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January 13, 2014

Via ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: WC Docket No. 10-90

Dear Ms. Dortch:

Virgin Islands Telephone Corporation d/b/a Innovative Telephone ("Innovative"), by its undersigned counsel, respectfully provides the following information in response to a December 23, 2013 request from the Wireline Competition Bureau for information regarding terrain, soil, and land use characteristics of the assumed sites of beach manholes for each end of middle mile submarine cable facilities between St. Thomas and St. Croix.

In response to an Innovative inquiry to the CAM Help Desk, CostQuest indicated that the assumed middle mile submarine cable route between St. Thomas and St. Croix would run between the Charlotte Amalie Wire Center (CHAMVIXX03T) in downtown St. Thomas and the Mon Bijou Wire Center (MNBUVIXA) in north-central St. Croix, an airline distance of 42.7 miles (68,673 meters). As discussed below, the assumed airline route between these two wire centers (illustrated in Exhibit 1 hereto) would require the construction of beach manholes in areas of each island that are not conducive to the building of underground structures due to terrain and land use characteristics.

St. Thomas Location

The location of the Charlotte Amalie Wire Center is in the heart of the island's business and commercial district, which is characterized by high-density urban development, including retail stores, restaurants, hotels, and dock facilities for cruise ships, ferries, personal watercraft, and seaplanes. Exhibit 2 is an aerial photograph of the harbor area near the Charlotte Amalie Wire Center (denoted by the blue cross symbol) where the assumed beach manhole would be located. Exhibit 2 demonstrates the high-density and commercial nature of the area.[1] This area is zoned as B-1 under United States Virgin Islands Code, Title 29, Chapter 3, U.S. Virgin Islands Zoning and Subdivision Law ("*VI*

[1] *See* http://www.mapgeo.com/usvi/.

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Zoning Code"), attached as Exhibit 3 hereto.[2] Category B-1 is defined as Central Business District Zone, and the permitted uses for B-1 zones are identified in Exhibit 3.[3] As noted therein, telephone facilities are included among permitted uses.[4]

Although the construction of a manhole at the harbor's edge may be permitted under existing zoning regulations, the area's surface characteristics are not conducive to the installation of such a facility. Exhibit 4 displays a map of the same area of downtown Charlotte Amalie with soil type designations. As shown, the area is classified under the designations UbD and UcC, which the *Soil Survey of the United States Virgin Islands* ("*Survey*") issued by the Natural Resources Conservation Service defines as follows:[5]

> UbD – Urban Land: Areas that have more than 70 percent of the surface covered by airports, shopping centers, parking lots, large buildings, streets, sidewalks, or other impervious surfaces.[6]

> UcC – Urban Land: Area that consists of airports, shopping centers, parking lots, large building streets, sidewalks, or other impervious surfaces.[7]

Based on the descriptions above, the downtown St. Thomas area where the assumed beach manhole would be located for an airline route from the Charlotte Amalie Wire Center to St. Croix is comprised of soil/terrain and land use characteristics clearly unsuitable for the cost-efficient construction and operation of such a structure. This fact renders the submarine cable route, as assumed by CAM Version 4.0, impractical and costly, even if there were space for such a structure in this high density zone—a condition that is highly unlikely.

St. Croix Location

As shown in Exhibit 1, the airline submarine cable route assumed by CAM Version 4.0 would land at the north-central coast of St. Croix. At that landing location the route would require a continuing fiber cable to the Mon Bijou Wire Center some two and one-half miles inland. In Exhibit 5, an aerial view of the St. Croix landing location demonstrates the rugged terrain that characterizes the area. Also shown in Exhibit 5, the beachfront land in the assumed cable landing area is designated as R-1 under the *VI*

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[2] Zoning designations referenced herein can be verified at http://www.mapgeo.com/usvi/ using the following procedure: (1) zoom in to the south central coast of St. Thomas; (2) zoom further to the Charlotte Amalie harbor front area; (3) select a parcel as designated by a white outlined map section; (4) when a solid yellow border of the selected parcel appears, select the Property Info category from the top menu of the photo; and (5) when the data box appears, the zoning designation is shown in the Miscellaneous section.
[3] *See VI Zoning Code* at 42 *et seq.*
[4] *See id.* at 63.
[5] *See* http://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/puerto_rico/PR690/0/VI.pdf.
[6] *Survey* at 86.
[7] *Id.* at 87.

Zoning Code.[8] The *VI Zoning Code* identifies permitted uses beginning at page 27 and, as shown therein, permitted uses do not include telephone facilities.

Exhibit 6 displays the relevant sector of St. Croix between the assumed cable landing site and the Mon Bijou Wire Center. The cable landing site location is identified by the white circle on the north coast and the Mon Bijou Wire Center is identified by the yellow square near the bottom of the photograph. The map clearly demonstrates the extreme terrain and sparse population of the general area between the landing site and the wire center. There are no existing fiber cable facilities in the general area of the landing site and, consequently, new fiber facilities would be required for the submarine cable connection to the existing network, some portion of which would necessarily traverse the extreme terrain of north central St. Croix. Thus, even if Innovative were to obtain a waiver of existing zoning regulations, construction of a beach manhole at the assumed landing site and the connecting fiber facilities to the core fiber network would be very costly.

For the reasons discussed above, Innovative believes that the most cost-efficient manner to deploy forward-looking middle mile submarine cable facilities would be over existing facilities, the route distances of which have been provided to CostQuest. In addition, Innovative has the choice of multiple providers with sufficient bandwidth capacity over these existing facilities, conditions that are similar to those of the other Caribbean routes for which the CAM recognizes existing submarine cable facilities characteristics for purposes of forward-looking network cost calculations.

Please do not hesitate to contact the undersigned with any questions.

Respectfully submitted,

/s/ Russell M. Blau

Russell M. Blau

Counsel for Virgin Islands Telephone Corporation

[8] As noted in footnote 2, zoning designations can be verified at http://www.mapgeo.com/usvi/.

Exhibit 1

Submarine Cable Airline Route

St. Thomas
CHAMVIXX03T
St. Croix
MNBUVIXA
1" = 43420 ft

Exhibit 2

Aerial of STT CAM v4.0 Cable Landing Area

Prindsesse Gade
Usvi Highway 308
Kranprindsens Gade
Kronprindsens Gade
Usvi Highway 308
Gasvaerks Gade
Justice Department
Nye Tvaer Gade
Stoners Aly
Brond State Rd
Espaniole
Guttets Gade
Usvi Highway 30
Edward Willmoth Blyden Marine Terminal
Urban Land
Zones B-1 and B-2
1" = 357 ft

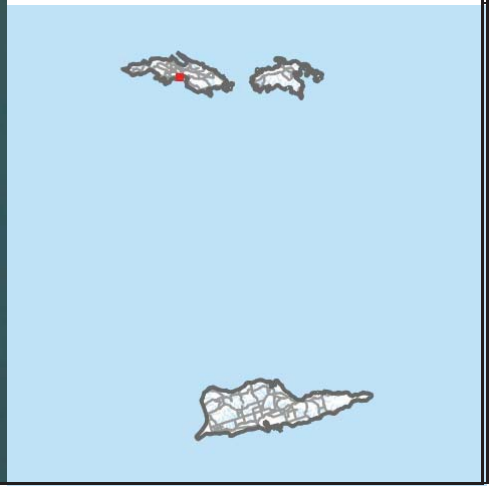

Exhibit 3

VI Zoning Code

Virgin Islands Code

TITLE TWENTY-NINE Public Planning and Development

Chapter 3.Virgin Islands Zoning and Subdivision Law

Source ; http://www.michie.com/virginislands/lpext.dll?f=templates&fn=main-h.htm&cp=vicode

(Compiled on 09/30/2008; updated 09/01/2010)

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Subchapter I. Zoning Law

§ 221. Objectives and intent

The objective of the Zoning Law is to establish standards and policies concerning development of land which may be used in helping to achieve the goals of a General Development Plan for the Virgin Islands. Goals for development of the Islands are expressed in many ways through programs and policies on such matters as land use, taxation, capital improvements, urban renewal, public services and other matters which require public decision.

It is intended that standards and policies established by the Zoning Law reflect and express a sense of community value toward its physical environment including the value appearance and congenial arrangement for conduct of trade, industry, residence and other uses of the land necessary to the community's well-being, insofar as such values can be related to the broadest goals of the general community development plan.

It is further intended that the zoning districts established by this law shall be implemented in accordance with a comprehensive land use plan and policy whereby the location of each district shall be made with reasonable consideration to the character of the district and its peculiar suitability.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 260.

§ 222. Purpose and scope

The purpose of this law is the promotion of the health, safety, morals and general welfare of the community by establishing regulations and conditions governing the erection and use of buildings and other structures and the use of land and water for trade, industry, residence and other specified purposes; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue congestion of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements of the community; by dividing the Islands into districts; defining certain terms; designating the kind and classes of trade, industry, residences and other purposes for which buildings and other structures may be permitted to be erected, constructed, reconstructed, altered, repaired, or used in such districts; regulating and limiting lot occupancy and population density; providing minimum size yards and other open spaces; establishing off-street parking and loading requirements; continuing a Board of Zoning, Subdivision and Building Appeals; defining the powers and duties of said Board and appeal procedures; defining the functions of the Virgin Islands Planning Office in relation to zoning amendments and planned developments; and providing a penalty for the violation of this law. It is the further purpose of this law to encourage and facilitate the development of housing affordable to persons of low and moderate income by providing incentives for private persons to produce residential housing developments which include affordable housing units.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 261; amended Mar. 19, 1990, No. 5523, § 4, Sess. L. 1990, p. 54.

§ 223. Establishment of zoning districts

The Virgin Islands, consisting of the Islands of St. Thomas, St. Croix and St. John and all other islands within the jurisdiction of the Virgin Islands, are divided into eighteen (18) districts (not all of which are found on each of the Islands), as follows:

1. A-1 Agricultural District
2. A-2 Agricultural District
3. R-1 Residence—Low Density
4. R-2 Residence—Low Density
5. R-3 Residence—Medium Density
6. R-4 Residence—Medium Density
7. R-5 Residence—High Density
8. B-1 Business—Central Business District
9. B-2 Business—Secondary
10. B-3 Business—Scattered
11. B-4 Business—Residential Areas
12. C Commercial
13. I-1 Industry—Heavy
14. I-2 Industry—Light
15. W-1 Waterfront—Pleasure
16. W-2 Waterfront—Commercial—Industrial
17. P Public
18. S Special

—Added Aug. 8, 1972, No. 3284, § 2, Sess. 1972, p. 261; amended Dec. 7, 1982, No. 4772, § 2(a), Sess. L. 1982, p. 249.

