Rules & Regulations to Zoning of [ ] State

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Rules & Regulations to Zoning of [ ] State

Title:
This title shall be known and officially cited as "Rules & Regulations to Zoning of the State of [ ]." It is referred to in this title as the Rules & Regulations to Zoning of [ ] State.

Authority:
The Zoning Rules & Regulations of [ ] State is enacted pursuant to the powers granted and limitations imposed by laws of the State of [ ], including the statutory authority of the National Government of the Republic of Palau.

Applicability:
The provisions of the Zoning Ordinance (Rules & Regulations) shall apply to all land within [ ] State, including land owned by private, individual, local, county, and state entities.

Purpose and Intent:
The provisions of the [ ] State Zoning Ordinance (Rules & Regulations) are intended to protect the public's health, safety, and general welfare and to implement the guidelines of the [ ] State Master Plan. The regulations are specifically intended to:

1. Preserve the character and equality of the residential neighborhoods.
2. Foster convenient, compatible, and efficient relationship among land uses.
3. Promote the economic stability of existing land uses that are consistent with the Master Plan and protect them from intrusions by incompatible land uses.
4. Prevent excessive population densities and overcrowding of land or buildings.
5. Ensure the provision of adequate open space for light, air, and fire safety.
6. Conserve open space and protect natural and scenic resources.
7. Require the provision of adequate off-street parking and loading facilities, and promote a safe and effective traffic circulation system.
8. Regulate and control the type, placement, and physical dimensions of signs, and encourage innovative sign design.
9. Regulate and control the division of land.
10. Ensure that service demands of new development will not exceed the capacities of existing streets, utilities or other public facilities and services.
11. Provide for recreational needs.
12. Protect life and property in areas subject to floods, landslides, and other natural disasters.

Compliance Required:
No land shall be used or divided, and no structure shall be constructed, occupied, enlarge, altered or moved until:

A. All applicable development review and approval process have been followed.
B. All applicable approvals have been obtained.
C. All required permits or authorizations to proceed have been issued.

Conflicting Provisions:
If the provisions of the Zoning Ordinance (Rules & Regulations) of [ ] State are inconsistent with those of the National Government, the more restrictive provision will control, to the extent permitted by law. If any Ordinance is inconsistent with another or if it conflicts with provisions found on other adopted

ordinances, resolutions or regulations of the state, the more restrictive provision will control.

Zoning Areas:
The boundaries of the zoning districts established by [ ] State Master Plan are adopted and made a part of the Ordinance as fully as if it were set out here in detail.

Chapter 1: [ ] State Zoning Regulations

Section 1.1 Short Title.
Section 1.2 Definitions.
Section 1.3 Zones Established.
Section 1.4 Zone Boundaries; Zoning Map.
Section 1.5 Zone Boundaries Interpreted.
Section 1.6 Zone Requirements.

Section 1.1: Short Title - This division may be cited as the " [ ] State Zoning Regulations."

Section 1.2: Definitions - The following definitions apply in this division. Terms not herein defined shall have the meaning customarily assigned to them. The particular shall control the general; the word "shall" is mandatory, the word "may" is permissive; the word "person" includes a corporation, partnership or any other similar entity.

(a) "Accessory use or structure" means a use or structure on the same lot with, of a nature customarily incidental and subordinate to, the principal use or structure.

(b) "Building" means a structure enclosed with exterior walls, built, erected or framed of component structural parts, designed for the housing, shelter, or enclosure of individuals, animals or property of any kind.

(c) "Building height" means the vertical distance measured from the averaged grade to the highest point of the roof surface for flat roofs; and to the average height between the eaves and ridge for all other roofs.

(d) "Building line" means the line, established by law, beyond which a building shall not extend, except as specifically provided by law.

(e) "Density" means the number of dwelling units allowed per acre of land.

(f) "Dwelling unit" means a building, or portion thereof, designed for occupancy by one family for residential purposes, and having cooking, living and sleeping facilities.

1. "Single-family dwelling" means a building containing one dwelling unit.
2. "Two-family dwelling" means a building containing two dwelling units.
3. "Multiple-family dwelling" means a building containing three or more dwelling units. When such dwelling units are connected in a row and each dwelling unit has separate access to the yard areas, such building is a "townhouse" or "rowhouse." When such dwelling units are stacked vertically on top of each other or on top of a business or other use, such building is an "apartment."

(g) "Erected" means built, constructed, altered, reconstructed, moved upon, excavated, filled and other physical operations required for construction.

(h) "Essential services" means the erection by public utilities or agencies of underground, surface or overhead electrical, telephone, gas, fuel, sewerage or water transmission or distribution systems and communication facilities (including towers, poles, wires, drains, sewers, hydrants and similar equipment in connection therewith, but not including buildings) which are necessary for the furnishing of adequate service for the general

health, safety and welfare.

(i) "Family" means a group of persons related by blood, marriage or adoption, living together in a dwelling unit, but not more than 20 individuals.

(j) "Floor area (gross)" means the sum of the horizontal areas of the one or several floors of a building.

(k) "Floor area (useable)" means that area used, or intended to be used, for the sale of merchandise or services, or to serve clients or customers. Areas used principally for storage, hallways, sanitary facilities or utilities shall be excluded from the computation of useable floor area.

(l) "Garage, private" means an accessory building or portion of a main building designed and used solely for the storage of motor driven vehicles, boats and similar equipment owned and used by the occupants of the building to which it is accessory.

(m) "Garage, service" means a premises used for the storage or care of motor driven vehicles, or where such vehicles are equipped for operation or repaired.

(n) "Home occupation" means an occupation, which is customarily carried on in a dwelling unit, provided that the floor area used for such occupation is less than half of the floor area of the dwelling.

(o) "Junkyard" means an area where waste, used or secondhand materials (including, but not limited to, iron and other metals, paper, rags, tires and bottles) are stored and/or bought and sold, packed and disassembled. A "junkyard" includes any open area of 200 square feet or more used for storage, keeping or abandonment of junk.

(p) "Loading space" means an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle for loading and unloading merchandise or materials.

(q) "Lot" means a parcel of land occupied by a main building and the yards and open spaces as are required herein.

(r) "Lot, zoning" means a single tract of land which, at time of filing for a zoning permit, is designated by its owner or developer as the tract to be developed. A zoning lot shall satisfy this division with respect to area, size, dimensions and frontage as required in the zone in which the lot is located.

(s) "Lot area" means the total horizontal area within the lot.

(t) "Lot depth" means the distance between the side lot lines, measured along the building line.

(u) "Lot lines, front" means that line or lines separating the lot from any street or roads, or if there is no frontage road, then as designated on the zoning permit. "Lot lines, rear" means that line opposite to the front lot line. In the case of a lot with two front lot lines, it means the one opposite line as designated on the zoning permit. "Lot lines, side" means any lot line other than front or rear lot lines.

(v) "Lot width" means the distance between the side lot lines, measured along the building line. (w) "Main building" means a building in which is conducted the principal use of the lot.

(w) "Master plan" means the [] State master plan, body of texts, maps and descriptive and analytical materials, which constitute a comprehensive plan for the development of land, physical resources and facilities of [ ] State.

(x) "Nonconforming structure" means a structure, or portion thereof, lawfully existing at the effective date of this division, that does not conform to the provisions of this division in the zone in which it is located.

(y) "Nonconforming use" means a use, which lawfully occupied a building or land at the

effective date of this division that does not conform to the use regulations of the zone in which it is located.

