

Article 5. Zoning District Purposes and Requirements

Section 501 Purpose and Applicability

- (a) The purpose of this Section is to describe the requirements specific to each zoning district.
- (b) Development shall meet the requirements specific to the district(s) within which it lies as well as the other provisions of this Law. In the case of contradictory provisions, the Board will determine which shall apply.

Section 502 Agricultural (AG) Zoning District

- (a) **Purpose.** This district preserves and encourages agricultural self-sufficiency by preserving and protecting areas with high quality agricultural soils and associated characteristics.
- (b) **Allowed Uses.** Uses allowed in the Agricultural Zoning District (AG) are indicated in Section 404.
- (c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar in character, function and impact to the primary uses.
- (d) **Bulk and Dimensional Requirements**
 - (1) **Residential:** See Section 602.
 - (2) **Nonresidential**
 - (A) Lot area and width: None.
 - (B) Front, side and rear yard setbacks: Three (3) feet, except a setback of 50 ft shall be required when abutting a VR zoning district.
 - (C) Height (max): 48 ft.
- (e) **Site Design Requirements.** Site design requirements of Section 605 to Section 606 do not apply unless the Board determines that the proposed improvement would create a significant adverse impact.
- (f) **Building Design Requirements.** Building design requirements of Section 604 do not apply unless the Board determines that the proposed improvement would create a significant adverse impact.
- (g) **Landscaping Requirements.**
 - (1) The landscaping requirements of Article 8 do not apply.
 - (2) An intensive agricultural activity within 200 ft of a property zoned anything but Agricultural or Industrial, including properties separated by a public street, shall be screened with at least 20 ft of Type A screening or 50 ft of type C screening as described in Section 804.
- (h) **Other Requirements.** Met all other requirements of this Law, except as they contradict the provisions of this Section.

Section 503 Beach Road (BR) Zoning District

- (a) **Purpose.** The purpose of the Beach Road Zoning District (BR) is to provide for high-quality commercial and residential uses that benefit from a location across the street from a beach
- (b) **Allowed Uses.** Uses allowed in the Beach Road Zoning District (BR) are indicated in Section 404.
- (c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar in character, function and impact to the primary uses.

1 (d) Bulk and Dimensional Requirements (**residential and nonresidential**)

- 2 (1) Lot area (min): 500 sm.
 3 (2) Lot width (min): 50 ft.
 4 (3) Front yard setback: Buildings shall be set back sufficiently to allow a 6-foot-
 5 wide sidewalk with a 6-foot-wide planting strip. If possible, the sidewalk and
 6 landscaped strip will be located on public ROW
 7 (see Figure 1).
 8 (4) Rear yard setback (min): 15 ft.
 9 (5) Side yard setback (min): 5 ft.
 10 (6) Height. The maximum height of a structure in the district shall be ~~325~~ ft, with
 11 the following exception. The maximum height may be increased to six stories
 12 (70 ft max) if at least one third of the street frontage facing Beach Road and the
 13 side yard are left vacant (see Figure 2).

14 (e) Site Design

- 15 (1) **Intent**
 16 (A) To upgrade the quality of the western beach area.
 17 (B) To enhance the streetscape by minimizing the amount of driveway and
 18 parking areas visible from the street and sidewalk.
 19 (C) To enhance the appearance of highly visible sites.
 20 (2) **Requirements**
 21 (A) Article 9 parking and road access requirements shall apply except that
 22 accessing more than one stall per property directly from Beach Road is
 23 prohibited (no head-in parking directly from Beach Road).
 24 (B) A project fronting on Beach Road shall include the construction of a
 25 sidewalk at least 6 ft wide and Type B landscaping (see Section 804)
 26 between the sidewalk and a street. The project shall also include the
 27 installation of street lights. The walk, lights and plantings shall meet the
 28 Board's and Department of Public Works' specifications.

29 (f) **Building Design Requirements**

- 30 (1) **Intent**
 31 (A) To create an attractive visual experience in traveling on Beach Road and
 32 the beach walk.
 33 (B) To make businesses inviting.
 34 (C) To upgrade the area's visual image and make it attractive for higher quality
 35 residential and commercial development
 36 (2) **Requirements**
 37 (A) A building fronting Beach Road shall feature either a pedestrian-oriented
 38 facade (see definition in Article 1 and example in Figure 3) or Type B
 39 landscaping (see Section 804) between the sidewalk and building.
 40 (B) A residential unit located on the ground floor shall be elevated at least 3 ft
 41 above the sidewalk or set back from the public ROW at least 10 ft in order
 42 to protect the privacy of the residents.

43 (g) **Landscaping Design**

- 44 (1) **Intent.** To mitigate the appearance of parking lots on the streetscape.
 45 (2) **Requirements**
 46 Type B landscaping (see Section 804) at least ~~410~~ ft wide shall be
 47 provided between a public right-of-way and a parking area or outdoor
 48 storage or sales (see Figure 4)
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1 (h) **Residential Requirements**

2 (1) **Intent.** To ensure that zoning districts located primarily in tourist-concentrated
 3 areas provide a neat and inviting appearance to those guests who support the
 4 tourism industry in the Commonwealth. These requirements shall be in addition to
 5 all other requirements for residential structures contained in this Law.

6 (2) **Requirements**

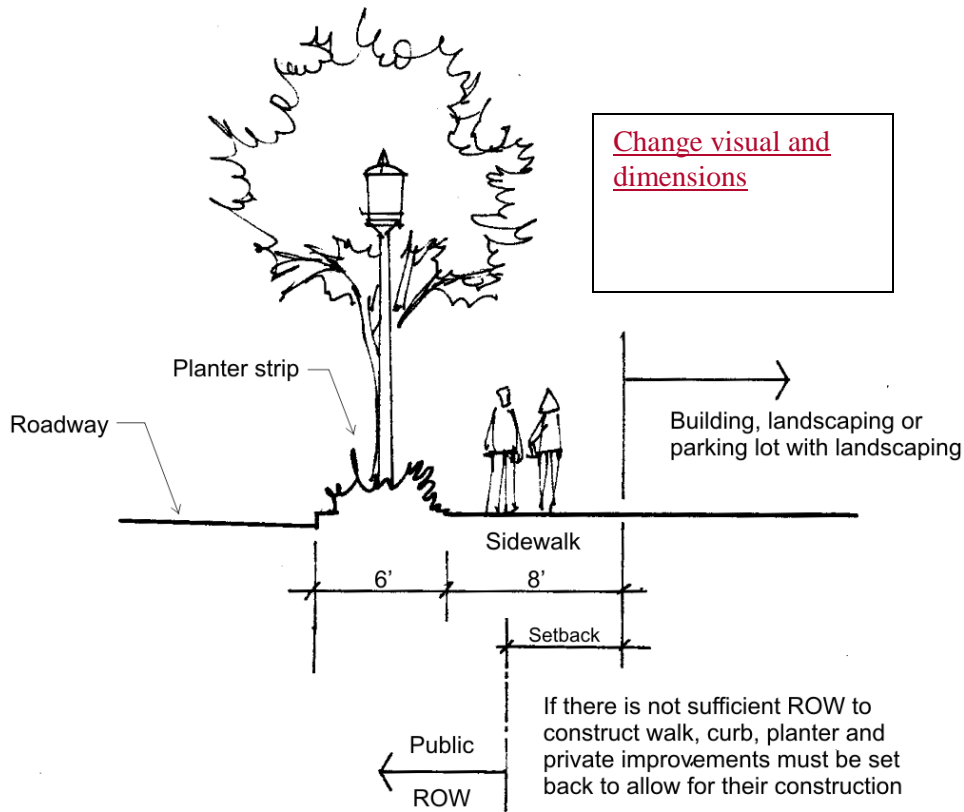
7 (A) Any outside trash bins and dumpsters shall be screened with a six (6) foot
 8 wood or concrete screen. The screen will provide wide-swinging doors so
 9 that the dumpster can be accessed by a disposal service.