§ 224. Establishment of zoning maps

Zoning maps

(a) The boundaries and identification of the Zoning Districts established by this law are shown on the Zoning District Maps identified as Document Numbers STZ-1 to 11, SCZ-1 to 20, SJZ-1 to 7, and OIZ-1, inclusive, which are filed in the office of the Lieutenant Governor (with copies in the offices of the Virgin Islands Planning Office). Such maps are hereby declared to be part of this law as fully as if set out herein.

No building or land shall be used and no building shall be erected or altered except in conformity with the regulations herein prescribed for the district designated and identified on the Zoning District Map in which such building, land or water is located.

Documentation of zoning district maps

(b) The Zoning District Maps shall consist of two (2) identical copies at the time of their adoption. One (1) copy shall be identified as “original copy” and shall not be changed or altered in any manner. The second copy shall be identified as “amendment copy” and shall be kept up-to-date with all subsequent amendments and changes in zoning district boundaries and zoning designations by substituting an amended map for the original map in the “amendment copy”. Any law amending any zoning district map shall be identified by number and date of adoption on the map so amended.

Interpretation of zoning district maps

(c) (1) Zoning district boundaries are shown as heavy solid lines upon the Zoning District Maps and are superimposed upon lighter lines designating Estate lines, platted lot lines, streets and other physically identifiable ground features or extensions of same unless other specific distances in feet or angles, bearings, radii and other references to a boundary location are specified.

(2) Zoning District boundary lines when located in streets or other public rights-of-way (guts) shall be interpreted as located in the center line of such rights-of-way. When distances in feet are shown between a Zoning District boundary and a street, the distance shall be interpreted as between the boundary line and the street line unless otherwise specified.

(3) Boundary lines which are interrupted to show street names or other identification numbers or letters upon the Zoning Maps shall be interpreted as extending through such identification unless otherwise specified.

(4) When the exact location of a Zoning District boundary line is not clear, it shall be determined by the Zoning Administrator, due consideration being given to location as indicated by the scale of the Zoning District Maps. When, for any cause, the streets or alleys on the ground differ from the streets or alleys as shown on the Zoning District Map, the Zoning Administrator may apply the district designations on the map to the streets on the ground in such manner as to conform to the intent and purpose of this law.

(5) Where a Zoning District boundary line, shown on the Zoning District Map, divides a lot of record at the time of the adoption of this law, the regulations applying to the district which permits the greater density or intensity of land use activity shall be construed as extending to the entire lot, provided that such extension shall not include any part of such lot more than fifty (50) feet beyond the district boundary line.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 262.

§ 225. Definitions

General provision

(a) All words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "building" includes the word "structure". The word "lot" includes the word "plot". The word "shall" is mandatory and not directory. The word "used" shall be deemed also to include "designed, intended, or arranged to be used". Unless otherwise specified, all distances shall be measured horizontally.

Specific provisions

(b) As used in this subchapter, unless the context otherwise requires, the following words and phrases shall have the meanings assigned them herein:

(1) Accessory building. A subordinate building or a portion of a main building, the use of which is incidental to that of the main building and which is located on the same lot as the main building.

(2) Accessory building (residential). A subordinate building attached to or detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or the sale of a service. Accessory buildings include but are not limited to an automobile storage garage, laundry room, garden shelter, hobby room and mechanical room.

(3) Accessory use. A use of land or a portion of the building customarily incidental to the actual principal use of the land or building and located on the same parcel of property with such principal use.

(3A) "Affordable housing" means, with respect to living accommodations, a dwelling unit for which a household pays, with regard to a unit for sale, not more than the "applicable percentage" (determined by the VIHFA) of gross income for mortgage payments, property taxes, insurance and homeowners association fee, if any, and, with regard to a rental unit, not more than the "applicable percentage" of gross income for all shelter costs including utilities. The "applicable percentage" for purposes of this definition may be established by the VIHFA in a manner consistent with the various Federal housing programs designed to assist low and moderate income households.

(3B) “Affordable housing development agreement” means one or more agreements executed between and among an Applicant for a development permit for affordable housing, the VIHFA and the Zoning Administrator providing for development of affordable housing units in accordance with an affordable housing development plan.

(3C) “Affordable housing development plan” means a plan submitted to the VIHFA, the Authority, the Legislature and the zoning Administrator in connection with a request for a development permit for affordable housing.

(3D) “Affordable housing program” or “Program” means the Government's program adopted pursuant to the Low and Moderate Income Affordable Housing Act of 1990, as from time to time amended, to facilitate development of affordable housing in the United States Virgin Islands.

(3E) “Authority” means the Public Finance Authority of the United States Virgin Islands.

(3F) VIHFA means the Virgin Islands Housing Finance Authority as created by section 103 of Title 21, Virgin Islands Code.

(4) Agricultural processing plant. A facility designed for the primary or complete processing of agricultural products which, by reason of bulk or perishable nature or both, should reasonably be processed close to the point of origin, but not including commercial slaughtering of animals or rum distillation.

(5) Agricultural use. Cultivation of the ground, including harvesting crops and rearing and management of livestock; tillage; husbandry; farming; horticulture and forestry.

(6) Alley. A passage or way open to public travel, affording a secondary means of access to abutting property, but not generally intended for general traffic circulation.

(7) Alterations. Any change, addition, or modification or type of occupancy; any change in the structural members of a building such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as “altered” or “reconstructed”.

(8) Amusement parks, children's. A group of not more than a total of twelve (12) amusement devices for children only, including pony rings, and their accessory uses, located on a plot of ground with an area of not over three (3) acres, which area shall include provisions for off-street parking.

(9) Apartment. A room or suite of rooms, within an apartment house or apartment hotel, used as a dwelling unit for one family with facilities which are used or intended to be used for living, sleeping, and cooking.

(10) Apartment hotel. An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

(11) Apartment house. Any building or part thereof, occupied, or intended to be occupied as the residence of more than four (4) families living independently of each other and each with facilities which are used or intended to be used for living, sleeping, and cooking in said building.

(12) Automobile laundry. A building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.

(13) Automobile service station. A building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water and other operating commodities for motor vehicles, aircraft, or boats and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair or servicing but not including bumping, body repair, painting, refinishing, steam cleaning and rust proofing where the primary use of the premises is such, or high speed washing thereof.

(14) Auto wrecking. The collecting and dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

(15) Basement. A story partly underground and having at least one-half (½) of its height above ground.

(16) Block. The property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and unsubdivided acreage, watercourse or body of water; or between any of the foregoing and any other barrier to the continuity of development.

(17) Boarding house. A dwelling where meals or lodging and meals are provided for compensation to five (5) or more persons by pre-arrangement for definite periods. A boarding house is to be distinguished from a hotel.

(18) Buildable area. The buildable area of a lot is the space remaining after the minimum open space requirements of this subchapter have been complied with.

(19) Building. Any structure having a roof, supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or goods. When any portion thereof is completely separated from every other portion by masonry or a fire wall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building.

(20) Building, principal. A building in which is conducted the principal use of the lot on which it is situated.

(21) Building line. A line established, in general parallel to the front street line between which and the front street line no part of a building shall project, except as otherwise provided in this chapter.

(22) Carport. Space for the housing or storage of motor vehicles and enclosed on not more than (2) sides by walls.

(23) Car wash. See “Automobile laundry”.

(24) Cay. A small off-shore island.

(24A) Cellar. A portion of a building having more than one-half (½) of its height below ground.

(25B) Channel, drainage. A large natural or constructed waterway, ordinarily lined to speed, control, and conduct the flow of water (not to be confused with a sea or bay channel).

(26) Clubhouse. A building to house a club or social organization not conducted for private profit and which is not an adjunct to or operated by or in connection with the public tavern, cafe or other public place.

(27) Condominium. A form of ownership of property usually where the purchaser acquires title to a part of a building and/or a portion of land, and undivided interest in the common areas and facilities, as distinguished from a cooperative where the purchaser usually acquires stock which represents his interest in the property. Where the building so acquired consists of bedrooms with individual baths or combined bedrooms and living rooms with individual baths and/or has separate entrances for each unit, each unit shall be considered a separate dwelling unit or a separate hotel room for the purposes of this subchapter.

(28) Conversion. Change of use or purpose to which a structure or building is put.

(29) Density. The number of persons residing on, or family units developed on an acre of land.

In determining the number of persons occupying a particular unit, the following table of persons per unit shall be used:

Efficiency apartment	one and one-half	(1½) persons
1 bedroom apartment	two	(2) persons
2 bedroom apartment	three	(3) persons
3 or more bedrooms	four	(4) persons
Hotel rooms	one and one-half	(1 ½) persons

(30) District, zoning. A portion of the Islands of St. Thomas, St. Croix or St. John and all other properties within the jurisdiction of the Virgin Islands within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this subchapter, or within which certain yards and other open spaces are required or within which certain lot areas are established, or within which a combination of such aforesaid conditions are applied.

(31) Drive-in establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicle or else intended to permit consumption in the motor vehicle of food or beverages obtained by a patron from said business establishment. (Restaurants, cleaners, banks, theaters, etc.)

(32) Dwelling. A building occupied or intended to be occupied exclusively for residence purposes by not more than four (4) families.

(33) Dwelling, attached. A dwelling having any portion of each of two walls in common with adjoining dwellings.

(34) Dwelling, detached. A dwelling which is entirely surrounded by open space on the same lot.

(35) Dwelling, group. A group of two (2) or more detached or semi-detached one-family, two-family or multiple dwellings, occupying a parcel of land in common ownership and having yards or courts in common.

(36) Dwelling, multiple. A building or portion thereof, used or designed as a residence for three (3) or more families living independently of each other and each with facilities which are used or intended to be used for living, sleeping, and cooking in said building. This definition includes apartment houses but does not include hotels, automobile courts, trailers or mobile home camps or parks or tourist camps.

(37) Dwelling, row. A row of three (3) or more attached single family dwellings not more than two and one-half (2 ½) stories in height.

(38) Dwelling, semi-detached. A dwelling having any portion of one wall in common with an adjoining dwelling.

(39) Dwelling, single family. A detached building designed for or occupied exclusively by one (1) family.

(40) Dwelling, two-family. A detached building, designed for or occupied exclusively by two (2) families living independently of each other.

(41) Dwelling unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, and cooking.

(42) Efficiency dwelling unit. A dwelling unit consisting of one (1) room exclusive of bathroom, kitchen, hallway, closets, or dining alcove whether or not directly off the principal room.

(43) Erected. The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving and the like shall be considered a part of erection.

