly made applicable only to LMCD equipment. This ordinance moves the regulations and makes clear they are only applicable to lake maintenance equipment as provided for in the Previous Code.

- h. The lighting standards are amended to make clear they are applicable, in addition to commercial structures, to all multiple docks and mooring areas as provided for in the Previous Code.
- i. The LMCD Code requires owners to seek a new license when they make certain changes to the docks or convert the use of the dock. This ordinance adds language to make it clear an owner seeking a new license for anything other than a minor change must comply with all of the same procedures required for obtaining a new license.
- j. The shoreland measurement provision needs to be adjusted to accurately reflect the definition of shoreline and how the LMCD has traditionally measured shoreline. An inadvertent omission of a percent of shoreline needs to be corrected by reinserting it.
- k. The Board of Directors is not required to hold a public hearing before adopting amendments to the LMCD Code. The Board of Directors typically does not conduct a hearing before adopting an ordinance, but at times have made additional efforts to seek input from the public before acting on an ordinance. This ordinance makes clarifying amendments to the LMCD Code and the Board of Directors determines that taking additional time to seek public input or to hold a public hearing on these changes is not necessary.
- l. The LMCD staff will bring forward to the Board of Directors additional clarifying and corrective amendments as they are identified.

**Article II. Definitions.** Article 1, Chapter 3, Section 1-3.01 of the LMCD Code is hereby amended as follows and the subdivisions shall be renumbered as needed:

Subd. 14. Classification of Use. "Classification of Use" means the category into which a particular use is classified for the purposes of determining the applicable regulations and licensing requirements. The classification of uses under this Code includes commercial facilities, club facilities, municipal facilities, outlot association facilities, residential association facilities, residential multiple docks, and transient facilities. The conversion from one classification of use to another requires a new license.

Subd. 21. Commercial Use. "Commercial use" is, unless specifically noted otherwise, a general reference to commercial marinas, club facilities, qualified commercial marinas, qualified sailing schools, and qualified yacht clubs. The term includes any use of a dock or dock structure by a person or entity in conjunction with a commercial or other revenue producing business enterprise. The owner of a commercial use is eligible to apply for a license for a commercial structure.

Subd. 42. Lake Maintenance Equipment. "Lake maintenance equipment" means maintenance equipment such as barges, weed harvesting machines, lake dredging machines, and similar equipment operated on the Lake. The term does not include LMCD equipment.

**Article III. Lighting Standards.** Article 2, Chapter 2, Section 2-2.03 of the LMCD Code is hereby amended as follows:

2-2.03. Construction and Maintenance Standards.

Subd. 1. Compliance. The construction of structures on the Lake must comply with the requirements and limitations established in this Code and all other applicable federal, state, and local laws, rules, regulations, and ordinances.

Subd. 2. Zoning. The commercial, municipal, or residential use of the premises associated with a structure shall comply with all applicable municipal zoning, parking, and other land use regulations.

Subd. 3. Lighting of Commercial Structures. Commercial structures, residential and municipal multiple docks, and mooring areas shall be suitably and adequately lighted in accordance with LMCD regulations. No oscillating, rotating, flashing or moving sign or light may be used on any dock. Dock lighting shall not be directed toward the Lake in such a manner that it impairs the vision of or confuses operators of watercraft. No lighting in the area of the Lake shall be installed or directed so as to affect adjoining dock use areas or create a hazard to navigation.

Subd. 4. Maintenance. Structures on the Lake shall be maintained in a structurally safe condition and shall be maintained in a neat, clean, and orderly condition at all times.

**Article IV. Shoreline Calculation.** Article 2, Chapter 4, Section 2-4.03 of the LMCD Code is hereby amended as follows:

2-4.03. Shoreline Calculation. The shoreline of a site for the purposes of calculating restricted watercraft density shall be measured as provided in this ~~subdivision~~ Section.

Subd. 1. Measurement. The shoreline of a site is calculated based on ~~a straight line extended the line of contact with the Lake~~ between the two end points of the site boundaries located at elevation 929.4 NGVD, subject to adjustment as provided in subdivision 2 of this Section.