10 (B) Fences in front yards shall be limited to a height of four (4) feet.

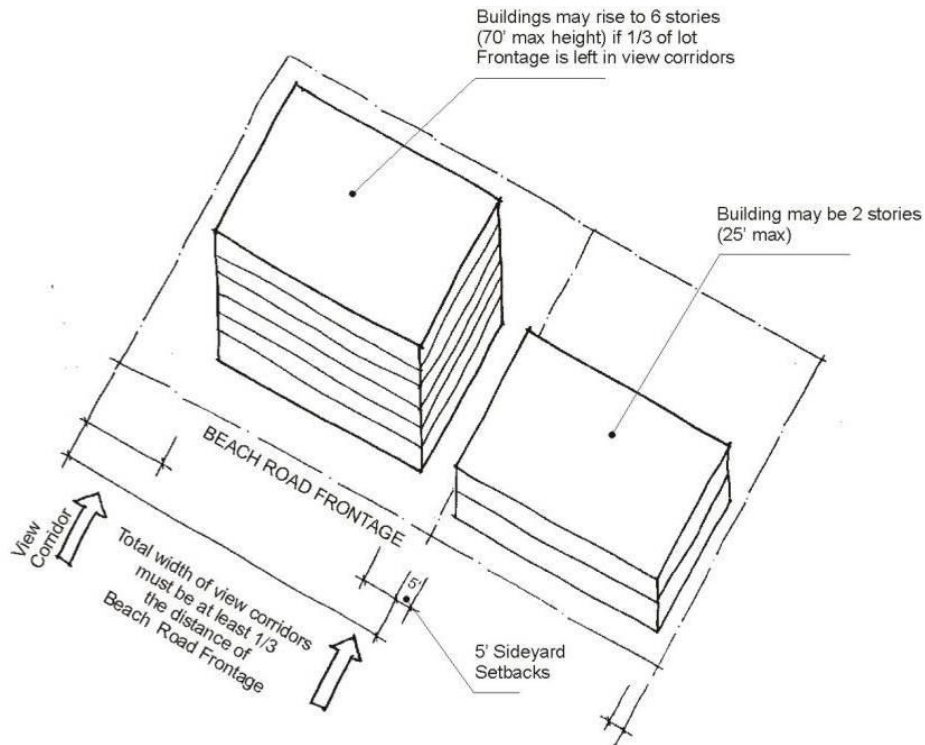
11 (C) Fences within view of the public may not be constructed of chain link.

12 (D) Storage areas shall be maintained only in the rear yard. They must be kept
 13 out of view from the general public.

14 (i) **Other Requirements.** Meet all other requirements of this Law, except as they contradict
 15 the provisions of this Section.
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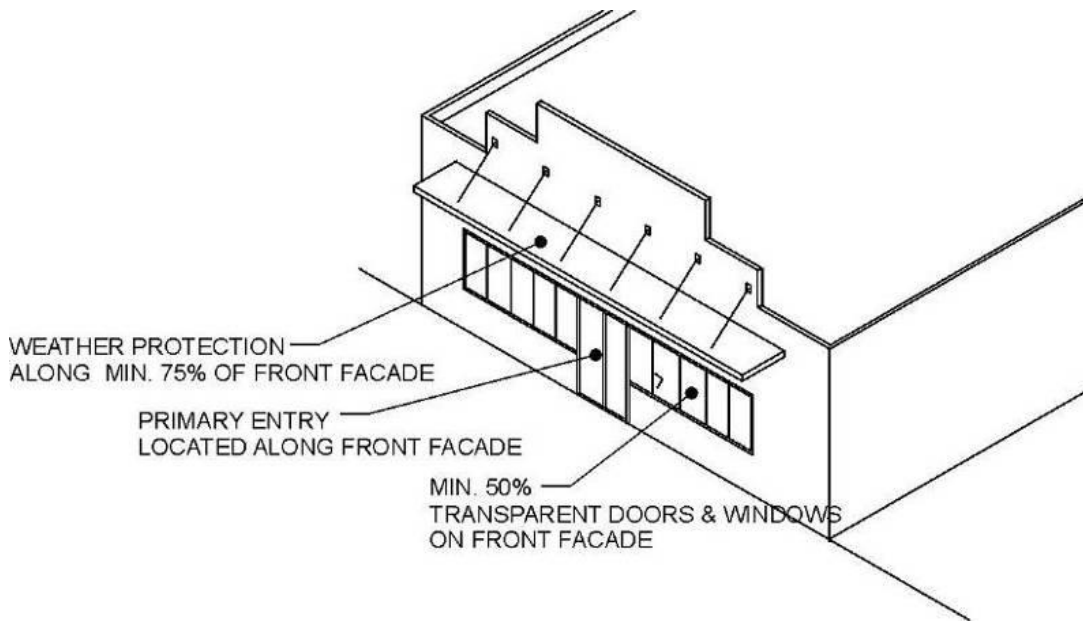


18 **Figure 1. Illustration of setback to allow construction of a sidewalk and planting strip**
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Figure 2. Illustration of building height options for the Beach Road Zoning District



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Figure 3. Illustration of requirements for a pedestrian-oriented facade