(44) Essential services. The erection, construction, alteration, or maintenance by public utilities, or government departments and agencies of underground, surface or overhead gas, communication, electrical, steam, fuel or water transmission or distribution systems, collection, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience and welfare.

(45) Family. One (1) person or group of two (2) or more persons living together and inter-related by bonds of kinship, marriage, mutual consent, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common set of cooking facilities. The persons thus constituting a family may also include foster children, gratuitous guests and domestic servants.

(46) Floor area. The floor area of a building or buildings is the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes but need not include a basement or portion of a basement used for storage or housing of mechanical equipment or the basement apartment of a custodian in a multi-family dwelling, except that portion of said custodian's dwelling unit which is in excess of fifty (50) percent of the total basement area.

(47) Floor area, usable. Any floor area within outside walls of a residential building exclusive of areas in cellars, basements, unfinished attics, garages, open porches and accessory buildings.

(48) Floor area ratio (F.A.R.). The “floor area ratio” of the building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the area of such lot, or in the case of planned developments, by the net size area. Where off-street parking is provided in the principal building or in a building on a lot across a street or alley from the principal building, the area of the lot upon which such building providing off-street parking is provided may be included in determining the permitted floor area of the principal building. Space provided within a building for off-street parking shall not be counted in determining the floor area of such building.

(49) Gade. The Danish name for street.

(50) Garage, community. A garage used for the storage of vehicles for occupants of lots in the same or adjacent block or blocks, and providing only incidental services to such vehicles as are stored therein.

(51) Garage, private. An accessory building used only for the storage of self-propelled vehicles for the use of occupants of a lot on which such building is located with a capacity of not more than three (3) motor driven vehicles. The foregoing definition shall be construed to permit

the storage on any one (1) lot within such garage, for the occupants thereof, of not more than one (1) commercial vehicle. Not more than one (1) space may be rented for a passenger vehicle.

(52) Garage, public. Any premises except those described as a private or community garage, used principally for the storage of automobiles, cars or motor driven vehicles, for remuneration, hire or sale, where any such vehicle may also be equipped for operation or repaired.

(53) Grade. The established grade of the street or sidewalk as prescribed by the Department of Planning and Natural Resources. Where no such grade has been established, the grade shall be the average elevation of the sidewalk at the property line. Where no sidewalk exists, the grade shall be the average elevation of the street adjacent to the property line.

(54) Guesthouse. See “Hotel & guesthouses”.

(55A) Gut. A natural or constructed waterway or any permanent or intermittent stream.

(55B) Gutter. A constructed waterway, usually along a street curb, to collect and conduct street surface water.

(55C) Height of building. The vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to the mean height level between the eaves and ridge for hip, gabled and gambrel roofs.

(56) Home occupation. Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, including consultation by such professionals as a physician, dentist, lawyer, architect, engineer or clergyman, and excluding such uses as a real estate broker, tea rooms, cafes, and animal hospital. A home occupation will not display or advertise any commodity or service for sale on the premises, nor will it involve the employment of more than one person other than a member of the immediate household.

(57) Hotels & guesthouses. Any building containing more than five (5) guest rooms used, or intended to be used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor or otherwise. It does not include buildings in which sleeping accommodations are provided for persons who are harbored or detained to receive medical, charitable or other care or treatment or provided for persons who are involuntarily detained under legal restraint.

(58) Junkyard. A lot, land or structure, or part thereof, used primarily for the collecting, temporary storage and sale of waste paper, rags, scrap metal or discarded metal, other than used building materials.

(59) Laboratory. A place devoted to experimental study such as testing and analyzing. Manufacturing of product or products is not permitted within this definition.

(60) Loading space. An off-street space on the same lot with a building or group of buildings for temporary parking for a commercial vehicle while loading and unloading merchandise or materials.

(61) Lodging house. A “lodging house” or rooming house is a building other than a hotel where lodging is provided for five (5) or more persons for compensation pursuant to previous arrangements but not open to the public or transients and meals and drinks are not served.

(62) Lot. A plot, parcel or tract of land occupied or proposed to be occupied by a building and the accessory building or uses customarily incident to it, including at least such open spaces as are required by this subchapter and such open spaces as are arranged and designed to be used in connection with such building and having its principal frontage on a street or place or with access thereto.

(63) Lot, corner. A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street and any two (2) chords of which form an angle of one hundred twenty (120 degrees) degrees or less. The point of intersection of the street lot lines is the “corner”. In the case of a corner lot with curved street lines, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

(64) Lot, interior. A lot other than a corner lot. Any portion of a corner lot more than one hundred fifty (150) feet from the “corner” measured along a front street lot line shall be considered an interior lot.

(65) Lot, through. An interior lot having frontages on two (2) streets as distinguished from a corner lot.

(66) Lot, zoning. A “zoning lot or lots” is a single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A “zoning lot or lots” may or may not coincide with a lot of record.

(67) Lot coverage. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

(68) Lot line, front. In the case of a lot abutting upon one street, the front lot line shall mean the line separating such lot from such street. In the case of any other lot, the owner shall, for the purpose of this subchapter, have the privilege of electing any street lot line as the front lot line, providing that such choice in the opinion of the Zoning Administrator will not be injurious to the existing or to the desirable future development of adjacent properties.

(69) Lot line, rear. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.

(70) Lot width. The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average width between such side lot lines.

(71) Mobile home. Any dwelling, trailer or unit designed and constructed for living or sleeping purposes which is equipped with wheels or similar devices for the purpose of transporting the unit, and such unit shall be considered a mobile home whether or not the wheels have since been removed and whether or not ultimately set on jacks, masonry blocks or other foundation, with or without skirtings.

(72) Mobile home park. Any place, area or tract of land maintained, offered or used for the parking of three (3) or more mobile homes used or intended to be used for living or sleeping purposes.

(73) Mobile home space. That portion of land in a mobile home park allotted or designed for accommodation of one (1) mobile home.

(74) Night club. An establishment which has a capacity for at least thirty (30) persons seated at tables and the bar, and which employs a bartender and which maintains table service and dancing and/or other live entertainment for the guests.

(75) Nonconforming use. Any use of land or building which does not conform at the time of the adoption of this subchapter to the use regulations for the district in which it is situated.

(76) Nursing home, rest home or convalescent home. A private home for the care of five (5) or more children, aged or infirm persons, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of injury.

(77) Open space, usable landscaped. Usable landscaped open space shall consist of that space on the same lot as the principal building which is either landscaped with shrubs or planted with grass and excludes that portion of the lot which is utilized for off-street parking purposes.

(78) Parking space. An area of not less than eight and one-half (8 ½) feet by eighteen (18) feet long for compact automobiles or motor vehicles or nine (9) feet wide by eighteen (18) feet long for each mid-size or larger automobile or motor vehicle for each automobile or motor vehicle, such space being exclusive of necessary drivers, aisles, entrances, or exits and being fully accessible for the storage of parking or permitted vehicles.

(79) Planned area development. A tract of land which is developed as a unit under single ownership or control, which includes two (2) or more principal buildings, and which is at least five (5) acres in area.

(80) Public utility. Any person, firm, corporation, governmental department or board, duly authorized to furnish under government regulations to the public, electricity, gas, communications, transportation or water.

(81) Rooming house. See “Lodging house”.

(82) Rooming unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(83) Quarrying and associated activities. Operations which primarily involve surface mining or quarrying of non-metallic minerals such as dimension stone, crushed and broken stone, including riprap, and sand and gravel pits. Well operations and primary preparation plants of quarried material for construction and other special uses are also included.

(84) Sign. Anything whatsoever placed, erected, constructed, posted, affixed in any manner whatsoever on the ground or to any post, fence, building or structure for out-of-doors advertising, but not included devices, structures or representations installed by any governmental authority.

(85) Sign, business. A sign which directs attention to a business, commodity, service, activity or product sold, conducted or offered upon the premises where the sign is located.

(86) Sign, gross area of. The “gross area” of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such a sign. However, such perimeter shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

(87) Sign, identification. A sign on the premises bearing the name of a subdivision, the name of a group housing project or of a school, college, park, church or other public or quasi-public facility, or a professional or firm nameplate, but bearing information identifying, but not describing, occupancy of the premises on which such sign is located.

(88) Sign, occupancy. A sign on the premises bearing the name or address of the piece of property, the name of the owner or resident and/or any permitted home occupation, but bearing information pertaining only to the premises on which such sign is located.

(89) Sign, outdoor advertising. Any card, cloth, paper, metal, painted, glass, wooden, plaster, stone or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, rock, post, fence, bush, building, structure or thing whatsoever. The term “placed” as used in the definition of “outdoor advertising sign” and “outdoor advertising structure” shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing or making visible in any manner whatsoever.

(90) Single ownership. Possession wherein the owner does not own adjoining property.

(91) Soil removal. Removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening.

(92) Story. That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A mezzanine shall be deemed a full story when it covers more than thirty-three (33) percent of the area of the story underneath said

mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

For the purpose of this subchapter, a basement or cellar shall be counted as a story if its ceiling is over five (5) feet above the level from which the height of the building is measured or if it is used for business purposes or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of same.

(93) Street, public. A street affording the principal means of access to abutting property, and dedicated to or maintained by the Virgin Islands Government on a street affording the principal means of access to abutting property and with a right-of-way or easement as specified in the Land Subdivision Regulations.

(94) Street line. The dividing line between street, road or other thoroughfare and the adjacent lots.

(95) Structural alteration. Any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams and roofs.

(96) Structure. Anything constructed or erected which requires permanent location on the ground or attachment to something having location.

(97) Structure, accessory. A detached, subordinate structure, located on the same lot, the use of which is customarily incidental to that of the main building or to the principal use of the land.

(98) Trailer, house. See “Mobile home park”.

(99) Trailer camp, park. See “Mobile home park”.

(100) Use. The “use” of property is the purpose of activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this subchapter.

(101) Use, principal. The main use of land or buildings as distinguished from a subordinate or accessory use.

(102) Yard. An open space of generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as otherwise provided herein.

In measuring a yard as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of the building or the point of a group of buildings nearest to such lot line.

(103) Yard, front. A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

(104) Yard, rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

(105) Yard, side. A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as the case may be, except that on a corner lot the side yard adjacent to a street shall extend the full depth of the lot.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 263; amended June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44; Mar. 19, 1991, No. 5523, § 5, Sess. L. 1990, p. 54; May 3, 1994, No. 5978, § 3(d), Sess. L. 1994, p. 66; Dec. 30, 1994, No. 6064, § 17(a)(1), Sess. L. 1994, p. 319; Apr. 1, 2008, No. 6973, § 17, Sess. L. 2007, p. —.