Subd. 2. Special Rule for Shoreline Calculation for Multiple Docks. In any case in which the measured shoreline at a site exceeds 125% of the distance, measured on a straight line, between the two end points of the shoreline at the site, the Board may adjust the length of shoreline for which credit is given for purposes of computing the number of restricted watercraft at the site as follows:

- (a) Shoreline will not be adjusted to a length shorter than the straight line distance between the end points of the shoreline;
- (b) Shoreline will be adjusted only for sites requiring a multiple dock license;

- (c) Shoreline will not be adjusted at any site for any dock facility that was in existence on September 17, 1999, unless the number of boat storage units is increased at the site; and
- (d) The Board will make adjustments to shoreline at the time of issuance of new multiple dock licenses. Adjustments may be made when the Board concludes that the amount of shoreline measured at elevation 929.4 NGVD is not fairly representative of the amount of shoreline that is reasonably useable for the construction and maintenance of docks at the site due to such features as narrow inlets, small coves, highly sinuous shoreline configuration, large areas of the shoreline covered by emergent vegetation or a great difference between the length of measured shoreline and the distance measured along the edge of emergent vegetation between the extended lot lines of the site. Shoreline adjustments shall be made so as to approximate the number of restricted watercraft and impacts resulting from mooring or docking of watercraft to that of other sites with comparable useable dockage space that do not have the same characteristics of unusual topography, shoreline configuration, or vegetation.

**Article V. Maintenance Equipment.** Article 4, Chapter 4, Section 4-4.01 of the LMCD Code is hereby renumbered as Article 8, Chapter 7, Section 8-7.01 and amended as follows:

CHAPTER 47  
LMCD USES LAKE MAINTENANCE EQUIPMENT

48-47.01. Storage of LMCD Lake Maintenance Equipment. LMCD Lake maintenance equipment may temporarily be moored or stored in unlicensed locations, in the vicinity of the work site for the equipment, subject to the following limitations:

- (a) LMCD Lake maintenance equipment may not be located at any one site for more than two business days before and two business days after work is done in the vicinity of that site;
- (b) LMCD Lake maintenance equipment must be stored within a dock use area with the consent of the owner of the site, or in the setback area between dock use areas with the consent of the owners of both affected sites;
- (c) If, at any time, the storage of such LMCD lake maintenance equipment is deemed by the Sheriff to be a hazard to navigation or a threat to the public safety, the Sheriff may order the owner thereof to move the equipment to an appropriate location. Failure to comply with any such order is a misdemeanor; and
- (d) All such lake maintenance equipment must be posted with the identification of the owner and name, address, and telephone number of a person who may be contacted in an

emergency or may be notified by the Sheriff, if necessary, in accordance with the preceding paragraph.

**Article VI. Conversion of Uses.** Article 6, Chapter 1, Section 6-1.17 is hereby amended as follows:

**6-1.17. Minor Change; New License Required.** The issuance of a new license is required for any change in slip size, boat storage units, ownership, length, width, height or location, conversion in use, or the change in the type of structure requiring a license under this Code.

Subd. 1. Minor Changes. The Executive Director may administratively approve a request for a new license related to a minor change and issue a new license without a public hearing and without requiring the payment of a fee therefor, provided:

- (a) All information required by the Executive Director has been submitted by the applicant;
- (b) The structure is in compliance with the provisions of this Code;
- (c) There is no change in the number of watercraft to be stored at the dock or launched from a ramp;
- (d) The change will not adversely affect nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment;
- (e) The change will not involve a change in use from one of the classifications of use to another; and
- (f) For all structures, except those of qualified commercial uses, there is no substantial change in the slip size, length, width, height or location of the dock or launching ramp, the amount of the Lake obstructed or occupied by the dock or launching ramp, the use of the dock or launching ramp, or the type of watercraft stored at the dock or launching ramp.

The Executive Director may refer any application to the Board and must refer any application that the Executive Director proposes to deny.

Subd. 2. Other New Licenses. When a new license is required that involves more than a minor change that may be processed administratively, or involves a conversion to a different classification of use, the applicant shall be required to comply with all of the requirements associated with seeking the new license, including paying the required fees, and the LMCD shall process and hold a hearing on the application in the same manner as a new application.

**Article VII. Incorporation of Amendments.** The LMCD Attorney is authorized to incorporate these amendments into the LMCD Code and is authorized to make such corrective changes as

may be needed to correct formatting, maintain internal consistency, renumber sections, and as may otherwise be needed to implement the changes made by this ordinance. The amended document shall constitute the most current LMCD Code.

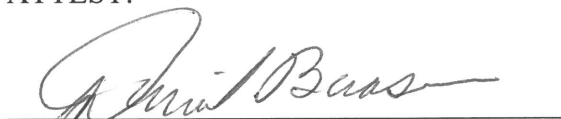
**Article VIII. Declaration.** This enactment is adopted by a majority vote of all the members of the Board, has the effect of an ordinance, and is in effect on the first day of publication after adoption.

Adopted this 8th day of July 2020.

**BY THE BOARD OF DIRECTORS**

  
Gregg Thomas, Chair

ATTEST:

  
Dan Baasen, Secretary

Date of Publication: October 8, 2020

Effective Date: October 8, 2020

New material is double-underlined and removed material is ~~stricken~~.