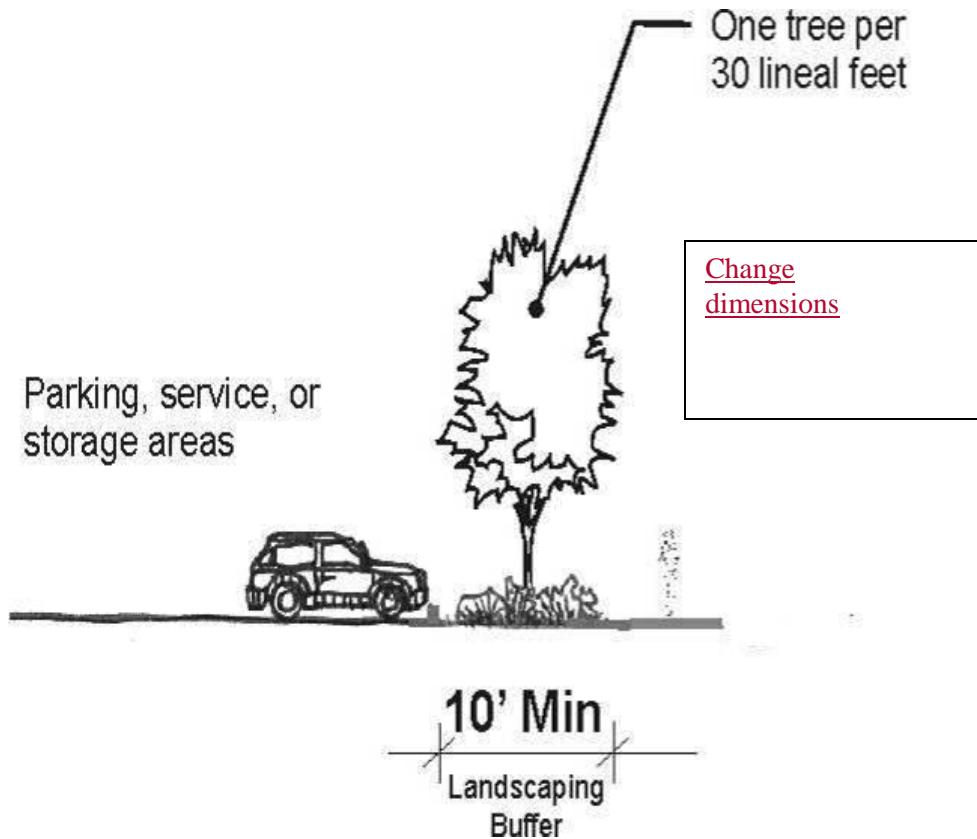


Figure 4. Illustration of requirements for landscaping between a street and parking lot

Section 504 Garapan East (GE) Zoning District

- (a) **Purpose.** The primary purpose of the Garapan East District (GE) is to provide for a broad mix of retail, office, professional service and residential activities that enhance the lives of island residents and support tourist based activities in Garapan’s core.
- (b) **Allowed Uses.** Uses allowed in the Garapan East Zoning District (GE) are indicated in Section 404.
- (c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar in character, function and impact.
- (d) **Bulk and Dimensional Requirements** (residential and nonresidential)
 - (1) **Lot area and width:** None
 - (2) **Setbacks.** No setbacks are required in the district except to provide sidewalk space as noted below in this Section. However, the applicant shall demonstrate there is sufficient space for trade and service areas, parking, and other outdoor activities necessary on the site.
 - (3) **Height.** The maximum height of structures in the district shall be 55 ft, with the following exception: The maximum building height may be raised to 70 ft if the building includes structured parking.

- 1 (e) **Site Design Requirements**
- 2 (1) **Intent**
- 3 (A) To allow larger scale mixed use development in which the scale is
- 4 compatible with the Garapan Core and with surrounding neighborhoods.
- 5 (B) To enhance the streetscape by minimizing the amount of driveway and
- 6 parking areas visible from the street.
- 7 (C) To enhance the appearance of highly visible sites.
- 8 (D) To ensure that proximate uses are visually and functionally compatible.
- 9 (E) To create a physical attraction that provides a unique setting for the
- 10 community and supports visitor based activities in Garapan's core.
- 11 (2) **Requirements for Pedestrian-Oriented Street Frontage**
- 12 (A) No more than 50% of the linear street frontage for any development shall
- 13 be occupied by driveways and/or parking areas facing pedestrian-oriented
- 14 streets (see definitions in Article 1).
- 15 (B) The ground floor of a building shall be set back sufficiently to allow a 6
- 16 ft-wide walkway. The walkway shall be constructed by the applicant.
- 17 (f) **Parking.** The requirements of Article 9. shall apply except that parking lots shall not front
- 18 on or access from pedestrian-oriented streets unless the Board finds there is no feasible
- 19 alternative.
- 20 (g) **Large Site Development Requirements.** The provisions of Section 605 shall apply to all
- 21 lots and developments of 5,000 sm or more in the Garapan East Zoning District.
- 22 (h) **Building Design Requirements**
- 23 (1) **Intent**
- 24 (A) To encourage pedestrian activity.
- 25 (B) To make businesses inviting.
- 26 (C) To add comfort and interest to the pedestrian along the street front.
- 27 (2) A nonresidential building abutting a pedestrian-oriented street shall feature a
- 28 pedestrian-oriented facade (see definition in Article 1) or Type B landscaping
- 29 (see Section 804) between the sidewalk and building. The Board may waive this
- 30 requirement if it finds that objectives of this Section would be better achieved if
- 31 the primary entry and facade of the building faces an open space, public
- 32 pathway system or other portion of the development.
- 33 (i) **Landscaping Design Requirements**
- 34 (1) **Intent.** To mitigate the appearance of parking lots and to improve the
- 35 downtown streetscape.
- 36 (2) **Requirements**
- 37 (A) Type B landscaping (see Section 804) at least ~~46~~ ft wide shall be provided
- 38 between a public ROW and a parking area (see Figure 5).
- 39 (B) A new building shall provide landscaping to enhance the development and
- 40 add greenery to Garapan. At least 2% of the property shall be landscaped
- 41 or at least 1 square foot of building planter area or planting for vines
- 42 provided for each linear foot of street frontage. The landscaping shall
- 43 include street trees no more than 30 ft on center with a planting strip or tree
- 44 wells as needed to maintain the trees. The trees shall be at least 2" caliper
- 45 (diameter, as measured 3' above grade).
- 46 (j) **Residential Requirements**
- 47 (1) **Intent.** To ensure that zoning districts located primarily in tourist-concentrated
- 48 areas provide a neat and inviting appearance to those guests who support the
- 49 tourism industry in the Commonwealth. These requirements shall be in addition to
- 50 all other requirements for residential structures contained in this Law.

(2) Requirements

(A) Any outside trash bins and dumpsters shall be screened with a six (6) foot wood or concrete screen. The screen will provide wide-swinging doors so that the dumpster can be accessed by a disposal service.

(B) Fences in front yards shall be limited to a height of four (4) feet.

(C) Fences within view of the public may not be constructed of chain link.

(D) Storage areas shall be maintained only in the rear yard. They must be kept out of view from the general public.

(k) **Other Requirements.** Meet all other requirements of this Law, except as they contradict the provisions of this Section.

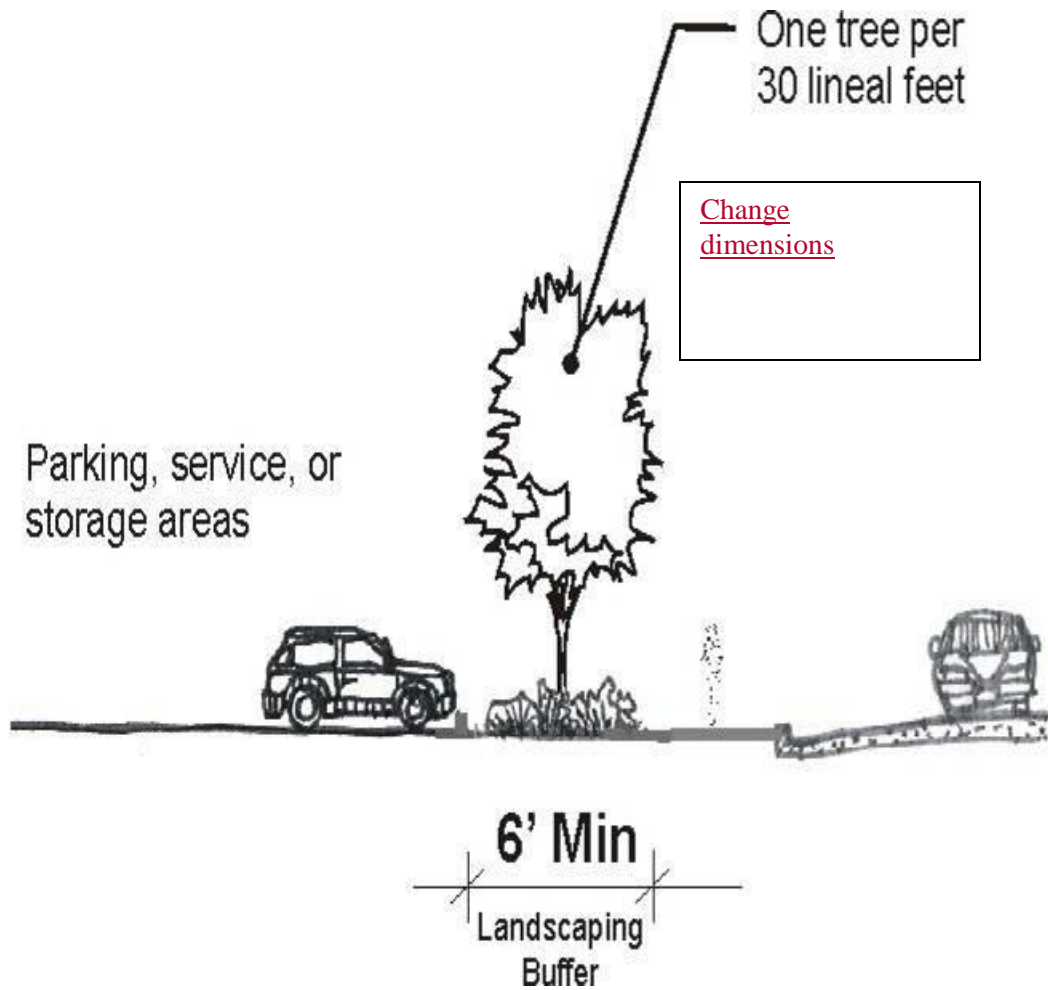


Figure 5. Illustration of requirements for landscaping between a street and parking lot

Section 505 Garapan Core (GC) Zoning District

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- 2 (a) **Purpose.** The primary purpose of the Garapan Core Zoning District (GC) is to combine
- 3 business, cultural and civic activities into a cohesive community focal point that promotes
- 4 pedestrian usage.
- 5 (b) **Allowed Uses.** Uses allowed in the Garapan Core Zoning District (GC) are indicated in
- 6 Section 404.
- 7 (c) **Bulk and Dimensional Requirements** (residential and nonresidential)
- 8 (1) **Lot area and width:** None
- 9 (2) **Setbacks.** No setbacks are required in the district except to allow for a sidewalk
- 10 as described in Article 5 Section 505(d). However, the applicant shall
- 11 demonstrate there is sufficient space for trade and service areas, parking, and
- 12 other outdoor activities necessary on the site. Note that building safety code
- 13 setbacks shall still apply.
- 14 (3) **Height.** The maximum height of structures in the district shall be ~~53~~5 ft with
- 15 the following exceptions:
- 16 (A) The maximum height may be increased by 10 ft for every story of
- 17 structured parking.
- 18 (B) A permanent or semi-permanent canopy or shelter may be constructed
- 19 above the allowable height (see Figure 6) if approved by the Administrator
- 20 or the Board. The applicant shall present engineering drawings
- 21 demonstrating that the structure will be safe and not pose a maintenance
- 22 problem. The intent of this provision is to encourage outdoor uses of
- 23 building roofs and to shade roofs, thereby reducing thermal gain.
- 24 (d) **Site Design Requirements**
- 25 (1) **Intent**
- 26 (A) To upgrade the identity of downtown Garapan.
- 27 (B) To enhance the streetscape by minimizing the amount of driveway and
- 28 parking area visible from the street in downtown.
- 29 (C) To enhance the appearance of highly visible sites.
- 30 (2) **Pedestrian-Oriented Street Frontage**
- 31 (A) The ground floor of a building on pedestrian-oriented streets shall be set
- 32 back sufficiently to allow the construction of a 4 ft-wide walkway.
- 33 (B) Development of a new building shall include the construction of sidewalks
- 34 with street trees and/or lights to the Board's specifications.
- 35 (e) **Building Design Requirements**
- 36 (1) **Intent**
- 37 (A) To encourage pedestrian activity downtown.
- 38 (B) To make businesses inviting.
- 39 (C) To add comfort and interest to the pedestrian along the street front.
- 40 (2) **A building fronting on a public street** shall feature a pedestrian-oriented
- 41 facade (see definition in Article 1).
- 42 (3) **A residential unit** located on the ground floor shall be elevated at least 3 ft
- 43 above the sidewalk or set back from the public ROW at least 10 ft in order to
- 44 protect the privacy of the residents.
- 45 (4) **Entry Locations.** Within the Garapan Core District, certain locations serve as
- 46 entry points into the district. Development of a property at an "Entry Location"
- 47 should include elements suggesting an entry or gateway. Examples include a
- 48 clock tower, turret, or other architectural feature, a kiosk, a corner entry,
- 49 signage, landscaping, public art, or other feature that contributes to the

1 demarcation of the area. The Entry Locations are the intersections of:

- 2 (A) Micro Beach Road and Beach Road
- 3 (B) CPL. Derence Jack Rd. and Beach Road
- 4 (C) CPL. Derence Jack Rd. and Coral Tree Street

5 (f) **Landscaping Design Requirements**

6 (1) **Intent.** To mitigate the appearance of parking lots and to improve the
7 downtown streetscape.

8 (2) **Requirements**

- 9 (A) Type B landscaping (see Section 804) at least 4 ft wide shall be provided
10 between a street and a parking lot (see Figure 8).
- 11 (B) A new building shall provide landscaping to enhance the development and
12 add greenery to Garapan. At least 2% of the property shall be landscaped
13 or at least 1 sf of building planter area or planting for vines provided for
14 each linear foot of street frontage. The landscaping shall include street
15 trees no more than 30 ft on center with a planting strip or tree wells as
16 needed to maintain the trees. The trees shall be at least 2 inches caliper
17 (diameter, as measured 3 ft above grade).

18 (g) **Residential Requirements**

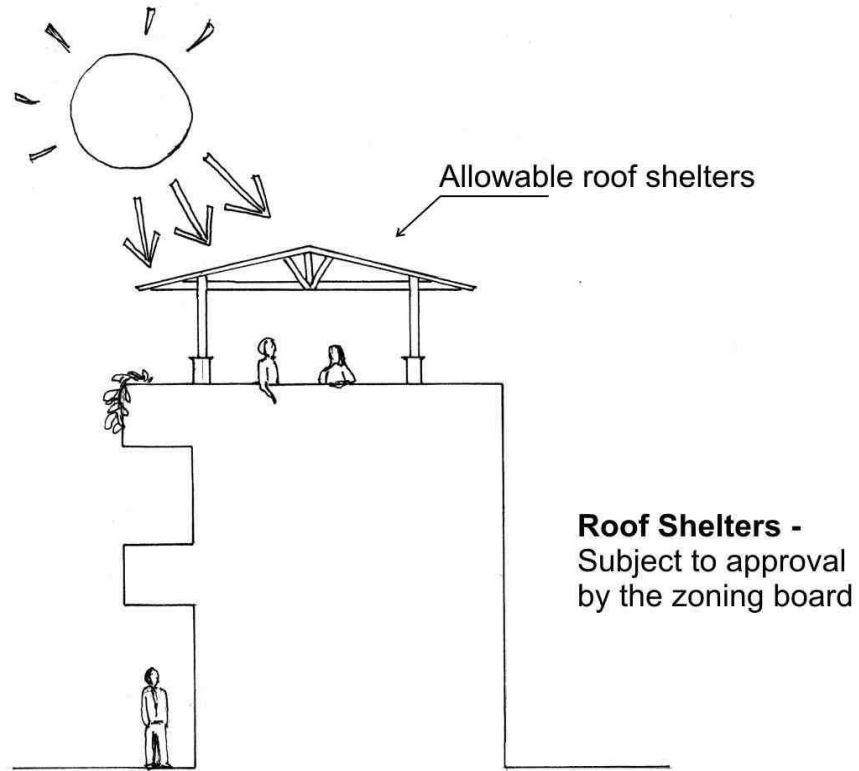
19 (1) **Intent.** To ensure that zoning districts located primarily in tourist-concentrated
20 areas provide a neat and inviting appearance to those guests who support the
21 tourism industry in the Commonwealth. These requirements shall be in addition to
22 all other requirements for residential structures contained in this Law.

23 (2) **Requirements**

- 24 (A) Any outside trash bins and dumpsters shall be screened with a six (6) foot
25 wood or concrete screen. The screen will provide wide-swinging doors so
26 that the dumpster can be accessed by a disposal service.
- 27 (B) Fences in front yards shall be limited to a height of four (4) feet.
- 28 (C) Fences within view of the public may not be constructed of chain link.
- 29 (D) Storage areas shall be maintained only in the rear yard. They must be kept
30 out of view from the general public.

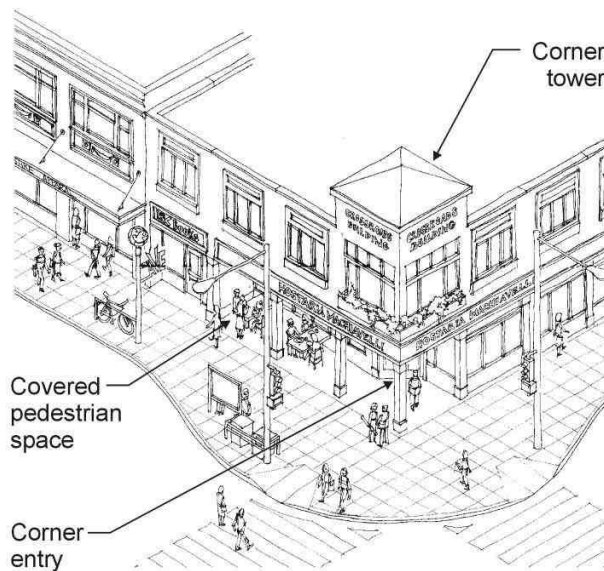
31 (h) **Other Requirements.** Meet all requirements of this Law, except as they contradict the
32 provisions of this Section.

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Figure 6. Allowable roof structure to shade a roof



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Figure 7. One example of building features for an entry location

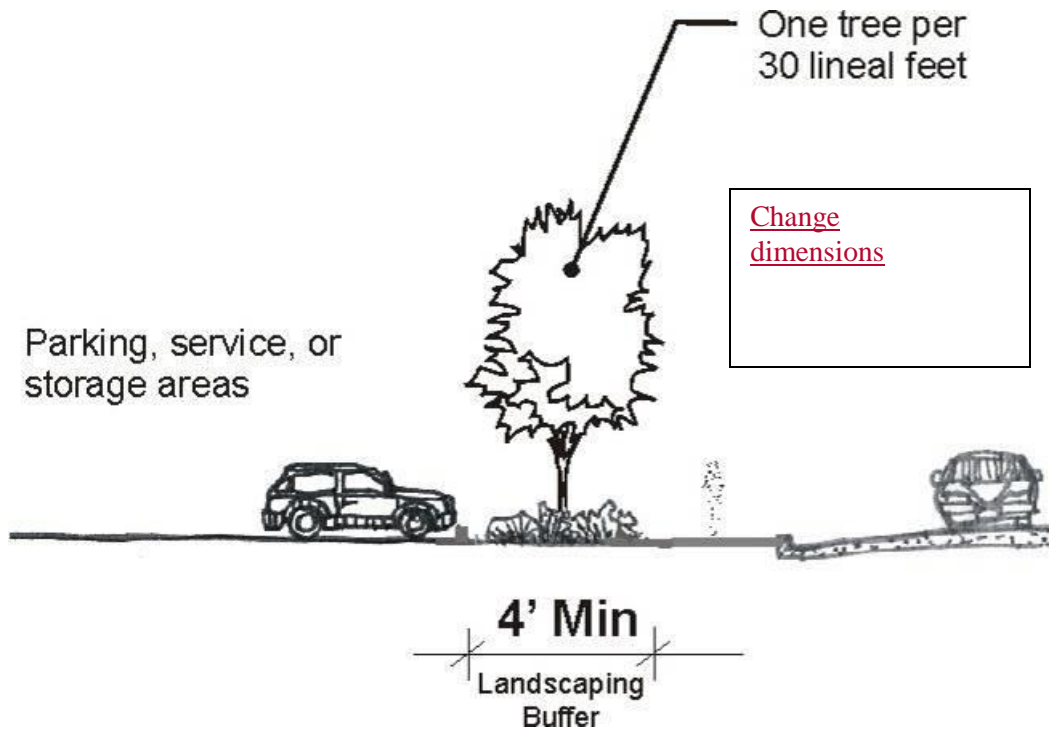


Figure 8. Illustrating requirements for landscaping between a street and parking lot

Section 506 Industrial (IN) Zoning District

- (a) **Purpose.** This district protects and promotes economic development by reserving and protecting areas that have particular suitability for industry while controlling effects on adjoining communities.
- (b) **Allowed Uses.** Uses allowed in the Industrial Zoning District are indicated in Section 404.
- (c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar in character, function and impact to the primary uses.
- (d) **Bulk and Dimensional Requirements.**
 - (1) Front yard setback: Three (3) feet.
 - (2) Side yard setbacks: Three (3) feet.
 - (3) Rear yard setback: Three (3) feet.
 - ~~(3)~~(4) Height: (max) 50 feet. It may be increased up to 90ft if adjoining lot is an Industrial zone.

Any building safety code setbacks, that are greater than three (3) feet, shall take precedent.
- (e) **Site Design Requirements.** Site design requirements of Section 605 to Section 606 do not apply unless the Board determines that the proposed development would create significant adverse impacts.
- (f) **Building Design Requirements.** Building design requirements of Section 604 do not apply.
- (g) **Landscaping Requirements**
 - (1) The landscaping requirements of Article 8 apply unless they conflict with provisions of this Section.
 - (2) Land shall not be paved unless there is a demonstrated need or identified use for

1 such a pavement.

2 ~~(3)~~—An industrial use, including a storage yard, parking, or chain link fence shall be
 3 screened from an arterial street with a strip, at least ~~10~~5 ft wide, of Type ~~A-B~~
 4 landscaping ~~or a strip, at least 20 ft wide, of Type C landscaping as described~~
 5 ~~in Section 804.~~

6 ~~(4)~~(3) An industrial use, including storage and parking, abutting a property zoned
 7 Village Commercial or Village Residential shall be screened with at least 10 ft
 8 of Type A landscaping or 20 ft of type C landscaping as described in Section
 9 804.

10 (h) **Other Requirements.** Meet all requirements of this Law, except as they contradict the
 11 provisions of this Section.

12 Section 507 Mixed Commercial (MC) Zoning District

13 (a) **Purpose.** This district provides for a broad spectrum of commercial development that
 14 requires a moderate to high level of vehicular access and for low to moderate density
 15 residential development

16 (b) **Allowed Uses.** Uses allowed in the Mixed Commercial (MC) Zoning District are indicated
 17 in Section 404.

18 (c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar to the
 19 primary uses in character, function and impact.

20 (d) Bulk and Dimensional Requirements

21 (1) **Residential:** See Section 602.

22 (2) **Nonresidential:**

23 (A) Lot area (min): 500 sm.

24 (B) Lot width (min): 50 ft.

25 (C) Front and side yard setback: A three (3) foot building setback shall apply
 26 for front and side yards. Additional setback may be required for the
 27 construction of a sidewalk as described in Article 5. Section 507(e)(2).
 28 The applicant shall demonstrate there is sufficient space for trade and
 29 service areas, parking, and other outdoor activities necessary on the site.
 30 Note that any building safety code setbacks, that are greater than three (3)
 31 feet, shall take precedent.

32 (D) Rear yard setback (min) 20 ft.

33 ~~(E)~~ (E) Height (max): 48 ft except, heights up to 60 ft may be allowed with a
 34 front, side, and rear yard setback of 30 ft. The maximum height of structures in
 35 the district shall be 55 ft, with the following exception: The maximum building
 36 height may be raised to 70 ft if the building includes structured parking.

37 (e) **Landscaping Requirements**

38 (1) The landscaping requirements of Article 8 apply unless they conflict with
 39 provisions of this Section.

40 (2) Construct a sidewalk at least 6 ft wide and a curb with street trees spaced no
 41 more than 30 ft on center and a planting strip or tree wells as needed to
 42 maintain the trees. The trees shall be at least 2" caliper (diameter, as measured
 43 3' above grade). The walk, curb, and plantings shall be according to the Zoning
 44 Board's and Department of Public Works' specifications.

45 (3) Type A or B landscaping (Section 804) at least ~~4~~6 ft wide shall be provided
 46 between a public right-of way and a parking area.

47 (f) **Other Requirements.** Meet all other requirements of this Law, except as they contradict
 48 the provisions of this Section.

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Section 508 Public Resource (PR) Zoning District

- (a) **Purpose.** This district is intended to protect government-owned lands, or private lands on request, that need special management due to their unique historic, health and safety, cultural, or ecological value or sensitivity, including:
- (1) National parks
 - (2) CNMI parks
 - (3) Trails
 - (4) Beaches
 - (5) Public museums and cultural centers
 - (6) Major public tourist destination sites
 - (7) Public war memorials
 - (8) Public land areas of exceptional archaeological, historic or cultural value
 - (9) Ecologic resources such as habitat and wetlands
 - (10) Health and safety resources such as stormwater conveyances and water supplies
- (b) **Allowed uses** are indicated in Section 404. These areas should be developed in accordance with adopted management plans. Where no such plan is available, development should not have significant adverse impacts to the public resources in question.
- (c) **Accessory uses.** Uses necessary for the maintenance and enhancement of the public resources including caretaker residences, maintenance and security facilities, etc.
- (d) **Bulk and Dimensional Requirements:**
- (1) Front yard setback: Three (3) feet.
 - (2) Side yard setbacks: Three (3) feet.
 - (3) Rear yard setback: Three (3) feet.
 - ~~(3)~~(4) Height: (max) 48 feet.
- Any building safety code setbacks, that are greater than three (3) feet, shall take precedent.
- (e) **Site Design Requirements**
- (1) Site design requirements of Section 605 and Section 606 apply unless they conflict with provisions of this Section.
 - (2) The Board shall review all proposals with respect to their short and long term impact on the specific resources on the site. The Board may place additional conditions on any project to ensure that the public resources are conserved.
- (f) **Marpi Area – Greater Planning Review.** Some permitted uses within the Public Resources Zoning District are directly prohibited north of Tanko Drive/Rakka Drive/Chalan Matuis Drive (Map Sheets 5 & 7) due to the sensitivity of the Marpi area as a sanctuary and its importance as a tourist attraction (See Section 404, Table 1).
- (g) **Building Design Requirements**
- (1) Building design requirements of Section 604 apply unless they conflict with provisions of this Section.
 - (2) The Board will review all proposals with respect to the design and construction quality of all buildings in the PR zoning district to ensure that the quality and character of the development is consistent with the nature of the public resource.
- (h) **Other Requirements.** Meet all requirements of this Law, except as they contradict the provisions of this Section.

Section 509 Rural (RU) Zoning District

- (a) **Purpose.** This district is intended to:
- (1) Maintain rural character and control development sprawl;
 - (2) Minimize the economic burden on the public of providing remote areas with public services, such as fire suppression, law enforcement, utilities, and recreation;
 - (3) Avoid danger to human health and safety in areas of extreme slopes, flood-prone areas, landslide, land movement or subsidence, or the effects of flooding or siltation on downhill properties;
 - (4) Preserve scenic views;
 - (5) Preserve areas for alternative energy development, such as wind farms;
 - (6) Prevent pollution of critical groundwater resources; and
 - (7) Prevent the loss of threatened or endangered species or their essential habitat.
- (b) **Allowed Uses.** Uses allowed in the Rural (RU) Zoning District are indicated in Section 404 Table 1.
- (c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar in character, function and impact to the primary uses.
- (d) **Bulk and Dimensional Requirements**
- (1) **Residential** requirements are listed in Section 602.
 - (2) **Nonresidential** requirements are as follows:
 - (A) Lot area (min) 4,000 sm.
 - (B) Lot width (min) 200 ft.
 - (C) Front yard setback (min) 50 ft.
 - (D) Side yard setback (min) 50 ft.
 - (E) Rear yard setback (min) 50 ft.
 - (F) Height (max): ~~48-55 ft.~~ The maximum building height may be raised to 80 ft if the building includes structured parking.
- (e) **Landscaping.** The landscaping requirements of Article 8 apply except that healthy trees with a trunk diameter greater than 12 inches measured 4 ft above grade shall not be removed unless necessary for development of the proposed structure and site improvements. The Board shall allow removal of unhealthy trees or trees that demonstrably present a hazard. All reasonable measures should be taken to retain existing native vegetation unless there is a compelling reason to the contrary.
- (f) **Marpi Area – Greater Planning Review.** Some permitted uses within the Rural Zoning District are directly prohibited north of Tanko Drive/Rakka Drive/Chalan Matuis Drive (Map Sheets 5 & 7) due to the sensitivity of the Marpi area as a sanctuary and its importance as a tourist attraction (See Section 404, Table 1).
- (g) **Other Requirements.** Meet all requirements of this Law, except as they contradict the provisions of this Section.

Section 510 Tourist Resort (TR) Zoning District

- (a) **Purpose.** This district provides for tourist and resort uses and services and a full range of services and housing for employees.
- (b) **Allowed Uses.** Uses allowed in the Tourist Resort Zoning District (TR) are indicated in Section 404.
- (c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar in character, function and impact to the primary uses.
- (d) **Bulk and Dimensional Requirements**
- (1) **Residential:** requirements are listed in Section 602.

- 1 (2) **Nonresidential** requirements are as follows:
 2 (A) Lot area (min): 500 sm.
 3 (B) Lot width (min): 50 ft.
 4 (C) Front, side and rear yard setback (min): Same as for Beach Road zoning
 5 district except that buildings over 48 ft high shall be set back from the
 6 boundary of a VR zoning district by a distance at least equal to their
 7 height.
 8 (D) Rear yard setback (min): 15 ft.
 9 (E) Height (max): 160 ft.
- 10 (e) **Site Design Requirements**
 11 (1) **Public Shoreline Access**
 12 (A) Development of properties fronting directly on a shoreline shall leave a
 13 view corridor of open land with a width of at least 20% of the property
 14 width parallel to the shoreline or 30 ft wide, whichever is less, where the
 15 shoreline will be visible from a public right of way.
 16 (B) The developer shall include a publicly accessible trail at least 6 ft wide
 17 from a public ROW to the shoreline.
 18 (C) The Board may consider and approve alternate means of providing
 19 physical and visual public access to the shoreline, such as a collective
 20 access trail between two properties, enhancing a neighboring street end,
 21 etc; provided that the public access measures provide comparable public
 22 shoreline access, as determined by the Board.
 23 (2) **Parking.** A parking lot or driveway access point shall not be located adjacent to
 24 a street intersection unless the Board determines there is no feasible alternative.
 25 (3) **Large Site Development Requirements.** The provisions of Section 605 shall
 26 apply to all lots and developments of 5,000 sm or more in the Tourist Resort
 27 zoning district.
- 28 (f) **Landscaping Requirements**
 29 (1) The landscaping requirements of Article 8 apply unless they conflict with
 30 provisions of this Section.
 31 (2) Construct a sidewalk at least 6 ft wide and a curb with street trees spaced no
 32 more than 30 ft on center and a planting strip or tree wells as needed to
 33 maintain the trees. The trees shall be at least 2 inch caliper (diameter, as
 34 measured 3 ft above grade). The walk, curb, and plantings shall be according to
 35 the Zoning Board's and Department of Public Works' specifications.
 36 (3) Type A or B landscaping (Section 804) at least 6 ft wide shall be provided
 37 between a public right-of way and a parking area.
- 38 (g) **Residential Requirements**
 39 (1) **Intent.** To ensure that zoning districts located primarily in tourist-concentrated
 40 areas provide a neat and inviting appearance to those guests who support the
 41 tourism industry in the Commonwealth. These requirements shall be in addition to
 42 all other requirements for residential structures contained in this Law.
 43 (2) **Requirements**
 44 (A) Any outside trash bins and dumpsters shall be screened with a six (6) foot
 45 wood or concrete screen. The screen will provide wide-swinging doors so
 46 that the dumpster can be accessed by a disposal service.
 47 (B) Fences in front yards shall be limited to a height of four (4) feet.
 48 (C) Fences within view of the public may not be constructed of chain link.
 49 (D) Storage areas shall be maintained only in the rear yard. They must be kept
 50 out of view from the general public.

- 1 (h) **Other Requirements.** Meet all requirements of this Law, except as they contradict the
 2 provisions of this Section.
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5 **Section 511 Village Commercial (VC) Zoning District**

- 6 (a) **Purpose.** This district provides basic commercial services to adjoining residential
 7 communities and accommodates low to medium density residential development.
 8 Development in this district is intended to be compatible with the pedestrian and family-
 9 friendly character of nearby residential neighborhoods.
- 10 (b) **Allowed Uses.** Uses allowed in the Village Commercial Zoning District (VC) are indicated
 11 in Section 404.
- 12 (c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar in
 13 character, function and impact to the primary uses.
- 14 (d) **Bulk and Dimensional Requirements**
- 15 (1) **Residential requirements:** see Section 602.
- 16 (2) **Nonresidential requirements:**
- 17 (A) Lot area (min): 500 sm
- 18 (B) Lot width (min): 50 ft
- 19 (C) Front yard setback (min): 10 ft
- 20 (D) Side yard setback (min): None, except 15 ft is required if the side yard
 21 adjoins a VR zoning district.
- 22 (E) Rear yard setback (min): None, except 25 ft is required if the rear yard
 23 adjoins a VR zoning district.
- 24 (F) Height (max): ~~48~~35-ft. plus an additional 10 ft for structured parking.
- 25 (e) **Site Design Requirements**
- 26 (1) Site design requirements of Article 6 apply unless they conflict with provisions
 27 of this Section.
- 28 (2) The ground floor of buildings shall be set back sufficiently to allow an 8 ft-wide
 29 sidewalk to be constructed by the developer.
- 30 (f) **Landscaping Requirements**
- 31 (1) The landscaping requirements of Article 8 apply unless they conflict with
 32 provisions of this Section.
- 33 (2) Construct a sidewalk at least 6 ft wide and a curb with street trees spaced no
 34 more than 30 ft on center and a planting strip or tree wells as needed to
 35 maintain the trees. The trees shall be at least 2 inch caliper (diameter, as
 36 measured 3 ft above grade). The walk, curb, and plantings shall be according to
 37 the Zoning Board's and Department of Public Works' specifications.
- 38 (3) Type A or B landscaping (see Section 804) at least ~~4~~6 ft wide shall be provided
 39 between a public right-of way and a parking area.
- 40 (g) **Other Requirements.** Meet all requirements of this Law, except as they contradict the
 41 provisions of this Section.
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43 **Section 512 Village Residential (VR) Zoning District**

- 44 (a) **Purpose.** The purpose of this district is to promote a residential community environment
 45 that is quiet, safe, and family and pedestrian-friendly.
- 46 (b) **Allowed Uses.** Uses allowed in the Village Residential Zoning District (VR) are indicated
 47 in Section 404.

- 1 (c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar in
 2 character, function and impact to the primary uses.
- 3 (d) **Bulk and Dimensional Requirements.**
- 4 (1) Residential requirements. See Section 602.
- 5
- 6 (2) Nonresidential requirements. Same as for the Village Commercial Zoning
 7 District.
- 8 (e) **Sign and Lighting Requirements.** Adhere to requirements of Article 10 except that
 9 commercial signs are not permitted in the VR zoning district. Provided, that a home
 10 business is permitted one non-electric sign no larger than 6 sq ft.
- 11 (f) **Landscaping Requirements.**
- 12 (1) Single family dwelling, townhouse, duplex, mobile home. Provide street trees
 13 spaced no more than 30 ft on center. The trees shall be at least 2 inch caliper
 14 (diameter, as measured 3 ft above grade).
- 15 (2) Residential uses not included in subsection (f)(1) of this section and all
 16 nonresidential uses. Same as for Village Commercial Zoning District.
- 17 (g) **Other Requirements.** Meet all requirements of this Law, except as they contradict the
 18 provisions of this Section.
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20 ~~Section 513 Adult Business Overlay (ABO) Zoning District~~

- 21 ~~(a) **Purpose.** This zoning district provides for the appropriate location of adult businesses.
 22 This Section provides requirements for adult businesses that locate within this district that
 23 are in addition to the requirements of the underlying district. If there is a conflict between
 24 the requirements of this Section and the requirements of the underlying zoning district, the
 25 requirements of this Section shall apply.~~
- 26 ~~(b) **Allowed Location.** Adult businesses shall not be allowed anywhere except within an Adult
 27 Business Overlay Zoning District or within an Adult Business Park Zoning District.~~
- 28 ~~(c) **Establishment of ABO Districts.** The Board shall recommend establishment of one or
 29 more ABO Districts.~~
- 30 ~~(d) **Placement of ABO Districts**~~
- 31 ~~(1) ABO districts may cover all or part of one or more underlying zoning districts.~~
- 32 ~~(2) ABO districts shall:~~
- 33 ~~(A) Not be in tourism sensitive areas;~~
- 34 ~~(B) Not be in close proximity to concentrated residential development;~~
- 35 ~~(C) Be in areas suited to commercial uses;~~
- 36 ~~(D) Blend into the existing character of development;~~
- 37 ~~(E) Provide easy access for law enforcement and fire control;~~
- 38 ~~(F) Be in areas with sufficient infrastructure; and~~
- 39 ~~(G) Not increase traffic beyond the capacity of the road system.~~
- 40 ~~(e) **Site Design Requirements**~~
- 41 ~~(1) Site design requirements of Section 605 and Section 606 apply except the
 42 requested use at the proposed location shall be at least 500 ft (doorway to
 43 doorway) from any of the following that may exist as of the date of application
 44 for a permit:~~
- 45 ~~(A) Licensed day care centers;~~
- 46 ~~(B) Primary or secondary schools;~~
- 47 ~~(C) Churches or other places of worship;~~
- 48 ~~(D) Public parks, playgrounds, pools, recreational centers; and~~

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- ~~(E) Adult businesses.~~
- ~~(2) Provided, that legally established Adult Businesses existing in an ABO Zoning District as of February 1, 2008 shall not be required to meet the above separation requirements.~~
- ~~(f) Building Design Requirements~~
 - ~~(1) Building design requirements of Section 604 apply except as they conflict with the requirements of this Subsection.~~
 - ~~(2) Advertisements, displays or other promotional materials depicting or describing specified anatomical areas, or specified sexual activities, or displaying instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities shall not be shown or exhibited so as to be visible from other areas open to the general public.~~
 - ~~(3) Except for a massage parlor, a building opening, entry and window for an adult business shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult business from any area open to the general public.~~
 - ~~(4) Except for a massage parlor, an entrance to an adult business shall be clearly and legibly posted with a notice indicating that minors are prohibited from entering the premises.~~
 - ~~(5) A loudspeaker or sound equipment shall not be used by an adult business for the amplification of sound to a level discernable by the public beyond the walls of the building in which the adult business is conducted.~~
 - ~~(6) An off street parking area, walkway or building entry serving the adult business shall be illuminated during all business hours with a lighting system designed to provide a minimum maintained horizontal illumination of greater than one foot-candle of light on the parking surface and/or walkway. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the adult business for personal safety of its patrons. However, no uplighting shall be permitted.~~
- ~~(g) Sign Design Requirements~~
 - ~~Signs for adult businesses shall meet all requirements of Article 10 except as they conflict with the requirements of this section.~~
- ~~(h) Other Requirements. Meet all requirements of this Law, except as they contradict the provisions of this Section~~

Section 514 Adult Business Park (ABP) Zoning District

- (a) **Purpose.** This zoning district provides for clustering of Adult Businesses in a manner that protects public health and safety and is compatible with the adjoining land uses.
- (b) **Establishment of ABP Zoning Districts.** The Board may recommend establishment of one or more Adult Business Park (ABP) Zoning Districts, consistent with the following requirements.
- (c) **Siting of ABP Zoning Districts.** ABP districts shall be sited so as to:
 - (1) Provide easy access to major roads and avoid routing additional traffic through neighborhoods;
 - (2) Be located so as not to interfere with the health, safety, or welfare of adjacent land uses; and
 - (3) Provide a high level of maintenance and security.
- (d) **Building and Sign Design Requirements.** Signs for adult businesses shall meet all

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requirements of Article 10 except as they conflict with the requirements of this section.
(e) **Other Requirements.** Meet all requirements of this Law, except as they contradict the requirements of this Section.

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