§ 226. General provisions

Conflicting regulation

(a) When any provision of this subchapter imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other regulations, statute or law, the provisions of this subchapter shall apply and govern.

Covenants not annulled

(b) This subchapter is not intended to abrogate or annul any easement, covenant or other private agreement.

Permitted uses

(c) No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or structure or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or structure or land is located, provided that such regulations shall not prohibit the continuance of an existing use.

Historic district

(d) This subchapter is intended to supplement the provisions of V.I.C. Title 29, chapter 3, subchapter III, Conservation and Preservation of Historic and Cultural Assets of the Virgin Islands.

Special exceptions and variances previously granted

(e) All special exceptions and variances granted by the Planning Office prior to the adoption of this subchapter shall begin actual construction or use of land or structure within the time specified by the Planning Office in its granting of the special exception or variance.

Construction begun prior to adoption of the zoning law

(f) Nothing in this subchapter shall be deemed to require any change in plans, construction or designated use of any building or structure upon which actual construction was lawfully

begun prior to the adoption of this subchapter and upon which building or structure actual construction has been diligently carried on, and provided further that such building or structure shall be completed within two (2) years from the date of passage of this subchapter.

Airports

(g) All airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations, where permitted, shall be developed in accordance with the rules and regulations of the Federal Aviation Administration and the Virgin Islands Port Authority which agencies shall approve the preliminary plans submitted to the Government of the United States Virgin Islands. Such plans shall be submitted to and approved by the Legislature before they become effective. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities or airport zoning, which is not part of the airport, shall be so developed as not to endanger safe flight conditions to and from an established airport. This provision is supplemental to any adopted airport zoning plan or law.

Heliports

(h) Notwithstanding any law to the contrary, no helicopter landing pad, landing or heliport shall be established without the prior approval of the Department of Planning and Natural Resources, the Department of Public Works, the Port Authority and the Legislature.

Substandard lots

(i) Any lot in a single ownership, which ownership was of record at the time of the adoption of this subchapter, that does not meet the requirements of this subchapter for yards, courts or other open space may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth or open space is within seventy-five (75) percent of that required by the terms of this subchapter. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

Lot limitations

(j) In all residential districts, only the permitted principal structures shall be placed on a zoning lot or lot of record, with the exception of parcels of record or excepted parcels which may be so arranged or subdivided as to provide for more principal structures when the land areas allocated to each structure is equal to or greater than the lot area required for the district, and structure and land complies with all other requirements of the district in which it is located. This requirement shall not apply to planned area or planned residential developments.

Lots, yards and open spaces

(k) No space which for the purpose of a building or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard, court or other open space required by this subchapter may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard, court or other open space requirement of or for any other building.

Permitted height, density or bulk

(l) No structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit, density provisions or bulk provisions herein established for the district in which the structure is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio, television aerials and wireless masts, water tanks or similar structures may be erected above the height limits herein prescribed. Except as provided by section 229(m) of this chapter, no such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose of any commercial or industrial purpose other than a use incidental to the principal use of the building.

Permitted area

(m) No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the structure is located.

Restoration of unsafe buildings

(n) Nothing in this subchapter shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the Department of Planning and Natural Resources or required by any lawful order.

Building grades

(o) Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building but in such a manner as not to cause run-off of surface water to cause injury to adjacent properties.

Guts and drainage channels

(p) Guts and drainage channels which exist and which are indicated on the General Development plan or zoning maps of the Virgin Islands are essential for the maintenance of the health and general welfare of the people of the Virgin Islands. Any encroachment upon, filling or destruction of these guts or drainage channels, unless approved by the Department of Planning and Natural Resources, is a violation of this subchapter.

Visibility at intersections

(q) No wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or at any street intersection.

Accessory buildings in residential districts

(r) In residential districts, accessory buildings, except as otherwise provided in this subchapter, shall be subject to the following regulations:

(1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this subchapter applicable to main buildings.

(2) Where utility easements exist, no accessory buildings shall be built over them.

(3) An accessory building, not exceeding one (1) story of fifteen (15) feet in height, may occupy not more than twenty-five (25) percent of a required rear yard plus forty (40) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.

(4) Group accessory buildings (such as community garages) may be erected in the rear yard if approved as to location by the Virgin Islands Planning Office.

(5) When an accessory building is located on a corner lot, the side lot line of which is substantially an extension or continuation of the front lot line of the lot to its rear, said accessory building shall not project beyond the front yard line required on the lot in the rear of such corner lot.

Dwellings in nonresidential districts

(s) No dwelling shall be erected in any industrial district; however, the sleeping quarters of a watchman or caretaker may be permitted.

Dwellings in other than main structure

(t) No residential structure other than principal structures shall be erected upon the rear of a lot or upon a lot with other dwellings. This shall not apply to Planned Developments.

Buildings to be moved

(u) Any building which has been wholly or partially erected on St. Thomas, St. Croix or St. John shall not be moved and/or placed upon any premises in the Virgin Islands until a permit for such removal shall have been obtained from the Department of Planning and Natural Resources. When moved onto new premises, such building shall conform to all the provisions of this subchapter.

Projections into yards

(v) Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet. Architectural features do not include those details which are normally demountable.

District boundaries

(w) Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed as following such center lines.

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

(3) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line.

(4) Boundaries indicated as parallel to or extensions of features indicated in paragraphs (1) through (3) above shall be so construed. Distances not specifically indicated on the official zoning maps shall be determined by the scale of the maps.

(5) Where the street or property layout existing on the ground is at variance with that shown on the official zoning maps, or in other circumstances not covered in paragraphs (1) through (4) above, the Zoning Administrator shall interpret the district boundaries.

District boundary line

(x) Where a district boundary line shown on the zoning map divides a lot of record at the time of the adoption of this subchapter as in the case of a residence district on one side and a business district on the other, the regulations applying to the business district shall be construed as extending to the entire lot provided that such extension shall not include any part of such lot more than fifty (50) feet beyond the district boundary line.

Usable open space

(y) In addition to any and all other requirements set forth in this subchapter for the provision of front, side or rear yards, off-street parking and/or loading, there shall be provided in all multifamily residence districts such additional open space as is set forth herein which shall be used for landscaping and which may not be used for off-street parking or loading purposes.

(z) In addition to any and all other requirements set forth in this subchapter regarding the use of open space, there shall be provided in all multifamily residential developments of nine units or more, recreational facilities which shall occupy at least 5% of that area required for open space on the zoning lot.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 276; amended Oct. 17, 1974, No. 3628, § 2, Sess. L. 1974, p. 245; June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44; July 8, 1988, No. 5350, § 3, Sess. L. 1988, p. 181; July 24, 1997, No. 6140, § 4, Sess. L. 1997, p. 37.

§ 227. Land use regulations and table of permitted uses

Land use regulations

No building or structure in any district established by this subchapter shall be erected, converted, enlarged, reconstructed or structurally altered nor shall any building or structure or land be used, designed or arranged for any purpose other than as permitted in the district in which the building or structure or land is located.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 282.

§ 228. Table of permitted uses

Land, water and buildings may be used only for a use set forth in the TABLE OF PERMITTED USES and only within those districts specified in said Table and only under the circumstances indicated in said Table, subject to the provisions of sections 229 through 233 of this subchapter.

A-1 AGRICULTURAL ZONE

Uses permitted as a matter of right:

1. Agriculture

Crops, Fruits & Vegetables

Fish & Marine Products (Hatcheries & Pond)

Forest & Forestry

Horticulture

Livestock & Poultry

2. Agricultural Equipment & Machinery

Repair & Service

Rentals

Storage

3. Airports & Flying Fields

4. Agricultural Processing

5. Amphitheaters

6. Animals

Boarding (Kennels)

Clinic (Office)

Hospital (Veterinary)

Sales (Pet Shop)

Shelter (Pound)

7. Aquariums

8. Arenas & Field Houses

9. Art Galleries

10. Artists' Studios

11. Athletic Fields (Playfields)

12. Auditoriums

13. Botanical Gardens & Arboretums

14. Camps, Group or Organized

15. Camping & Picnicking Areas

16. Cemeteries

17. Churches, Synagogues, Temples & Sunday School Building

18. Civic, Social & Fraternal Associations (Clubhouse or Office)

19. Colleges

20. Community Centers

21. Convalescent, Rest, Nursing & Retirement Homes & Sanitariums

22. Dairies, Processing & Distribution

23. Drive-In Establishment, Movies

24. Dwellings

Attached

Detached

Group

Semidetached

Single-Family

Two-Family

25. Garage, Private

26. Golf Courses

27. Greenhouses

28. Gymnasiums & Athletic Clubs

29. Home Occupation

30. Libraries

31. Military Bases & Reservations

32. Mobile Homes

33. Motion Picture Theaters

Outdoor

Indoor

34. Museums

35. Nurseries (Plants)

36. Parks & Recreational Areas, Memorial Parks, Memorial Gardens, Memorial Nature Preserves or Parks, Perpetual Care Parks (General)

37. Playgrounds

38. Play Lots or Tot Lots

39. Professional & Business Membership Organizations and Associations (Clubhouse or Office)

40. Race Tracks

Automobile & Motorcycle

Horse

41. Recreational Centers

42. Religious Quarters

43. Riding Stables

44. Sewage Lift Station & Pressure Control Station

45. Sewage Treatment Plants

46. Shooting Ranges (Small Arms), Outdoor

47. Stadium

48. Swimming Pools

49. Taxidermists

50. Tennis Courts

51. Water Pressure Control Stations

52. Water Delivery Service

53. Water Storage (Facilities)

54. Zoological Gardens

A-1 AGRICULTURAL ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Amusement Parks

2. Country Clubs & Golf Clubs

3. Electrical Substations, Radio & Television Transmittal Towers & Telephone Relay Towers

4. Mobile Home Parks or Courts

5. Planned Development

6. Signs

Directional

For Sale or For Rent

Identification

Occupancy

Temporary

Accessory uses permitted subject to conditions set forth in section 233 of this subchapter:

1. Accessory Buildings (Structures)

A-2 AGRICULTURAL ZONE

Uses permitted as a matter of right:

1. Agriculture

Crops, Fruits & Vegetables

Fish & Marine Products (Hatcheries & Pond)

Horticulture

Livestock & Poultry

2. Agricultural Equipment & Machinery

Repair & Service

Rentals

Storage

3. Agricultural Processing

4. Animals

Boarding (Kennels)

Clinic (Office)

Hospital (Veterinary)

Sales (Pet Shop)

Shelter (Pound)

5. Arenas & Field Houses

6. Art Galleries

7. Artists' Studios

8. Athletic Fields (Playfields)

9. Botanical Gardens & Arboretums

10. Churches, Synagogues, Temples & Sunday School Building

11. Civic, Social & Fraternal Associations (Clubhouse or Office)

12. Community Centers

13. Convalescent, Rest, Nursing & Retirement Homes; & Sanitariums

14. Dwellings

Attached

Detached

Group

Semidetached

Single-Family

Two-Family

15. Garage, Private

16. Greenhouses

17. Gymnasiums & Athletic Clubs

18. Home Occupation

19. Mobile Homes

20. Museums

21. Nurseries (Plants)

22. Parks & Recreational Areas, Memorial Parks, Memorial Gardens, Memorial Nature Preserves or Parks, Perpetual Care Parks (General)

23. Playgrounds

24. Play Lots or Tot Lots

25. Professional & Business Membership Organizations and Associations (Clubhouse or Office)

26. Recreational Centers

27. Religious Quarters

28. Riding Stables

29. Sewage Lift Station & Pressure Control Station

30. Swimming Pools

31. Taxidermists

32. Tennis Courts

33. Water Pressure Control Stations

34. Water Delivery Service

35. Zoological Gardens

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Amusement Parks

2. Country Clubs & Golf Clubs

3. Electrical Substations, Radio & Television Transmittal Towers & Telephone Relay Towers

4. Mobile Home Parks or Courts

5. Planned Development

6. Signs

Directional

For Sale or For Rent

Identification

Occupancy

Temporary

A-2 ZONE

Accessory uses permitted subject to conditions set forth in section 233 of this subchapter:

1. Accessory Buildings (Structures)

R-1 RESIDENTIAL—LOW DENSITY ZONE

Uses permitted as a matter of right:

1. Accessory Buildings

2. Agriculture, Crops, Fruits & Vegetables

3. Artists' Studios

4. Botanical Gardens & Arboretums

5. Camps, Group or Organized

6. Camping & Picnicking Areas

7. Civic, Social & Fraternal Associations (Clubhouse or Office)

8. Dwellings

Detached

Single-Family

Two-Family

9. Garage, Private

10. Home Occupation

11. Mobile Homes

12. Nursery Schools (Children's Day Care)

13. Parks & Recreational Areas, Memorial Parks, Memorial Gardens, Memorial Nature Preserves or Parks, Perpetual Care Parks

14. Play Lots or Tot Lots

15. Schools

Art

Dancing (Studios)

Nursery

Primary (Elementary)

Secondary

Special Education

16. Swimming Pools

R-1 ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Athletic Fields (Playfields)

2. Churches, Synagogues, Temples & Sunday School Building

3. Colleges

4. Community Centers

5. Convalescent, Rest, Nursing & Retirement Homes; & Sanitariums

6. Country Clubs & Gold Clubs

7. Dwellings

Attached

Group

Semidetached

8. Electrical Substations, Radio & Television Transmittal Towers & Telephone Relay Towers

9. Fire Stations, Police Stations & Postal Substations

10. Golf Courses

11. Gymnasiums & Athletic Clubs

12. Hospitals

13. Nurseries (Plants)

14. Planned Development

15. Religious Quarters

16. Sewage Lift Station, Sewage & Water Pressure Control Station & Sewage Treatment Plants

17. Signs

Directional

Identification

For Sale or For Rent

Occupancy

Temporary

R-2 RESIDENTIAL—LOW DENSITY—ONE AND TWO-FAMILY ZONE

Uses permitted as a matter of right:

§ 228. Table of permitted uses

1. Accessory Buildings

2. Agriculture, Crops, Fruits & Vegetables

3. Art Galleries

4. Artists' Studios

5. Botanical Gardens & Arboretums

6. Camps, Group or Organized

7. Camping & Picnicking Areas

8. Civic, Social & Fraternal Associations (Clubhouse or Office)

9. Dwellings

Detached

Single-Family

Two-Family

10. Garage, Private

11. Home Occupation

12. Libraries

13. Mobile Homes

14. Museums

15. Nursery Schools (Children's Day Care)

16. Parks & Recreational Areas, Memorial Parks, Memorial Gardens, Memorial Nature Preserves or Parks, Perpetual Care Parks

17. Schools

Art

Dancing (Studios)

Nursery

Primary (Elementary)

Secondary

Special Education

18. Swimming Pools

19. Tennis Courts

R-2 ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Athletic Fields (Playfields)

2. Churches, Synagogues, Temples & Sunday School Building

3. Colleges

4. Community Centers

5. Convalescent, Rest, Nursing & Retirement Homes; & Sanitariums

6. Country Clubs & Golf Clubs

7. Dwellings

Attached

Group

Semidetached

8. Electrical Substations, Radio & Television Transmittal Towers, & Telephone Relay Towers

9. Fire Stations, Police Stations, & Postal Substations

10. Golf Courses

11. Gymnasiums & Athletic Clubs

12. Hospitals

13. Mobile Home Parks or Courts

14. Nurseries (Plants)

15. Planned Development

16. Religious Quarters

17. Sewage Lift Station, Sewage & Water Pressure Control Station, & Sewage Treatment Plants

18. Signs

Directional

Identification

For Sale or For Rent

Occupancy

Temporary

R-3 RESIDENTIAL—MEDIUM DENSITY ZONE

Uses permitted as a matter of right:

1. Amphitheaters

2. Apartment Hotels

3. Artists' Studios

4. Auditoriums

5. Aquariums

6. Boarding House

7. Botanical Garden & Arboretums

8. Children's Home

9. Churches, Temples, Synagogues, & Sunday School Buildings

10. Civil, Social, & Fraternal Associations (Clubhouse or Office)

11. Convalescent, Rest, Nursing, & Retirement Homes; & Sanitariums

12. Convention Centers

13. Country Clubs & Golf Clubs

14. Dwellings

Attached

Detached

Group

Multiple

Semidetached

Single-Family

Two-Family

15. Garage, Private

16. Golf Courses

17. Greenhouses

18. Home Occupation

19. Hotels & Guesthouses

20. Labor Unions & Similar Labor Organizations, Halls

21. Libraries

22. Mobile Homes

23. Museums

24. Nurseries (Plants)

25. Nursery Schools (Children's Day Care)

26. Professional & Business Membership Organizations & Associations (Clubhouse or Office)

27. Playgrounds

28. Play Lots or Tot Lots

29. Religious Quarters

30. Rooming & Boarding Houses

31. Schools

Art

Dancing (Studios)

Diving & Snorkeling

Music

Nursery

Primary (Elementary)

Secondary

Special Education

Water Skiing

32. Stadium

33. Sewage Treatment Plants

34. Swimming Pools

35. Tennis Courts

36. Water Sports Equipment, Sales and Rental

37. Yacht Clubs

38. Zoological Gardens

R-3 ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Athletic Fields (Playfields)

2. Colleges

3. Community Centers

4. Electrical Substations, Radio & Television Transmittal Towers, & Telephone Relay Towers

5. Fire Stations, Police Stations, & Postal Substations

6. Garage, Community

7. Gymnasiums & Athletic Clubs

8. Hospitals

9. Laundry & Dry Cleaning

Depot

Self-Service & Depot

10. Marines (Recreational Marine Crafts)

Charter & Rental

Boat Access Sites

11. Medical Clinics

12. Mobile Home Parks or Courts

13. Planned Development

14. Sewage Lift Station, Sewage & Water Pressure Control Station, & Sewage Treatment Plants

15. Signs

Business

Directional

For Sale or For Rent

Identification

Temporary

R-3 ZONE

Accessory uses permitted subject to the conditions set forth in section 233 of this subchapter:

1. Accessory Buildings (Structures)

2. Apparel & Accessories, Retail

3. Artists, Commercial & Display

4. Art Galleries

5. Automobiles & Motorcycles, Rentals (Office)

6. Baby Sitting Bureaus

7. Barber or Beauty Shops

8. Bars & Taverns (Drinking Places)

9. Books & Stationery, Retail

10. Business Management Consultant Services

11. Cafeteria

12. Cameras & Photographic Supplies, Retail

13. Candy & Other Confectionery, Retail

14. Chinaware, Glassware, & Metalware, Retail

15. Cigarettes & Tobacco Products, Retail

16. Coffee Shops & Ice Cream Parlors

17. Concession, Retail

18. Drugs & Proprietary, Retail

19. Delicatessens

20. Florists, Retail

21. Gifts, Novelties, & Souvenirs, Retail

22. Jewelry & Precious Metals, Retail Sales & Repair

23. Liquor, Retail

24. News & Magazine Dealers, Retail

25. Night Clubs

26. Perfume & Cosmetic Shops, Retail

27. Radio & Television Studios, Broadcasting

28. Restaurants

29. Sandwich Shops

30. Sporting Goods, Retail

31. Travel Arranging Services

R-4 RESIDENTIAL—MEDIUM DENSITY ZONE

Uses permitted as a matter of right:

1. Accessory Buildings

2. Alteration, Clothing

3. Art Galleries

4. Artists' Studios

5. Children's Home

6. Churches, Synagogues, Temples, & Sunday School Buildings

7. Civic, Social, & Fraternal Associations (Clubhouse or Office)

8. Convalescent, Rest, Nursing, Retirement Homes; & Sanitariums

9. Dwellings

Attached

Detached

Group

Multiple

Semidetached

Single-Family

Two-Family

10. Garage, Private

11. Home Occupation

12. Libraries

13. Mobile Homes

14. Museums

15. Nursery Schools (Children's Day Care)

16. Playgrounds

17. Play Lots or Tot Lots

18. Religious Quarters

19. Rooming & Boarding Houses

20. Schools

Art

Nursery

Primary (Elementary)

Secondary

Special Education

21. Swimming Pools

22. Tennis Courts

23. Youth Correctional Institutions

R-4 ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Athletic Fields (Playfields)

2. Colleges

3. Community Centers

4. Electrical Substations, Radio & Television Transmittal Towers, & Telephone Relay Towers

5. Fire Stations, Police Stations, & Postal Substations

6. Garage, Community

7. Gymnasiums & Athletic Clubs

8. Hospitals

9. Medical Clinics

10. Planned Development

11. Sewage Lift Station, Sewage and Water Pressure Control Station, & Sewage Treatment Plants

12. Signs

Directional

For Sale or For Rent

Identification

Occupancy

Temporary

R-5 RESIDENTIAL—HIGH DENSITY ZONE

Uses permitted as a matter of right:

1. Amphitheaters

2. Apartment Hotels

3. Artists' Studios

4. Auditoriums

5. Aquariums

6. Boarding House

7. Botanical Garden & Arboretums

8. Children's Home

9. Churches, Temples, Synagogues & Sunday School Buildings

10. Civic, Social, & Fraternal Associations (Clubhouse or Office)

11. Convalescent, Rest, Nursing, & Retirement Homes; & Sanitariums

12. Convention Centers

13. Country Clubs & Golf Clubs

14. Dwellings

Attached

Detached

Group

Multiple

Semidetached

Single-Family

Two-Family

15. Garage, Private

16. Golf Courses

17. Greenhouses

18. Home Occupation

19. Hotels & Guesthouses

20. Labor Unions & Similar Labor Organizations, Halls

21. Libraries

22. Mobile Homes

23. Motels

24. Museums

25. Nurseries (Plants)

26. Nursery Schools (Children's Day Care)

27. Professional & Business Membership Organizations & Associations (Clubhouse or Office)

28. Playgrounds

29. Play Lots or Tot Lots

30. Religious Quarters

31. Rooming & Boarding Houses

32. Schools

Art

Dancing (Studios)

Diving & Snorkeling

Music

Nursery

Primary (Elementary)

Secondary

Special Education

Water Skiing

33. Stadium

34. Sewage Treatment Plants

35. Swimming Pools

36. Tennis Courts

37. Water Sports Equipment, Sales & Rental

38. Water Storage

39. Yacht Clubs

40. Zoological Gardens

R-5 ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Athletic Fields (Playfields)

2. Colleges

3. Community Centers

4. Electrical Substations, Radio & Television Transmittal Towers, & Telephone Relay Towers

5. Fire Stations, Police Stations, & Postal Substations

6. Garage, Community

7. Gymnasiums & Athletic Clubs

8. Hospitals

9. Laundry & Dry Cleaning

Depot

Self-Service & Depot

10. Marines (Recreational Marine Crafts)

Charter & Rental

Boat Access Sites

11. Medical Clinics

12. Planned Development

13. Sewage Lift Station, Sewage & Water Pressure Control Station, & Sewage Treatment Plants

14. Signs

Business

Directional

For Sale or For Rent

Identification

Temporary

R-5 ZONE

Accessory uses permitted subject to the conditions set forth in section 233 of this subchapter:

1. Accessory Buildings (Structures)

2. Apparel & Accessories, Retail

3. Artists, Commercial & Display

4. Art Galleries

5. Automobiles & Motorcycles, Rentals (Office)

6. Baby Sitting Bureaus

7. Barber or Beauty Shops

8. Bars & Taverns (Drinking Places)

9. Books & Stationery, Retail

10. Business Management Consultant Services

11. Cafeteria

12. Cameras & Photographic Supplies, Retail

13. Candy & Other Confectionery, Retail

14. Chinaware, Glassware, & Metalware, Retail

15. Cigarettes & Tobacco Products, Retail

16. Coffee Shops & Ice Cream Parlors

17. Concession, Retail

18. Drugs & Proprietary, Retail

19. Delicatessens

20. Florists, Retail

21. Gifts, Novelties, & Souvenirs, Retail

22. Jewelry & Precious Metals, Retail Sales & Repair

23. Liquor, Retail

24. News & Magazine Dealers, Retail

25. Night Clubs

26. Perfume & Cosmetic Shops, Retail

27. Radio & Television Studios, Broadcasting

28. Restaurants

29. Sandwich Shops

30. Sporting Goods, Retail

31. Travel Arranging Services

B-1 BUSINESS—CENTRAL BUSINESS DISTRICT ZONE

Uses permitted as a matter of right:

1. Accessory Buildings

2. Accounting, Auditing & Bookkeeping Services

3. Adjustment & Collection Agencies

4. Advertising Agencies, Offices

5. Agents, Shipping

6. Air Conditioning Equipment, Sales & Service

7. Airline Companies' Offices

8. Alcoholic Beverages — Retail — Wholesale

9. Alteration, Clothing

9a. Alternative and Renewable Energy Systems and Components (solar photovoltaic, solar thermal)

Assembly

Retail

10. Aluminum Products, Retail

11. Animals

Sales (Pet Shops)

Hospital (Veterinary)

Clinic (Office)

12. Answering Service

13. Antiques & Secondhand Merchandise, Retail

14. Apartment Hotels

15. Apparel & Accessories, Retail

16. Appliances (Household)

Repair

Sales & Service

17. Appraisers

18. Architects & Engineering Supplies

19. Art Galleries

20. Artist, Commercial & Display

21. Artists' Materials & Supplies & Picture Framing

22. Artists' Studios

23. Athletic Fields (Playfields)

24. Audio-Visual Equipment & Supplies, Retail

25. Automobiles & Motorcycles

Accessories

Parking, Commercial

Rentals (Office)

26. Baby Sitting Bureaus

27. Bakeries (Manufacture), Retail

28. Banks & Other Financial Institutions

29. Barber or Beauty Shops

30. Barber & Beauty Supplies

31. Bars & Taverns (Drinking Places)

32. Billiard Parlors

33. Billiard Tables, Sales and Service

34. Blue Printing & Photocopying Services & Equipment

35. Books & Stationery, Retail

36. Bowling Alleys

37. Burglar & Fire Alarm Systems

Installation, Sales & Service

38. Business & Management Consultant Services

39. Business Machines, Sales & Repair Services

40. Buses, Sightseeing, Depot (Tickets)

41. Cafeteria

42. Camera & Photographic

43. Candy & Other Confectionery Products, Retail

44. Canvas Goods, Sales

45. Catering Services

46. Chinaware, Glassware & Metalware, Retail

47. Churches, Synagogues, Temples, & Sunday School Buildings

48. Cigarette & Tobacco Products, Retail

49. Civic, Social, & Fraternal Associations (Clubhouse or Office)

50. Coin Dealers

51. Coffee Shops & Ice Cream Parlors

52. Community Centers

53. Convention Centers

54. Credit Services (Other than Banks)

55. Custom Brokers

56. Dairy Products, Retail

57. Dance Halls

58. Delicatessens

59. Dental Laboratory Services

60. Dentists' Services

61. Detective & Protective Services

62. Diaper Services

63. Doughnut Shops, Retail

64. Draperies, Curtains & Upholstery, Manufacture & Sales

65. Dress Shop, Sewing & Sales

66. Drive-In Establishments

Banks

Restaurants

67. Drugs & Proprietary, Retail

68. Duplicating, Mailing & Stenographic Services

69. Dwelling

Attached

Detached

Group

Multiple

Semidetached

Single-Family

Two-Family

70. Educational & Scientific Research Services

71. Electrical Appliances, Retail Sales & Service

72. Electrical Equipment & Supplies, Retail

73. Electrical Equipment, Repair Services

74. Electric Power Generation

Offices

Substations

75. Employment Agencies

76. Engineering & Architectural Services

77. Farm & Garden Supplies, Retail

78. Finance, Insurance, & Real Estate Services

79. Fire Protection & Related Activities

80. Fire Stations

81. Fish & Seafoods, Retail

82. Florists, Retail

83. Freight Forwarding Services (Express), Offices

84. Fruit & Vegetable Market, Retail

85. Funeral & Crematory Services

86. Furniture, Home Furnishings, & Equipment

Display & Storage

Retail Sales

Upholstering

87. Garage, Community

88. Garage, Private

89. Garage, Public

90. General Merchandise & Dry Goods, Retail

91. Gifts, Novelties, & Souvenirs, Retail

92. Groceries & Related Products, Retail

93. Guns, Sales & Gunsmith

94. Gymnasium & Athletic Clubs

95. Hardware, Retail

96. Home Occupation

97. Hospitals

98. Hotels & Guesthouses

99. Hotel & Restaurant Equipment & Supplies

100. Household Specialties

101. Ice, Retail

102. Interior Decorators

Display & Sales

Offices

Workshops

103. Janitor Service

104. Janitor Supplies

Retail Sales

Storage

105. Jewelry & Precious Metals, Retail Sales & Repair

106. Jewelry Design & Repair

107. Labor Unions & Similar Labor Organizations, Halls

108. Laundry & Dry Cleaning

Depot

Self-Service

Self-Service & Depot

109. Leather Goods, Custom Repair

110. Legal Services

111. Libraries

112. Liquor Store, Retail

113. Locksmith Shops, Repair & Retail Sales

114. Machine & Equipment Rental

Domestic (Non-Heavy)

Commercial

115. Manufacturers' Agents (Offices)

116. Markets, Public

117. Market Research & Analyses

118. Marine Craft & Accessories, Supplies & Equipment, Retail

119. Meat, Retail

120. Medical Clinics

121. Medical Laboratory Services

122. Motion Picture Theaters, Indoor

123. Museums

124. Music Shop—Instruments & Supplies, Sales & Repair

125. Newspaper & Magazine Dealers, Retail

126. Night Clubs

127. Nutrition Consulting Services

128. Offices

General

Professional

129. Office Furniture & Equipment

130. Office Supplies

131. Optical Goods, Retail

132. Paint Supplies, Retail

133. Paper & Paper Products, Wholesale

134. Parks & Recreational Areas, Memorial Parks, Memorial Gardens, Memorial Nature Preserves or Parks, Perpetual Care Parks

135. Perfume & Cosmetic Shops, Retail

136. Photofinishing Services

137. Photographic Services

138. Physical Therapists

139. Physicians' Services

140. Playgrounds

141. Play Lots or Tot Lots

142. Police Protection & Related Activities

143. Police Stations

144. Postal Services

145. Poultry Markets, Retail

146. Printing, Publishing, & Allied Industries

147. Professional Membership Organizations and Business Associations

148. Radio Communication Services

149. Radio & Television, Retail

150. Radio & Television Transmittal Towers

151. Radio Repair & Television Repair Services

152. Radio & Television Studios, Broadcasting

153. Recreational Centers (General)

154. Recording Service (Studios)

155. Refreshment Stands

156. Research, Development & Testing Services

157. Restaurants

158. Rubber Stamps, Sales, Manufacture

159. Sandwich Shops

160. Schools

Art

Auto Driving

Barber & Beauty

Business & Stenographic

Dancing (Studios)

Music

Professional

Special Education

Technical Trade & Vocational

161. Security & Commodity Brokers & Related Services

162. Sewage Lift Station & Pressure Control Station

163. Sewing Machines, Sales & Repair

164. Shoe Repair Shops

165. Shoes, Retail

166. Shoeshine Stands

167. Sign Painters' Shops & Yard

168. Soft Drinks, Retail

169. Sporting Goods (Athletic), Retail

170. Stamps & Coin Dealers

171. Stamps, Rubber & Metal, Sales

172. Stationery Engravers

173. Stationery, Retail

174. Taxicab Service (Stands)

175. Taxidermists

176. Telegraph Message Centers

177. Telephone Exchange Stations

178. Telephone Relay Towers

179. Tennis Courts

180. Toys, Retail

181. Travel Arranging Services

182. Variety Stores, Retail

183. Vegetable Market

Retail

Wholesale

184. Vending Machines (Coin-Operated)

Distribution & Repair

185. Water Pressure Control Stations

186. Water Sports Equipment, Sales

187. Welfare & Charitable Services

B-1 BUSINESS—CENTRAL BUSINESS DISTRICT ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Planned Development

2. Signs

Business

Directional

For Sale or For Rent

Identification

Temporary

B-2 BUSINESS—SECONDARY/NEIGHBORHOOD ZONE

Uses permitted as a matter of right:

1. Accessory Buildings

2. Accounting, Auditing & Bookkeeping Services

3. Adjustment & Collection Agencies

4. Advertising Agencies, Offices

5. Agents, Shipping

6. Air conditioning Equipment, Sales and Service

7. Airline Companies' Offices

8. Alcoholic Beverages, Retail

9. Alteration, Clothing

9a. Alternative and Renewable Energy Systems and Components (solar photovoltaic, solar thermal, wind turbine or other wind converters)

Assembly

Retail

Wholesale

10. Aluminum Products

Assembly (Doors & Windows)

Retail

11. Animals

Sales (Pet Shops)

Hospital (Veterinary)

Clinic (Office)

12. Answering Service

13. Antiques & Secondhand Merchandise, Retail

14. Apartment Hotels

15. Apparel & Accessories, Retail

16. Appliances (Household)

Retail

Repair & Service

17. Appraisers

18. Architects & Engineering Supplies

19. Art Galleries

20. Artist, Commercial & Display

21. Artists' Materials & Supplies & Picture Framing

22. Artists' Studios

23. Athletic Fields (Playfields)

24. Audio-Visual Equipment & Supplies, Retail

25. Automobiles & Motorcycles

Accessories

Glass Replacement & Upholstering

Motor Tune-Up & Repair Work (Mechanical)

Parking, Commercial

Rentals (Office)

Repair Work (Mechanical)

Sales, New and/ or Used

Service Stations (Gasoline)

Storage (Live), Fleet Parking

Tire Sales & Repair

Towing & Wrecking Service

26. Baby Sitting Bureaus

27. Bakeries (Manufacture), Retail

28. Banks & Other Financial Institutions

29. Barber or Beauty Shops

30. Barber & Beauty Supplies

31. Bars & Taverns (Drinking Places)

32. Billiard Parlors

33. Billiard Tables, Sales & Service

34. Blue Printing & Photocopying

Services & Equipment

35. Books & Stationery, Retail

36. Bowling Alleys

37. Burglar & Fire Alarm Systems Installation, Sales & Service

38. Business & Management Consultant Services

39. Business Machines, Sales & Repair Services

40. Buses, Sightseeing, Depot (Tickets)

41. Cafeteria

42. Camera & Photographic Supplies, Retail

43. Candy & Other Confectionery Products

Retail

Wholesale

44. Canvas Goods, Sales

45. Catering Services

46. Chinaware, Glassware & Metalware, Retail

47. Churches, Synagogues, Temples & Sunday School Buildings

48. Cigarette & Tobacco Products, Retail

49. Civic, Social, & Fraternal Associations (Clubhouse or Office)

50. Coin Dealers

51. Coffee Shops & Ice Cream Parlors

52. Community Centers

53. Convention Centers

54. Credit Services (Other Than Banks)

55. Custom Brokers

56. Dairy Products, Retail

57. Dance Halls

58. Delicatessens

59. Dental Laboratory Services

60. Dentists' Services

61. Detective & Protective Services

62. Diaper Services

63. Doughnut Shops

Retail

Wholesale

64. Draperies, Curtains & Upholstery, Manufacture & Sales

65. Dress Shop, Sewing & Sales

66. Drive-In Establishments

Banks

Restaurants

Theatres

67. Drugs & Proprietary, Retail

68. Duplicating, Mailing & Stenographic Services

69. Dwelling

Attached

Detached

Group

Multiple

Semidetached

Single-Family

Two-Family

70. Educational & Scientific Research Services

71. Electrical Appliances, Retail Sales & Service

72. Electrical Equipment & Supplies, Retail

73. Electrical Equipment, Repair Services

74. Electric Power Generation

Offices

Substations

75. Employment Agencies

76. Engineering & Architectural Services

77. Equipment Rental & Leasing Services

78. Farm & Garden Supplies, Retail

79. Finance, Insurance, & Real Estate Services

80. Fire Protection & Related Activities

81. Fire Stations

82. Fish & Seafood, Retail

83. Florists, Retail

84. Freight Forwarding Services (Express), Offices

85. Fruit & Vegetable Market

Retail

Wholesale

86. Funeral & Crematory Services

87. Furniture, Home Furnishing & Equipment

Display & Storage

Retail Sales

Upholstering

88. Garage, Community

89. Garage, Private

90. Garage, Public

91. General Merchandise & Dry Goods, Retail

92. General Stores

93. Gifts, Novelties, & Souvenirs, Retail

94. Greenhouses

95. Groceries & Related Products, Retail

96. Guns, Sales & Gunsmith

97. Gymnasiums & Athletic Clubs

98. Hardware, Retail

99. Heating & Plumbing Equipment, Retail

100. Hospitals

101. Hotels & Guesthouses

102. Hotel & Restaurant Equipment & Supplies

103. Household Specialties

104. Ice, Retail

105. Interior Decorators—

Display Sales

Offices

Workshops

106. Janitor Service

107. Janitor Supplies

Retail Sales

Storage

108. Jewelry & Precious Metals, Retail Sales and Repairs

109. Jewelry Design & Repair

110. Labor Unions & Similar Labor Organizations, Halls

111. Laundry & Dry Cleaning

Depot

Self-Service

Self-Service & Depot

112. Leather Goods, Custom Repair

113. Legal Services

114. Libraries

115. Liquor Store, Retail

116. Locksmith Shops, Repair & Retail

117. Machine & Equipment Rental

Domestic (Non Heavy)

Commercial

118. Manufacturers' Agents (Offices)

119. Market Research & Analyses

120. Marine Craft & Accessories, Supplies & Equipment, Retail

121. Meat, Retail

122. Medical Clinics

123. Medical Laboratory Services

124. Motion Picture Theaters, Indoor

125. Museums

126. Music Shop—Instruments & Supplies, Sales & Repair

127. Newspaper & Magazine Dealers, Retail

128. Night Clubs

129. Nurseries (Plants)

130. Nursery Schools (Children's Day Care)

131. Nutrition Consulting Services

132. Offices

General

Professional

133. Office Furniture & Equipment

134. Office Supplies

135. Optical Goods, Retail

136. Paint Supplies, Retail

137. Paper & Paper Products, Wholesale

138. Parks & Recreational Areas, Memorial Parks, Memorial Gardens, Memorial Nature Preserves or Parks, Perpetual Care Parks

139. Perfume & Cosmetic Shops, Retail

140. Photofinishing Services

141. Photographic Services

142. Physical Therapists

143. Physicians' Services

144. Playgrounds

145. Play Lots or Tot Lots

146. Plumbing Fixtures & Supplies, Display, Sales

147. Police Protection & Related Activities

148. Police Stations

149. Postal Services

150. Poultry Markets, Retail

151. Printing

152. Printing, Publishing & Allied Industries

153. Professional Membership Organizations & Business Associations

154. Radio Communication Services

155. Radio & Televisions, Retail

156. Radio & Television Transmittal Towers

157. Radio Repair & Television Repair Services

158. Radio & Television Studios, Broadcasting

159. Recreational Centers (General)

160. Recording Service (Studios)

161. Refreshment Stands

162. Research, Development & Testing Services

163. Restaurants

164. Rubber Stamps, Sales, Manufacture

165. Sandwich Shops

166. Schools

Art

Auto Driving

Barber & Beauty

Business & Stenographic

Dancing (Studios)

Music

Nursery

Primary (Elementary)

Secondary

Professional

Special Education

Technical Trade & Vocational

167. Security & Commodity Brokers & Related Services

168. Sewage Lift Station & Pressure Control Station

169. Sewing Machines, Sales & Repair

170. Shoe Repair Shops

171. Shoes, Retail

172. Shoeshine Stands

173. Sign Painters'

Shops & Yards, Manufacture

174. Soft Drinks, Retail

175. Sporting Goods (Athletic), Retail

176. Stamps & Coin Dealers

177. Stamps, Rubber & Metal, Sales

178. Stationery Engravers

179. Stationery, Retail

180. Swimming Pools

181. Taxicab Service (Stands)

182. Taxidermists

183. Telegraph Message Centers

184. Telephone Exchange Station

185. Telephone Relay Towers

186. Tennis Courts

187. Toys, Retail

188. Travel Arranging Services

189. Variety Stores, Retail

190. Vegetable Market

Retail

Wholesale

191. Vending Machines (Coin-Operated)

Distribution & Repair

192. Water Pressure Control Stations

193. Water Sports Equipment, Sales

194. Welfare & Charitable Services

195. Water Delivery Service

196. Water, Mineral (Bottled), Storage & Distribution

197. Youth Correctional Institution

B-2 ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Automobiles & Motorcycles, Laundry (Car Wash)

2. Planned Development

3. Signs

Business

Directional

For Sale or For Rent

Identification

Temporary

B-3 BUSINESS—SCATTERED ZONE

Uses permitted as a matter of right:

1. Accessory Buildings

2. Accounting, Auditing & Bookkeeping Services

3. Adjustment Agencies, Offices

4. Alcoholic Beverages, Retail

5. Alteration, Clothing

5a. Alternative and Renewable Energy Systems and Components (solar photovoltaic, solar thermal, wind turbine or other wind converters)

Assembly

Retail

6. Apparel & Accessories, Retail

7. Appliances (Household)

Repair

Sales & Service

8. Appraisers

9. Architects' & Engineering Supplies

10. Arenas & Field Houses

11. Art Galleries

12. Artists, Commercial & Display

13. Artists, Material & Supplies & Picture Framing

14. Artists' Studios

15. Athletic Fields (Playfields)

16. Audio-Visual Equipment & Supplies, Sales

17. Automobiles & Motorcycles

Accessories

Glass Replacement & Upholstering

Motor Tune-Up & Repair Work (Mechanical)

Parking, Commercial

Rentals, (Office)

Service Stations (Gasoline)

Tire Sales & Repair

18. Baby Sitting Bureaus

19. Barber or Beauty Shops

20. Barber & Beauty Supplies

21. Bars & Taverns (Drinking Places)

22. Billiard Parlors

23. Billiard Tables, Sales & Service

24. Blue Printing & Photo-copying Services & Equipment

25. Boarding House

26. Books & Stationery, Retail

27. Burglar & Fire Alarm Systems Installation, Sales & Service

28. Business Machines, Sales & Repair Services

29. Business & Management Consultant Services

30. Cafeteria

31. Cameras & Photographic Supplies, Retail

32. Candy & Other Confectionery Products, Retail

33. Canvas Goods, Retail

34. Catering Services

35. Chinaware, Glassware, & Metalware, Retail

36. Churches, Synagogues, Temples, & Sunday School Buildings

37. Cigarette & Tobacco Products, Retail

38. Civic, Social, & Fraternal Associations (Clubhouse or Office)

39. Coin Dealers

40. Coffee Shops & Ice Cream Parlors

41. Credit Services (Other Than Banks)

42. Dairy Products, Retail

43. Dance Halls

44. Delicatessens

45. Dental Laboratory Services

46. Dentists' Services

47. Detective & Protective Services

48. Diaper Services

49. Doughnut Shops, Retail

50. Drive-In Establishments

Banks

Restaurants

51. Dress Shop, Sewing & Sales

52. Drugs & Proprietary, Retail

53. Duplicating, Mailing & Stenographic Services

54. Dwelling

Attached

Detached

Group

Multiple

Semidetached

Single-Family

Two-Family

55. Electrical Equipment & Supplies, Retail

56. Electrical Equipment, Repair Services

57. Electric Power Generation

Offices

Substations

58. Employment Agencies

59. Engineering—Architectural Services

60. Engravers—Stationery

61. Equipment Rental & Leasing Services

62. Farm & Garden Supplies, Retail

63. Finance, Insurance & Real Estate Services

64. Fire Protection & Related Activities

65. Fish & Seafood, Retail

66. Florists, Retail

67. Freight Forwarding Services (Express), Offices

68. Fruit & Vegetable Market, Retail

69. Funeral & Crematory Services

70. Furniture

Display & Storage

Retail Sales

Upholstering

71. Garage, Community

72. Garage, Private

73. Garage, Public

74. General Merchandise & Dry Goods, Retail

75. Gifts, Novelties, & Souvenirs, Retail

76. Groceries & Related Products, Retail

77. Ice, Sales

78. Interior Decorators

Display & Sales

Offices

Workshops

79. Janitor Supplies

Retail Sales

Storage

80. Janitor Service

81. Jewelry Design & Repair

82. Labor Union & Similar Labor Organizations, Halls

83. Laundry & Dry Cleaning

Depot

Self-Service

Self-Service & Depot

84. Legal Services

85. Libraries

86. Liquor Store, Retail

87. Locksmith Shops, Repair & Retail

88. Machine Rental, Domestic (Non-Heavy)

89. Manufacturers' Agents

90. Market Research & Analyses

91. Meat, Retail

92. Medical Clinics

93. Medical Laboratory Services

94. Museums

95. Music Shops — Instruments & Supplies (Sales & Repair)

96. Newspaper & Magazine Dealers, Retail

97. Night Clubs

98. Novelties

99. Nursery Schools (Children's Day Care)

100. Nutrition Consulting Services

101. Offices

General

Professional

102. Paint Supplies, Retail

103. Perfume & Cosmetic Shops, Retail

104. Photofinishing Services

105. Physical Therapists

106. Physicians' Services

107. Playgrounds

108. Play Lots or Tot Lots

109. Police Protection & Related Activities

110. Postal Services

111. Poultry Markets, Retail Sales

112. Professional Membership Organizations & Business Associations

113. Radio & Televisions, Retail

114. Radio & Television Repair Services

115. Recording Service (Studios)

116. Recreational Centers (General)

117. Religious Quarters

118. Research, Development & Testing Services

119. Restaurants

120. Rooming & Boarding House

121. Riding Apparel & Supplies

122. Rubber Stamps Sales, Manufacture

123. Sandwich Shops

124. Schools

Art

Auto Driving

Barber & Beauty

Business & Stenographic

Dancing (Studios)

Music

Nursery

Primary (Elementary)

Secondary

Professional

Special Education

Technical, Trade & Vocational

125. Shoe Repair Shops

126. Shoes, Retail

127. Shoeshine Stands

128. Soft Drinks, Retail

129. Sporting Goods (Athletic), Retail

130. Stamps & Coin Dealers

131. Stamps, Rubber & Metal, Sales

132. Stationery Engravers

133. Stationery, Retail

134. Swimming Pools

135. Tax Consultants' Offices

136. Taxidermists

137. Telephone Answering Service

138. Toys, Retail

139. Travel Arranging Services

140. Variety Stores, Retail

141. Water, Mineral (Bottled), Storage and Distribution

142. Welfare & Charitable Services

143. Youth Correctional Institution

B-3 ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Planned Development

2. Signs

Business

Directional

For Sale or For Rent

Identification

Temporary

B-4 BUSINESS—RESIDENTIAL AREAS ZONE

Uses permitted as a matter of right:

1. Accessory Buildings

2. Accounting, Auditing & Bookkeeping Services

3. Adjustment & Collection Agencies

4. Advertising Agencies, Offices

5. Alcoholic Beverages, Retail

5a. Alternative and Renewable Energy Systems and Components (solar photovoltaic, solar thermal)

Assembly

Retail

6. Animals

Clinics (Office)

Sales (Pet Shops)

7. Apparel & Accessories, Retail

8. Appliances (Household)

Repair

Sales & Service

9. Art Galleries

10. Artists, Commercial & Display

11. Artists Studios

12. Automobiles & Motorcycles, Service Stations (Gasoline)

13. Baby Sitting Bureaus

14. Bakeries (Manufacture), Retail

15. Banks & Other Financial Institutions

16. Barber or Beauty Shops

17. Bars & Taverns (Drinking Places)

18. Billiard Parlors

19. Blue Printing & Photocopying Services & Equipment

20. Books & Stationery, Retail

21. Business & Management Consultant Services

22. Business Machines, Sales Repair Services

23. Cafeteria

24. Cameras & Photographic Supplies, Retail

25. Candy & Other Confectionery Products, Retail

26. Chinaware, Glassware & Metalware, Retail

27. Civic, Social, & Fraternal Associations (Clubhouse or Office)

28. Coin Dealers

29. Coffee Shops & Ice Cream Parlors

30. Community Centers

31. Credit Services (Other Than Banks)

32. Dairy Products, Retail

33. Dance Halls

34. Delicatessens

35. Dental Laboratory Services

36. Dentists' Offices

37. Dentists' Services

38. Diaper Service

39. Doughnut Shops, Retail

40. Dress Shop, Sewing & Sales

41. Drive-In Establishments

Banks

Restaurants

42. Drugs & Proprietary, Retail

43. Duplicating, Mailing & Stenographic Services

44. Engineering & Architectural Services

45. Farm & Garden Supplies, Retail

46. Finance, Insurance, & Real Estate Services

47. Fish & Seafood, Retail

48. Florists, Retail

49. General Merchandise & Dry Goods, Retail

50. Gifts, Novelties, & Souvenirs, Retail

51. Groceries & Related Products, Retail

52. Household Specialties

53. Ice, Sales

54. Legal Services

55. Liquor Store, Retail

56. Laundry & Dry Cleaning

Depot

Self-Service

Self-Service & Depot

57. Meat, Retail

58. Medical Clinics

59. Medical Laboratory Services

60. Newspaper & Magazine Dealers, Retail

61. Night Clubs

62. Nutrition Consulting Services

63. Offices

General

Professional

64. Office Supplies

65. Paint Supplies, Retail

66. Perfume & Cosmetic Shops, Retail

67. Photofinishing Services

68. Physical Therapists

69. Physicians' Services

70. Postal Services

71. Restaurants

72. Sandwich Shops

73. Soft Drinks, Retail

74. Stationery, Retail

75. Stamps & Coin Dealers

76. Sporting Goods (Athletic), Retail

77. Telegraph Message Centers

78. Travel Arranging Services

79. Variety Stores, Retail Sales

80. Welfare & Charitable Services

B-4 ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Planned Development

2. Signs

Business

Directional

For Sale or For Rent

Identification

Temporary

C-COMMERCIAL

Uses permitted as a matter of right:

1. Accessory Buildings

2. Accounting, Auditing & Bookkeeping Services

3. Advertising Agencies, Offices

4. Agents, Shipping

5. Agriculture Equipment & Machinery

Repair & Service

Sales & Rentals

Storage

6. Air Compressors, Sales & Rentals

7. Air Conditioning Equipment, Sales & Service

8. Airline Companies' Offices

9. Air Express Service, Warehouse

10. Alcoholic Beverages, Retail

Wholesale

11. Alteration, Clothing

11a. Alternative and Renewable Energy Systems and Components (solar photovoltaic, solar thermal, wind turbine or other wind converters)

Assembly

Retail

Wholesale

12. Aluminum Products, Assembly & Sales, Retail Sales

13. Animals Boarding (Kennels)

Clinic (Office)

Hospital (Veterinary)

Shelter (Pound)

Sales (Pet Shops)

15. Answering Service

16. Antiques & Secondhand Merchandise, Retail

17. Apparel & Accessories, Retail

18. Apparel & Other Finished Products, Manufacture

19. Appliances (Household)

Repair

Sales & Service

20. Appraisers

21. Architects & Engineering Supplies

22. Art Galleries

23. Artists, Commercial & Display

24. Artists, Materials & Supplies & Picture Framing

25. Asbestos Products, Sales & Storage

26. Audio-Visual Equipment Supplies, Retail

27. Automatic Temperature Controls, Manufacture

28. Automobiles & Motorcycles

Glass Replacement & Upholstering

Laundry (Car Wash)

Motor Tune-up & Repair Work (Mechanical)

Parking, Commercial

Parts & Supplies

Painting & Body Work

Rentals

Repair Work (Mechanical)

Sales, New and/or Used

Service Stations (Gasoline)

Storage (Live), Fleet Parking

Storage (Dead)

Tire Retread & Recapping

Tire Sales & Repair

Towing & Wrecking Service

29. Awnings & Canvas Goods, Manufacture

30. Bakeries, Manufacture

Retail

Wholesale

31. Banks & Other Financial Institutions

32. Barber & Beauty Supplies

33. Bars & Taverns (Drinking Places—Alcoholic Beverages)

34. Bars, Metal & Steel, Wholesale

35. Beverages

Bottling

Wholesale & Retail

36. Billiard Tables, Sales & Service

37. Blue Printing Service & Photocopying Services & Equipment

38. Boilers, Contractors' Repair Shops

39. Bottling & Canning—Soft Drinks & Carbonated Waters

40. Bowling Alleys

41. Building Contractors' Offices, