

Excerpts Regarding

PROHIBITION OF BOAT SLIP RENTAL

IN RESIDENTIAL ZONES

The Orono Municipal Code prohibits residential property owners from renting out boat slips at their private docks. The provision of slippage for anyone other than the owners or occupants of the property, regardless whether there is a 'rental fee' involved, is prohibited. Such activity is considered to be the 'business of docking, mooring or storing boats' which is only allowed within the B-2 Lakeshore Business District.

The following Municipal Code sections apply:

Section 78-661: Definition: "Marina Business" means engaging in one or more of the permitted, accessory or conditional uses allowed within the B-2 Lakeshore Business District.

Section 78-665: Within the "B-2" Lakeshore Business District, no land or structures shall be used except for one or more of the following uses:

- (1) Rental of in-water boat slips...
- (4) On-land storage of boats, winter and summer.

Sections 78-302/303/304; 78-327/328/329; 78-347/348/349:

(LR-1A, LR-1B, LR-1C One Family Lakeshore Residential Zoning Districts, list of permitted, conditional and accessory allowed uses).

None of these single family residential districts include 'rental of in-water boat slips' or 'on-land storage of boats, winter and summer' as allowed uses. They do allow "private docks" as an accessory use, 'subject to the City Code and other applicable regulations, including boat storage density requirements'. While 'private docks' is not defined in the zoning code, the City has contended and the court has upheld that a private dock is an accessory structure which by definition is a use "exclusively used for purposes incidental to those of the principal use", i.e. for the use of the owners or occupants of the property.

Section 94-36/37/38: Re: Joint Use of Lake Facilities. This Section requires annual licensing for adjoining riparian property owners who wish to share a dock. It does not allow for business use of private docks.

PROHIBITION OF BOAT SLIP RENTAL IN RESIDENTIAL ZONES

Section 94-71 thru 94-101: Re: Marina Business Licensing

94-71: Definitions

"Business Use" means engaging in either a marina business or the business of docking, mooring or storing boats.

"Marina Business" means engaging in one or more of the permitted, accessory or conditional uses allowed within the B-2 Zoning District.

"Business of Docking, Mooring or Storing Boats" means renting or otherwise providing space, including boat buoys, for docking, mooring or storing one or more boats belonging to persons other than the owner or occupant of the property, except when licensed as a joint use.

94-76: License Required. It is unlawful for any persons to engage or participate in business use without first having obtained an annual license therefore from the City.

94-100: Business Use Licenses Limited to B-2 Zone. No business use shall be licensed in any zoning district other than B-2, except when a business use is allowed by ordinance in another zoning district, such use conducted in said district shall not be required to obtain a license.

If you have questions, please contact the Orono Building or Planning Department (952)249-4620.

*Dock Rental Information Flyer 4-98
Updated 5-04*