(z) “Offensive” means any characteristic of an activity, building, or land use that poses an undue burden on humans due to odors, noise, vibration, light, dust particles, or smoke; or which poses a direct threat to human health and safety.

(aa) "Piggery" means three or more pigs kept, fed and raised on a single lot.

(bb) "Planning Commission" means the [___] Planning Commission], as described in [ ] State Public Law No.

(cc) "Poultry farm" means six or more chickens kept, fed and raised on a single lot.

(dd) "Principal use" means the main use to which the premises are devoted and the principal purpose for which the premises exist.

(ee) "Setback" means the distance required to obtain minimum front, side and rear yard open space provisions, as measured from the lot lines.

(ff) "State" means [ ] State.

(gg) "Story" means that part of a building included between the surface of one floor and the surface of the next floor. When more than 50 percent of the cubic content of a story is below the height level of the adjoining ground, it shall not be counted as a story.

(hh) "Streets" or "roads" means a public right-of-way for the purpose of traffic movement.

(ii) "Major thoroughfare" means an arterial road, which is intended to serve as a large volume traffic-way, and designated as such in the master plan.

(1) "Collector road" means a road of secondary importance and designated as such in the master plan.

(2) "Minor road" means any other road.

(3) "Structure" means anything constructed or erected with a fixed location on the ground, including, but not limited to, buildings, towers, water tanks, piers, wharves, sheds, shelters, fences, display signs, grandstands and sporting arenas.

(jj) "Temporary use of building" means a use or building permitted by the Planning Commission to exist during periods of construction, for special events, or in other unusual circumstances.

(kk) "Yards" means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this division.

(ll) "Zone" means a portion of the state within which certain regulations apply under the provisions of this division.

(mm) "Zoning official" means the [ ] State building and zoning official.

(nn) "Zoning variances" means a modification of the literal provisions of the zoning law granted when strict enforcement of the law would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Section 1.3: Zones Established - For the purpose of this division, [ ]State is hereby divided into the following zones:

Residential:

R1 Residential-1: single-family residential – low density

R2 Residential-2: single-family residential – medium density

R3 Residential-3: multi-family residential

Commercial

C Commercial: commercial-office with restriction on the size of warehouses

RV Resort Center: Visitor’s Facilities

I1	Industrial-1: general industrial, including warehousing and limited commercial
I2	Industrial-2: offensive industrial uses, e.g. slaughterhouses, fish canneries, sewage treatment plants
Agriculture	
A	Agriculture: all types of agriculture uses
Conservation	
CA	Conservation: public open spaces and recreation areas, wilderness and beach areas, land reserved for control of flooding and soil erosion, and other uses not detrimental to a multiple use conservation concept
W	Watershed: area reserved to protect domestic water sources with no development allowed
HP	Historic Preservation Zone: sites of historical, archaeological, and biological interest
Mixed/Other	
RC	Residential-Commercial: mixed residential and commercial-office
TC	Transportation Center: transportation facilities
P	Public: public and quasi-public facilities
V	Village: low density areas of limited size with multiple land uses
PD	Planned Development: relatively large residential, commercial, and other use areas planned as integrated developments
F	Floating Zone: future nonconforming uses in the public interest
MZ	Mixed-use Zone: use areas containing two or more zones
SMZ	Special Management Zone: Used in conjunction with other zones to connote special conditions or particular risks needing special management

Section 1.4: Zone Boundaries; Zoning Map - The boundaries of the zones listed in section 1.3 are hereby established as shown on the zoning map. The zoning map, with all notations, references and other information shown thereon, shall be as much a part of this division as if fully described herein. The zoning map shall be located at the [ ] State Office and shall be available for public inspection.

Section 1.5: Zone Boundaries Interpreted - Where uncertainty exists with respect to the boundaries of the zone as shown on the zoning map, the following rules shall apply:

(a) Boundaries indicated as approximately following the center line of streets or roads shall be construed to follow such center lines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following state limits shall be construed as following such limits.

(d) Boundaries indicated as approximately following shorelines shall be construed as following such shorelines. In the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline.

(e) Boundaries indicated as approximately following the center line of streams, rivers, lakes or other bodies of water shall be construed as following such center lines.

(f) Boundaries indicated as parallel to, or extensions of, features shown in subsections (a) through (e) above shall be so construed.

(g) In all other circumstances, or in instances of confusion regarding zone boundaries interpretation, the Planning Commission shall interpret the zone boundaries.

Section 1.6: Zone Requirements - All buildings and uses in any zone shall be subject to a “Building Code”

law of [ ] State.

Chapter 2: Zoning Definitions

"A" Agriculture Zone

Section 2.1 Intent.
Section 2.2 Principal Uses Permitted.
Section 2.3 Conditional Uses.
Section 2.4 Area and Bulk Requirements.

Section 2.1: Intent - The "A" Agriculture Zone is intended to provide areas for the growing of crops, raising of animals and similar activities, as well as provide areas of very low density housing.

Section 2.2: Principal Uses Permitted - In the "A" Agriculture Zone no building or land shall be used and no building erected except for one or more of the following specified uses:

(a) Agriculture and aquaculture, including livestock;
(b) Hatcheries;
(c) Single-family dwellings for the purpose of low-density agriculturally-based residential use;
(d) Barracks
(e) Parks and public recreation facilities, botanical gardens, or other uses dealing with the growing of plants;
(f) Abai
(g) Accessory buildings and uses, including barns, garages, agricultural outbuildings, storage sheds and boat piers customarily incident to the above uses.

Section 2.3: Conditional Uses - The following uses may be permitted subject to conditions as imposed for each use and other conditions as may be determined by the Planning Commission:

(a) utility and public service buildings and uses;
(b) cemeteries, provided the site is adequately screened from any surrounding uses;
(c) commercial piggeries, chicken, or livestock farms, provided no structure housing such pigs or chickens is located closer than 35 feet from any property line;
(d) Food and beverage products processing and packaging;
(e) Agricultural tourism;
(f) other uses determined by the Planning Commission to be consistent with the intent of this zone;
(g) accessory buildings and uses customarily incident to the above uses.

Section 2.4: Area and Bulk Requirements

(a) Minimum lot size is 20,000 square feet (1858 square meters)
((b) Minimum lot width is 100 feet;
(c) Front yard setback is 30 feet, Side yard setbacks are 15 feet, rear yard setback is 40 feet;
(d) Maximum building height is [ ];

(e) Maximum lot coverage of all buildings is 25 percent.

"R1" Single Family Residential Zone

Section 3.1 Intent.
Section 3.2 Principal Uses Permitted.
Section 3.3 Conditional Uses.
Section 3.4 Area and Bulk Requirements.

Section 3.1: Intent - The "R-1" Single-Family Residential Zone is intended to provide areas of low density, single family housing that provide privacy and a reasonable amount of open space around each building, and other residentially related facilities which serve residents in the zone.

Section 3.2: Principal Uses Permitted - In the "R-1" Single-Family Residential Zone, no building or land shall be used and no building erected except for one or more of the following specified uses:

(a) single family dwellings;
(b) libraries, parks and public recreational facilities;
(c) abai;
(d) elementary schools;
(e) bus stops;
(f) accessory buildings and uses, including garages, small storage sheds and boat piers, customarily incident to the above uses.

Section 3.3: Conditional Uses - The following uses may be permitted subject to conditions as imposed for each use and other conditions as may be determined by the Planning Commission:

(a) churches and similar religious facilities;
(b) secondary schools, provided the site has frontage or direct access to a major thoroughfare.
(c) utility and public service buildings and uses (without storage yards) when necessary to serve the area;
(d) nonpublic recreational facilities, clubs and associations, provided the facility serves the residential area, is compatible with the residential character of the neighborhood, and alcoholic beverages are not served on the site;
(e) cemeteries, provided the site is adequately screened from all surrounding uses;
(f) state and other government buildings when compatible with the residential character of the area;
(h) small retail businesses, provided they are less than 500 square feet in size and that the retail business predominantly serve only the immediate residential area;
(i) Food and beverage products processing and packaging;
(j) other uses determined by the Planning Commission to be consistent with the intent of this zone;
(k) accessory buildings and uses customarily incident to the above uses.

Section 3.4: Area and Bulk Requirements

(a) Minimum lot size is 8,400 square feet; (780 square meters)
(b) Minimum lot width is 70 feet;
(c) Front yard setback is 20 feet, side yard setbacks are 10 feet, rear yard setback is 30 feet;
(d) Maximum building height is [ ];
(e) Maximum lot coverage of all building is 30 percent.

"R2" Single Family Residential Zone

Section 4.1 Intent.
Section 4.2 Principal Uses Permitted.
Section 4.3 Conditional Uses.
Section 4.4 Area and Bulk Requirements.

Section 4.1: Intent - The "R2" Single-Family Residential Zone is intended to provide areas of medium density housing that provide privacy and a reasonable amount of open space around each building, and other residentially related facilities which serve residents in the zone.

Section 4.2: Principal Uses Permitted - In the "R2" Single-Family Residential Zone, no land or building shall be used and no building erected except for one or more of the following specified uses:

(a) single family dwellings;
(b) libraries, parks and public recreational facilities;
(c) abai;
(d) elementary schools;
(e) bus stops;
(f) accessory buildings and uses, including garages, small storage sheds and boat piers, customarily incident to the above uses.

Section 4.3: Conditional Uses - The following may be permitted subject to conditions as imposed for each use and other conditions as may be determined by the Planning Commission:

(a) churches and similar religious facilities;
(b) secondary schools, provided the site has frontage or direct access to a major thoroughfare;
(c) utility and public service buildings and uses (without storage yards) when necessary to serve the area;
(d) nonpublic recreational facilities, clubs and associations, provided the facility serves the residential area, is compatible with the residential area, is compatible with the residential character of the neighborhood, and alcoholic beverages are not served on the site;
(e) cemeteries, provided the site is adequately screened from all surrounding uses;
(f) state and other government buildings when compatible with the residential character of the area;
(g) two-family residential structures, with a minimum lot size of 8,000 square feet for each two-family structure;
(h) small retail businesses, provided they are less than 500 square feet in size and the retail business predominantly serve only the immediate residential area;
(i) Food and beverage products processing and packaging;
(j) other uses determined by the Planning Commission to be consistent with the

intent of this zone;

(k) accessory buildings and uses customarily incident to the above uses.

Section 4.4: Area and Bulk Requirements

(a) Minimum lot size is 5,500 square feet; (510 square meters)

(b) Minimum lot width is 50 feet;

(c) Front yard setback is 20 feet, side yard setbacks are eight feet, rear yard setback is 30 feet;

(d) Maximum building height is [ ];

(e) Maximum lot coverage of all building is 35 percent

"R3" Multiple-Family Residential Zone

Section 5.1 Intent.

Section 5.2 Principal Uses Permitted.

Section 5.3 Conditional Uses.

Section 5.4 Area and Bulk Requirements.

Section 5.1: Intent - The "R3" Multiple-Family Residential Zone is intended to provide areas of high density housing in the form of apartments or townhouses that provide for a reasonable amount of open space and an optional housing choice from the single family residential areas, and other residentially related facilities which serve residents in the zone.

Section 5.2: Principal Uses Permitted - In the "R3" Multiple-Family Residential Zone, no land or building shall be used and no building erected except for one or more of the following specified uses:

(a) all uses permitted and as regulated in the R-2 zone;

(b) multiple family dwellings;

(c) accessory buildings and uses customarily incident to the above uses.

Section 5.3: Conditional Uses - The following uses may be permitted subject to conditions as imposed for each use and other conditions as may be determined by the Planning Commission:

(a) hospitals and medical clinics;

(b) nursery schools and day care centers and similar uses when located on a lot of 5,000 square feet, plus an additional 100 square feet for each child cared for;

(c) boarding or rooming houses when located on a lot of 5,000 square feet in area, plus an additional 500 square feet for each room;

(d) small retail businesses, provided they are less than 500 square feet in size and the retail business predominantly serve only the immediate residential area;

(e) Food and beverage products processing and packaging;

(f) other uses determined by the Planning Commission to be consistent with the intent of this zone;

(g) accessory buildings and uses customarily incident to the above uses.

Section 5.4: Area and Bulk Requirements

(a) Maximum density is 12 dwellings per acre;

(b) For townhouses, rowhouses or other attached dwelling structures:

(1) Minimum lot width is 20 feet per dwelling unit;

(2) Front yard setback is 20 feet, side yard setbacks are 10 feet, end units only rear yard setback is 30 feet;

(3) Maximum number of attached units is eight;
(4) Maximum building height is [ ];

(c) For apartments and vertical housing structures:
(1) Front yard setback is 20 feet, side yard setbacks are 10 feet, rear yard setback is 30 feet.
(2) Maximum building height is [ ].

"RC " Residential Commercial Zone

Section 6.1 Intent.
Section 6.2 Principal Uses Permitted.
Section 6.3 Conditional Uses.
Section 6.4 Area and Bulk Requirements.

Section 6.1: Intend - The "RC" Residential Commercial Zone is intended to provide areas of transition where both residential and limited commercial uses are permitted.

Section 6.2: Principal Uses Permitted - In the "RC" Residential Commercial Zone, no land or building shall be used and no building erected except for one or more of the following specified uses:

(a) any retail business whose principal activity is the sale of merchandise in an enclosed building, such as, but not limited to: groceries, dairy products, baked goods, dry goods, clothing, hardware and general merchandise;
(b) personal service establishments such as tailors, barbers, self-service laundries, banks, insurance offices, lending institutions and other similar uses;
(c) offices;
(d) churches, schools and other religious or institutional establishments;
(e) abai
(f) one and two-family residential units, provided they meet the Area and Bulk requirements established in the R-2 zone;
(g) accessory buildings and uses customarily incident to the above uses.

Section 6.3: Conditional Uses - The following uses may be permitted subject to conditions as imposed for each use and other conditions as may be determined by the Planning Commission:

(a) restaurants, bars, nightclubs and similar uses;
(b) hotels;
(c) commercial recreation establishments such as billiards or pool halls, bowling alleys, movie theaters and other similar uses;
(d) clubs, associations, and community halls;
(e) gasoline stations;
(f) warehousing (except for flammable, explosive, or toxic materials), wholesaling and related activities when less than 1,000 sq. feet;
(g) multi-family residential units;
(h) Food and beverage products processing and packaging;
(i) other uses determined by the Planning Commission to be consistent with the intent of this zone;
(j) accessory buildings and uses customarily incident to the above uses.

Section 6.4: Area and Bulk Requirements:

(a) No minimum lot size required;
(b) No minimum lot width required;
(c) Front yard setback is 20 feet side yard setbacks are eight feet, except that when the building is constructed of fireproof materials with no doors or windows on the sidewall then no side yard is required, rear yard setback is 10 feet;
(d) Maximum building height is [ ].

"C" Commercial Zone

Section 7.1 Intent.
Section 7.2 Principal Uses Permitted.
Section 7.3 Conditional Uses.
Section 7.4 Area and Bulk Requirements.

Section 7.1: Intent - The "C" Commercial Zone is designed to provide for intensive commercial and office uses that serve the basic retail shopping needs of the population. The zone regulations are designed to promote convenient shopping, adequate parking areas, and attractive development.

Section 7.2: Principal Uses Permitted - In the "C" Commercial Zone, no land or building shall be used and no building erected except for one or more of the following specified uses:

(a) any retail business whose principal activity is the sale of merchandise in an enclosed building, such as, but not limited to: groceries, dairy products, baked goods, dry goods, clothing, hardware and general merchandise;
(b) personal service establishments such as tailors, barbers, self-service laundries, banks, insurance offices, lending institutions and other similar uses;
(c) offices;
(d) restaurants, bars, nightclubs and other similar uses;
(e) hotels;
(f) commercial recreation establishments such as billiards or pool halls, bowling alleys, movie theaters and other similar uses;
(g) clubs, associations, and community halls;
(h) abai
(i) gasoline stations;
(j) warehousing (except for flammable, explosive, or toxic materials), wholesaling and related activities when less than 1,000 sq. feet;
(k) other similar uses;
(l) accessory buildings and uses customarily incident to the above uses.

Section 7.3: Conditional Uses - The following uses may be permitted subject to conditions as imposed for each use and other conditions as may be determined by the Planning Commission:

(a) warehousing, with conditions for flammable, explosive, or toxic materials, wholesaling and related activities when larger than 1,000 square feet;
(b) churches and other institutional or religious establishments;
(c) repair garages, provided the use is adequately screened from all surrounding uses;
(d) fish markets and butchers, provided that the activity takes place within a completely enclosed building and provisions are made for containing all odors within the building;
(e) Food and beverage products processing and packaging;

(f) one, two, and multiple family dwelling units, subject to the Area and Bulk requirements in R-3 zone;
(g) other uses determined by the Planning Commission to be consistent with the intent of this zone;
(h) accessory buildings and uses customarily incident to the above uses.

Section 7.4: Area and Bulk Requirements

(a) No minimum lot size required;
(b) No minimum lot width required;
(c) No front yard setback required, side yard setbacks are eight feet, except that when the building is constructed of fireproof materials with no doors or windows on the side wall then no side yard is required, rear yard setback is 10 feet.
(d) Maximum building height is [ ]

"RV" Resort Center Zone

Section 8.1 Intent.
Section 8.2 Principal Uses Permitted.
Section 8.3 Conditional Uses.
Section 8.4 Area and Bulk Requirements.

Section 8.1: Intent - The "RV" Resort Center Zone is intended to provide areas for integrated resort development that would include a variety of visitor oriented uses and to encourage economic development by protecting areas particularly suited to resort use from encroachment by other uses.

Section 8.2: Principal Uses Permitted - In the "RV" Resort Center Zone, no building or land shall be used and no building erected except for one or more of the following specified uses.

(a) hotels;
(b) restaurants, nightclubs, bars and other similar uses;
(c) accessory buildings and uses customarily incident to the above uses.

Section 8.3: Conditional Use - The following uses may be permitted subject to conditions as imposed for each use and other conditions as may be determined by the Planning Commission:

(a) retail businesses that serve the needs of a resort center, including, but not limited to: gift shops, car, boat and diving equipment rental, sightseeing tours, clothing and personal services such as barbers, tailors and other similar uses;
(b) recreational activities;
(c) boarding or rooming houses when located on a lot of 500 square feet in area, plus an additional 500 square feet for each room;
(d) clubs, associations and community halls; abai
(e) other uses determined by the Planning Commission to be consistent with the intent of this zone.
(f) accessory buildings and uses customarily incident to the above uses.

Section 8.4: Area and Bulk Requirements

(a) Maximum density is 20 guest units per acre;
(b) No minimum lot size required;
(c) No minimum lot width required;

(d) Front yard setback is 20 feet, side yard setbacks are 10 feet, rear yard setback is 10 feet.
(e) Maximum building height is [ ].

"I1" Industrial-1 Zone (General Industrial)

Section 9.1 Intent.
Section 9.2 Principal Uses Permitted.
Section 9.3 Conditional Uses.
Section 9.4 Area and Bulk Requirements.

Section 9.1: Intent - The "I1" Industrial-1 Zone is designed to accommodate "general industrial, including warehousing and limited commercial" development that are incompatible with but not offensive to nearby uses.

Section 9.2: Principal Uses Permitted - In the "I1" Industrial-1 Zone, no building or land shall be used and no building erected except for one or more of the following specified uses.

(a) Warehouses;
(b) Vehicle or car repair shops, garages, paint shops, body repear and similar uses, provide that any outside storage or activity be enclosed by an obscuring wall or fence on those side abutting a residential area or public road;
(c) Breweries, distillers, and alcoholic manufacturing;
(d) Food and beverage product processing and packaging;
(e) Carpentry and furniture manufacturing;
(f) Sawmills;
(g) Fabricating (without storage of flammable, explosive, or toxic materials);
(h) Commercial ice storage and dispensing;
(i) Machine, welding, sheet metal, and metal plating;
(j) Plumbing, electrical, AC and heating establishments;
(k) Contractor's activities and storage activities, including sand, gravel, stone, lumber, equipment and other supplies, provided that the storage is enclosed within a building or obscuring wall or fence on those sides abutting a residential zone or a public road;
(l) Manufacturing, processing, assembling, packaging, or treatment of products, articles, or merchandise when conducted in a completely enclosed building, provided that any outside storage be enclosed by an obscuring wall or fence on those side abutting a residential area or a public road, and provided that no external effects of the activity in regard to odors, noise, vibration, light, dust particles, or smoke be detected beyond the boundaries of the zone in which it is located; and which do not pose a threat to human health and safety.
(m) research institutions laboratories, provided they pose little threat to human health or safety;
(n) boat building, repair, maintenance and graveyarding and other related activities;
(o) public utility buildings, structures, storage yards
(p) accessory buildings and uses customarily incident to the above uses.

Section 9.3: Conditional Uses - The following uses may be permitted subject to conditions as imposed for each use and other conditions as may be determined by the Planning Commission:

(a) Warehousing for flammable, explosive, or toxic materials, when deemed small-scale by the Planning Commission
(b) other uses determined by the Planning Commission to be consistent with the intent of this zone;

Section 9.4: Area and Bulk Requirements

(a) No minimum lot size;
(b) No minimum lot width;
(c) Front yard setback is 20 feet, side yard setbacks are 10 feet, rear yard setback is 20 feet.
(d) Maximum building height is [ ].

"I2 " Industrial-2 Zone (Offensive Industrial)

Section 10.1 Intent.
Section 10.2 Principal Uses Permitted.
Section 10.3 Conditional Uses.
Section 10.4 Area and Bulk Requirements.

Section 10.1: Intent - The "I2" Industrial-2 Zone is designed primarily to accommodate those "offensive industrial uses, e.g. slaughterhouses, fish canneries, sewage treatment plants" and other industrial activities whose external physical effects must be restricted to the area of the zone for public health or safety concerns. The general goals of this zone include:

(a) to provide sufficient space, in appropriate locations, to meet the expected future needs for manufacturing, industrial, and related uses;
(b) to protect adjacent or nearby residential zones from effects of industrial activities.

Section 10.2: Principal Uses Permitted - In the "I2" Industrial-2 Zone, no building or land shall be used and no building erected except for one or more of the following specified uses:

(a) Commercial fishing related industries, including, but not limited to, canneries, smoke houses and related processing of marine products, and transshipment facilities;
(b) Commerical piggeries, chicken, or livestock operations
(c) Commercial slaughterhouses
(a) electric power generating plants and accessories
(b) water treatment plants,
(c) sewerage treatment plants
(d) warehouses containing flammable, explosive, or toxic materials;
(e) fuel storage facilities beyond that permitted at gas stations;
(f) heavy manufacturing that produces external effects in regard to odors, noise, vibration, light, dust particles, or smoke that pose a threat to human health and safety.
(g) laboratories and research institutions that pose any threat to human health or safety;
(h) public utility buildings, structures, storage yards, stations, substations, and similar uses;
(i) quarries, rock and mineral extraction and processing;
(j) junkyards, provided they are entirely enclosed within an obscuring wall or fence;

(k) other heavy commercial uses and industrial uses similar to the above permitted uses;
(l) accessory buildings and uses customarily incident to the above uses.

Section 10.3: Conditional Uses - The following uses may be permitted subject to conditions as imposed for each use and other conditions as may be determined by the Planning Commissions:

(a) other industrial activities;
(b) other uses determined by the Planning Commission to be consistent with the intent of this zone;
(c) accessory buildings and uses customarily incident to the above uses.

Section 10.4: Area and Bulk Requirements

(a) No minimum lot size;
(b) No minimum lot width;
(c) Front yard setback is 20 feet, side yard setbacks are 10 feet, rear yard setback is 20 feet.
(d) Maximum building height is [ ].

"CA" Conservation Zone

Section 11.1 Intent.
Section 11.2 Principal Uses Permitted. Section 11.3 Conditional Uses.
Section 11.4 Area and Bulk Requirements.

Section 11.1: Intent - The "CA" Conservation Zone is intended to provide for the preservation and protection of land and shoreline areas in their essentially natural state in order to conserve these areas for their scenic and recreational qualities, for the prevention of floods and erosion, and for the protection of the natural environment.

Section 11.2: Principal Uses Permitted - In the "CA" Conservation Zone, no land or building shall be used and no building erected except for one or more of the following specified uses:

(a) parks;
(b) wilderness or shoreline preserves;
(c) fire, flood, and erosion prevention activities;
(d) natural resource management and other conservation activities;
(e) accessory uses customarily incident to the above uses.

Section 11.3: Conditional Uses - The following uses may be permitted subject to conditions as imposed for each use and other conditions as may be determined by the Planning Commission:

(a) controlled forestry, agriculture or aquaculture when these are not detrimental to the conservation value of the land;
(b) active recreational or low-impact tourism development when not detrimental to the conservation value of the land;
(c) Small pathways or roads that allow entry to sensitive areas for conservation efforts
(d) Small-scale structures deemed necessary for research or public benefit, such as small research stations, nature centers, or infrastructure for public use such as those related to potable water.
(e) other uses determined by the Planning Commission to be consistent with the

intent of this zone;

(f) accessory uses customarily incident to the above uses.

Section 11.4: Area and Bulk Requirements - The Planning Commission will determine the setback and height requirements on a site-by-site basis, provided that no structure so erected is closer than 20 feet to any road right-of-way or 10 feet from any other property line.

"HP " Historical Preservation Zone

Section 12.1 Intent.
Section 12.2 Principal Uses Permitted.
Section 12.3 Area and Bulk Requirements.

Section 12.1: Intent - The "HP" Historic Preservation Zone is intended to protect sites and structures of outstanding historic, archaeologic, scientific or biologic interest from mutilation or encroachment by undesirable uses in order to preserve such sites, due to their irreplaceable value as expressions of [ ][ ]'s history, for future generations.

Section 12.2: Principal Uses Permitted - In the "HP" Historical Preservation Zone, no building or land shall be used and no building erected except for one or more of the following specified uses:

(a) uses that manifest the history and prehistory of Palau and sites of scientific value;

(b) related uses necessary to rehabilitate the site and structures and effectively present the site and structures to visitors.

Section 12.3: Area and Bulk Requirements - The Planning Commission will determine the setback and height standards for the related uses on a site-by-site basis, provided that no structure so erected is closer than 20 feet to any road right-of-way or 10 feet from any other property line.

"W" Watershed Zone

Section 13.1 Intent.
Section 13.2 Principal Uses Permitted.
Section 13.3 Conditional Uses Permitted
Section 13.4 Area and Bulk Requirements

Section 13.1: Intent: Watershed: area reserved to protect domestic water sources with no development allowed. This zone is intended to protect water quality and quantity in the area of land from the ridge top draining into a defined public water source (spot where water infrastructure takes water out of the natural environment). (Definition of water quality from EQPB Ambient Water Quality conditions).

Section 13.2: Principle Uses Permitted:

(a) Water source, dams, pipes, machinery for public water
(b) Water quality monitoring instruments

Section 13.3: Conditional Uses Permitted

(a) Organic farms
(b) Recreational areas and recreational buildings

(c) Eco-tourism with capacity caps

Section 13.4: Area and Bulk Requirements - Septic and sewer contamination of the water source to be avoided. Flood prone areas to be considered. The Planning Commission will determine the setback and height standards for the related uses on a site-by-site basis, provided that no structure so erected is closer than 20 feet to any road right-of-way or 10 feet from any other property line.

"TC" Transportation Center Zone

Section 14.1 Intent.
Section 14.2 Principal Uses Permitted.
Section 14.3 Area and Bulk Requirements

Section 14.1: Intent: Transportation Facilities

Section 14.2: Principle Uses Permitted:

(a) Bus stops
(b) Boat docks
(c) Roads
(d) Transportation facilities

Section 14.3: Area and Bulk Requirements - The Planning Commission will determine the setback and height standards for the related uses on a site-by-site basis, provided that no structure so erected is closer than 20 feet to any road right-of-way or 10 feet from any other property line.

"P" Public Zone

Section 15.1 Intent.
Section 15.2 Principal Uses Permitted.
Section 15.3 Area and Bulk Requirements

Section 15.1: Intent: Public and Quasi-Public Facilities

Section 15.2: Principle Uses Permitted

(a) State-owned facilities
(b) Publicly-used land
(c) Transportation facilities belonging to the public

Section 15.3: Area and Bulk Requirements - The Planning Commission will determine the setback and height standards for the related uses on a site-by-site basis, provided that no structure so erected is closer than 20 feet to any road right-of-way or 10 feet from any other property line.

"V" Village Zone

Section 16.1 Intent.
Section 16.2 Principal Uses Permitted.
Section 16.3 Conditional Uses Permitted
Section 16.4 Area and Bulk Requirements

Section 16.1: Intent: Low density areas of limited size with multiple land uses.

Section 16.2: Principle Uses Permitted:

(a) Residential
(b) Commercial
(c) Public

Section 16.3: Conditional Uses Permitted:

(a) Dry litter piggeries only
(b) Chickens

Section 16.4: Area and Bulk Requirements:

(a) No minimum lot size required;
(b) No minimum lot width required;
(c) Front yard setback is 20 feet side yard setbacks are eight feet, except that when the building is constructed of fireproof materials with no doors or windows on the sidewall then no side yard is required, rear yard setback is 10 feet;
(d) Maximum building height is [ ].

"F" Floating Zone

Section 17.1 Intent.
Section 17.2 Principal Uses Permitted.

Section 17.1: Intent: Future nonconforming uses in the public interest, e.g. to allow future electrical substation in R zone

Section 17.2: Principle Uses Permitted:

(a) Future developments and land uses that are not scheduled in the existing master plan.

"MZ" Mixed Use Zone

Section 18.1 Intent.
Section 18.2 Principal Uses Permitted.
Section 18.3 Special Considerations

Section 18.1: Intent: Use areas containing two or more zones

Section 18.2: Principle Uses Permitted:

(a) Any uses permitted per these zoning definitions, noting special considerations

Section 18.3: Special Considerations:

(a) Cannot have any "R" and I2 together, or Residential and Offensive Commercial together

"PD" Planned Development Zone

Section 19.1 Intent.

Section 19.2 Uses Permitted.
Section 19.3 Required Conditions.
Section 19.4 Administration.
Section 19.5 Area and Bulk Requirements.

Section 19.1: Intent - The "PD" Planned Development Zone is intended to permit well planned development that conforms in principal to the Master Plan, but would not normally be permitted under a separate zone. The provisions of the Planned Development Zone are intended to encourage flexible, optimum and unified design and development of a parcel of land, preserve the natural and scenic value of open areas, facilitate the adequate and economical provision of streets and utilities, and permit development concepts that incorporate more than one type of use within a planned framework. Quality of development in the Planned Development Zone should surpass development that would be required by the regulations for the zone in which the land is situated.

Section 19.2: Uses Permitted - Within the "PD" Planned Development Zone, residential shall be the principal use. The zone is so structured that commercial uses will be permitted when clearly secondary to the residential development.

Section 19.3: Required Conditions - Any request for the Planned Development Zone

(a) be compatible with the master plan;
(b) be not less than five acres in size;
(c) be accompanied by a subdivision plan showing the parceling of the lot and providing for any public services that the Planning Commission requires;
(d) be determined to have a favorable relation to adjacent properties and promote the stability of the immediate area;
(e) make provision for adequate maintenance, including financing, for common areas that may be included in the plan. A performance bond may be required to insure this provision.

Section 19.4: Administration - The "PD" zone is applied by the Planning Commission. Each development constitutes a separate zone, as "PD-1," "PD-2," "PD-3," etc., and separate area, height and bulk requirements may apply to each application of the zone. The Commission, in receiving a request for "PD," may require whatever maps or drawings it requires to effectively review the request.

Section 19.5: Area and Bulk Requirements - Residential densities may be increased by up to 10 percent of the density permitted in the zone in which the land is located.

Zone	Maximum density permitted in zone	Maximum density with planned development
A	1.8 dwellings per acre	2.0 dwellings per acre
R-1	4.1 " " "	4.5 " " "
R-2	5.9 " " "	6.5 " " "
R-3	12.0 " " "	13.2 " " "

All other setback, height and bulk requirements will be determined by the Planning Commission.

"SMZ" Special Management Zone

Section 20.1 Intent.
Section 20.2 Principal Uses Permitted.

Section 20.1: Intent: To signify an area of land or water that requires special management in order to retain desired conditions and/or to maintain health and safety, or to avoid liabilities. The Special Management Zone is to be used in conjunction with other zones, to signify that special conditions apply.

Section 20.2: Principle Uses Permitted

(a) Areas at increased or unusual risk of climate change, including but not limited to areas facing sea level rise, storm surge, typhoon damage, drought, landslides, fire, or other natural or human disasters.
(b) Areas that drain into or abut protected areas.
(c) Areas that contain endemic or endangered biodiversity, cultural features, or other special environmental or cultural considerations.
(d) Areas which require special technologies, such as sewer systems, raised stilts, or any other features deemed necessary by the [ ] State and the [ ] State Planning Commission
(e) Any area for which [ ] State and the [ ] State Planning Commission wish to limit future liability.

Chapter 3: General Requirements

Section 21.1 Accessory Buildings.
Section 21.2 Principal Structures.
Section 21.3 Off-Street Parking Requirements.
Section 21.4 Off-Street Loading And Unloading.
Section 21.5 Corner Clearance.
Section 21.6 Uses Not Otherwise Included In A Specific Zone.
Section 21.7 Temporary Uses.
Section 21.8 Fences, Hedges, etc.
Section 21.9 Setbacks From Roads.
Section 21.10 Front Yard Setbacks.

Section 21.1: Accessory Buildings - Accessory buildings shall be subject to the following regulations:

(a) Where the accessory building is structurally attached to the main building, it shall be considered a part of the main building.
(b) No detached residential accessory building shall be located closer than five feet to a main building or three feet to any side or rear lot line, and shall not be located in the front yard.
(c) Accessory buildings to residential uses shall not exceed [15] feet in height.
(d) Accessory uses to nonresidential uses shall follow the height restrictions of the zone in which they are located.
(e) No residential accessory buildings shall exceed the ground floor area of the main building.

Section 21.2: Principal Uses - In any zone, more than one structure, house or principal use may be erected on a single ownership or leasehold lot provided that the lot area and setback requirements of this division be met for each principal structure as though it were on an individual lot.

Section 21.3: Off-Street Parking Requirements

(a) There shall be provided in all zones at times of erection of new uses or major alteration of existing uses, off-street parking facilities as herein provided:
    (1) dwelling units--one space for each dwelling unit;
    (2) rooming houses--one space for each two guest rooms;
    (3) hotels--one space for each two guest rooms and one space for each five employees;
    (4) schools--one space for each two teachers;
    (5) auditoriums, churches, community centers, theaters and other places of assembly--one space for each 12 seats;
    (6) retail business, professional offices and financial institutions--one space for each 300 square feet of useable floor area;
    (7) restaurants, bars, nightclubs, and other places where food and/or beverages are served--one space for each five seats;
    (8) warehousing/wholesaling--one space for each 1,000 square feet;
    (9) industrial--one space for each three employees on the maximum shift;
    (10) other uses not listed--determination of number of spaces required to be made by Planning Commission.

(b) Off-street parking areas shall be provided with asphalt or other permanent surfacing in accordance with Bureau of Public Works specifications.

(c) All spaces shall be provided access by maneuvering lanes and such spaces shall be marked. Backing directly onto a street shall be prohibited.

(d) The typical parking space is nine feet by 18 feet and the maneuvering lane is 20 feet for 90 degree parking. Other parking patterns shall be according to Planning Office specifications.

(e) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on a parking area.

(f) Any area once designated as required off-street parking shall never be changed to any other use unless equal facilities are provided elsewhere.

(g) Parking is permitted in all yard areas in all zones. All parking spaces must be provided on the same zoning lot to which it is accessory, unless otherwise provided for by law.

(h) The Planning Commission may require a wall, hedge or other screening device where a parking area abuts a residential zone.

Section 21.4: Off-Street Loading And Unloading

(a) On the same premises with every building or part thereof involving the receipt or distribution of materials or merchandise, there shall be provided adequate space for loading and unloading in order to avoid undue interference with use of the public roadway.

(b) In the RC, C, and RV zones, one space of 10 feet by 30 feet dimensions for any use exceeding 10,000 square feet of gross floor area shall be adequate space under this

section.

(c) In the I-1 and I-2 zones, one space of 10 feet by 30 feet dimensions for each 20,000 square feet of gross floor area shall be adequate space under this section.

Section 21.5: Corner Clearance - No fence, wall, shrubbery, sign or obstruction to vision above a height of two feet shall be permitted within the triangular area formed at the intersection of any street right-of-way lines. The triangular area is determined by drawing a line between the right-of-way lines at a distance along each line 25 feet from their point of intersection.

Section 21.6: Uses Not Otherwise Included In A Specific Zone –

Because the uses listed below possess unique characteristics making it impractical to include them in a specific zone classification, they may be permitted in any zone by the Planning Commission, subject to the Commission's determination that such use will not adversely affect the specific area where it would be located, and subject to conditions as imposed for each use and other conditions as may be determined by the Planning Commission:

(a) radio, communication and other towers, provided that a setback equal to the height of the tower or structure be maintained on all sides of the structure.

(b) zoos, aquaria and other similar displays, subject to standards as imposed by the Planning Commission.

(c) outdoor theaters (including drive-in theaters), subject to standards as imposed by the Planning Commission.

Section 21.7: Temporary Uses - The Planning Commission may grant temporary use permits for a period of up to one year for the following buildings or uses:

(a) extraction of rock, sand, gravel or other material for the purpose of construction of a specified project.

(b) storage of materials, equipment and construction accessory uses, including shelter, when used for the purpose of a specified project.

(c) buildings and uses in connection with a special event or program, including school fairs, holiday celebrations and other similar activities.

(d) buildings and uses required for unusual circumstances.

Section 21.8: Fences, Hedges, etc. - Fences, including shrubbery with the same obscuring effect, are permitted or required subject to the following:

(a) In residential zones, fences are permitted within required yard areas, provided they do not exceed four (4) feet in height.

(b) In nonresidential zones, fences are permitted within required yard areas, provided they do not exceed six (6) feet in height.

(c) In certain cases, the Planning Commission may require fences, hedges or other screening devices to protect adjacent property.

Section 21.9: Setbacks From Roads **-** All front yard setbacks as required in this division shall be measured from the edge of the road right-of-way. Where there is no surveyed road right-of-way, the Planning Commission shall determine the setback.

Section 21.10: Front Yard Setbacks - When the front yards of two or more principal structures within 200 feet of the subject parcel, on the same side of the street and within the same zone, are less than

the minimum front yard required herein, then any building subsequently erected shall not be less and need not be greater than the average depth of the front yards of said two or more structures.

Chapter 4: General Exceptions

Section 22.1 Use Exceptions
Section 22.2 Area And Height Exceptions
Section 22.3 Projections Into Yard Areas

Section 22.1: Use Exceptions - The regulations in this division shall be subject to the following interpretations and exceptions:

(a) Essential services, such as underground, surface or overhead gas, electrical, steam, fuel, telephone, or water transmission, distribution, collection, communication supply or disposal systems, including all towers, poles, wires, mains, drains, sewers, pipes, conduits, signals, hydrants and other similar equipment, shall be exempt from the application of this division.

(b) The provisions of this division shall not be so construed as to interfere with the temporary use of any property as a voting place.

Section 22.2: Area and height exceptions

(a) The height limitations of this division shall not apply to church spires, flag poles, public monuments or transmission towers.

(b) When yard regulations cannot be reasonably complied with, or where their application cannot be determined on lots of peculiar shape, such regulations may be modified or determined by the Planning Commission.

(c) Any lot existing and of record on the effective date of this division may be used for any principal use permitted in the zone in which it is located, whether or not such lot complies with the lot area requirements of the zone. Such use may be made provided that all other requirements of said zone are complied with.

Section 22.3: Projections Into Yard Areas

(a) Architectural features may extend into the required side or front yards a distance of no more than three feet.

(b) Car ports may extend into the front or side yards of residential lots, provided that in the case of a side yard, at least five feet of yard space is maintained between the side lot line and said car port, and in the case of a front yard, at least 10 feet be maintained from the car port to the front lot line. Said car port shall be substantially open on the sides.

(c) Piers, docks, boat ramps and the like are permitted in a required side or rear yard.

(d) A principal use in any zone may be permitted to extend up to or overhang the water, subject to Planning Commission review and approval. The Commission may waive the yard requirement and setback normally required in such instance.

Chapter 5: Application, Administration and Miscellaneous Provisions

Section 23.1 Minimum Requirements; Conformity With This Division And Other Laws

Section 23.2 Nonconforming Structures And Uses; Intent Of Division
Section 23.3 Nonconforming Structures
Section 23.4 Nonconforming Uses Of Structures, Land, Or Structures And Land

Section 23.1: Minimum requirements; conformity with this division and other laws

(a) The requirements set forth in this division shall be minimum requirements and shall apply uniformly to each class or kind of land or structure.

(b) No building or structure, or part thereof, shall hereafter be erected and no new use or change shall be made of any building or land, or part thereof, except in conformity with the provisions of this division.

(c) Whenever any provisions of this division impose more stringent requirements or limitations than are imposed by any other ordinance or law, then the provisions of this division shall govern. Whenever any provisions of any other ordinance or law impose more stringent requirements or limitation than this division, then the provisions of such ordinance or law shall govern.

Section 23.2: Nonconforming structures and uses; intent of division - Within the zones established by this division, there may be structures and uses of land and structures that were lawful prior to enactment of this division, but which would be prohibited or restricted under this division. It is the intent of this division to permit these nonconformities to exist, and to continue until removed or terminated, but not to encourage their survival.

Section 23.3: Nonconforming structures

(a) No nonconforming structure may be enlarged or altered in a way, which increases its nonconformity. Such structure may be enlarged or altered in a way, which does not increase its nonconformity.

(b) Should a nonconforming structure be destroyed by any means to an extent of more than 60 percent of its replacement costs, exclusive of foundation, it shall be reconstructed only in conformity with the provisions of this division.

Section 23.4: Nonconforming uses of structures, land, or structures and land

(a) Nonconforming uses shall not be extended or enlarged after enactment of this division.

(b If a nonconforming use be discontinued or abandoned for a period of six months, the structure or structures and land shall not be thereafter used except in conformity with this division.

(c) If no structural alterations are made, any nonconforming use of a structure, or structures and land, may be changed to another nonconforming use upon the Planning Commission's finding that the new nonconforming use is less nonconforming than the present use.

(d) If a nonconforming use in a conforming or nonconforming structure is destroyed by fire, storm, explosion, earthquake or other cause, such nonconforming use may be continued in a rebuilt conforming structure, provided the reconstruction takes place within 12 months of the date of the destruction and that the rebuilt structure cover no greater area or cubic content than the original structure.

Chapter 6: Administration and Enforcement

Section 24.1 Administration.
Section 24.2 Duties Of Building And Zoning Official.
Section 24.3 Zoning Permit; Required.
Section 24.4 Same; Application Form.
Section 24.5 Same; Plot Plan.
Section 24.6 Same; Issuance.
Section 24.7 Inspection.
Section 24.8 Certificate Of Occupancy.
Section 24.9 Fees.
Section 24.10 Appeal.
Section 24.11 Site Plans; Planning Commission Approval.
Section 24.12 Same; Required Information.
Section 24.13 Same; Procedure.
Section 24.14 Conditional Uses; Planning Commission Approval.
Section 24.15 Same; Procedure.
Section 24.16 Same; Appeal.
Section 24.17 Variances; Planning Commission Approval.
Section 24.18 Same; Procedure.
Section 24.19 Same; Appeal.
Section 24.20 Violations; Penalties; Enforcement.
Section 24.21 Vested Right.
Section 24.22 Amendments.

Section 24.1: Administration - The provisions of this division shall be administered and enforced by the Building and Zoning Official of [ ] State.

Section 24.2: Duties Of Building And Zoning Official

(a) The Building and Zoning Official shall have the following duties:
    (1) to issue zoning permits and certificates of occupancy;
    (2) to make inspections of buildings and premises to insure compliance with this division;
    (3) to issue such orders as shall be necessary to insure compliance with this division; and
    (4) to carry out actions instituted by the Planning Commission.

(b) It shall be unlawful for the Building and Zoning Official to approve any plans or issue any permits until he has inspected such plans in detail and found them to conform to the law. Under no circumstances may the Building and Zoning Official make changes in the law or vary the terms of the law.

Section 24.3: Zoning Permit; Required - No structure or building shall be erected without a zoning permit. No zoning permit shall be issued unless in conformity with this division.

Section 24.4: Same; Application Form - The Building and Zoning Official will have zoning application forms available. To obtain a zoning permit, the applicant must fill out the zoning application form and submit four copies of a plot plan to the Building and Zoning Official. The zoning official shall send copies

to the Land Office, the Environmental Health Inspector and the Director of Public Works for their comments. The zoning official will review the plot plan for conformance with the law.

Section 24.5: Same; Plot Plan - The plot plan required with a zoning application form shall have the following information:

(a) the actual shape, location and dimensions of the lot, drawn to scale;
(b) the lot or lease number of the property;
(c) the proposed buildings, drawn to scale, with exact dimensions to all property lines;
(d) the location of all utilities on or adjacent to the site; and
(e) if applicable, the location of any septic tank and leaching field.

Section 24.6: Same; Issuance - If all provisions of this division are met, and the consulting departments see no health or safety hazards in the plan, a zoning permit shall be issued. Such permit will be valid for a period of two years.

Section 24.7: Inspection - The Building and Zoning Official will inspect from time to time all projects for which permits have been issued, and will insure compliance with the submitted plan. Any building or use that does not conform to submitted plans shall be reported immediately to the Planning Commission.

Section 24.8: Certificate Of Occupancy - Upon completion of a project, a final inspection shall be made to insure compliance with this division, and a certificate of occupancy issued. It shall be illegal to occupy a building without a certificate of occupancy.

Section 24.9: Fees - Fees for inspection and the issuance of permits shall be established by the legislature of [ ] State.

Section 24.10: Appeal - An adverse decision by the Building and Zoning Official may be appealed to the Planning Commission. Decisions by the Planning Commission shall be final.

Section 24.11: Site Plans; Planning Commission Approval - The Planning Commission shall review the layout and design of all development proposals for uses other than single-family residential. A site plan for such a proposal shall be submitted to the Planning Commission for its review, recommendation and action, prior to the issuance of a zoning permit.

Section 24.12: Same; Required Information - The site plan shall be drawn to a scale of not less than one inch equals 50 feet, and shall have the following information:

(a) date, north point, and scale;
(b) the exact location of all existing and proposed structures on the site;
(c) the location, layout and dimensions of parking areas and access points;
(d) the name and address of the person responsible for the preparation of the plan.

Section 24.13: Same; Procedure

(a) The site plan shall be submitted to the Building and Zoning Official at least one week prior to the regular Planning Commission meeting. The site plan will be placed on the agenda for this meeting, and copies of the plan will be sent to the Planning Officer for his review. The applicant will be notified of the date and place of the

Planning Commission's meeting at which his site plan will be reviewed.

(b) The Planning Commission will hear the applicant, obtain the comments of the Planning Officer and any other government officers, and review the site plan, considering the internal layout, compliance with this division, relationship with adjacent land uses and roads, and conformity to the master plan. The Commission may require landscaping and other environmental safeguards in pursuance of its duties, and may make such changes or modifications to the site plan as are necessary to insure the public safety, health and welfare.

(c) Upon approval of a site plan, a zoning permit may be issued.

Section 24.14: Conditional Uses; Planning Commission Approval - The Planning Commission shall hear and decide all conditional uses as provided in this division.

Section 24.15: Same; procedure

(a) An application for conditional use shall be submitted to the zoning official, together with a site plan, at least one week prior to the regular Planning Commission meeting. The request for conditional use will be placed on the agenda for this meeting and copies of the application will be sent to the Planning Officer for his review. The applicant will be notified of the date and place of the Planning Commission meeting at which his request will be reviewed. All property owners within 200 feet of the site of the proposed use will be notified of the meeting and such meeting will be held as a public hearing.

(b) The Planning Commission will hear the applicant, hear the views of any of the public present, obtain the comments of the Planning Officer, and review the conditional use request, considering its relationship to the zone in which it is to be located, the standards as specified in the zone in which it is to be located, the standards as specified in the zone regulations regarding such use, and the compatibility of such use with the existing and future land use in the area. The Commission may approve (or disapprove) the conditional use, as restricted by this division, and may apply any such safeguards, such as setbacks, landscaping, fences or walls, as it may deem desirable to protect adjacent land uses as a condition of approval.

Section 24.16: Same; Appeal - An applicant who is unsuccessful in his effort to obtain approval for a conditional use from the Planning Commission is entitled to judicial review thereof, by application to the Trial Division of the Supreme Court or to the National Court within 15 days after the filing of such decision in the Office of the Clerk of Courts.

Section 24.17: Variances; Planning Commission Approval - The Planning Commission is authorized to permit such height, bulk, area, setback and other layout variances upon appeal from a decision of the zoning official as will not be contrary to the public interest and where, owing to special conditions relating to the land itself, literal enforcement of the provisions of this division would result in unnecessary and undue hardship.

Section 24.18: Same; Procedure - An application must be filed with the Building and Zoning Official, indicating the special conditions and circumstances peculiar to the land involved which are not applicable to other lands in the same zone. The applicant must state which provisions of this division he

is seeking variance from and must show that such relief is required as a result of the shape or nature of the land itself and not a result of actions by the applicant. The Planning Commission shall hear and decide whether such variance shall be approved.

Section 24.19: Same; Appeal - An applicant who is unsuccessful in his effort to obtain approval for a variance from the Planning Commission is entitled to judicial review thereof, by application to the Trial Division of the Supreme Court or to the National Court within 15 days after the filing of such decision in the Office of the Clerk of Courts.

Section 24.20: Violations; Penalties; Enforcement - Any person, firm or corporation violating any provisions of this division shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than $50.00 and the costs of prosecution. Each day that a violation exists shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with this division. Violations shall be prosecuted in an appropriate court of the Republic on the complaint of the Planning Commission or any aggrieved person.

Section 24.21: Vested Right - Nothing in this division shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use or zoning classification. Uses and zoning classifications are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of the public health, safety and welfare.

Section 24.22: Amendments

(a) The requirements, restrictions and boundaries set forth in this division may from time to time be amended, supplemented, changed or repealed.

(b) The Planning Commission shall prepare and recommend to the legislature of [ ] State any amendment or change to this division.

(c) The legislature of [ ] State shall hold at least one public hearing on the proposed amendment, which shall occur no earlier than 15 days after prominent public notice of the hearing.

(d) The legislature of [ ] State may then adopt, modify and adopt, or reject the amendment.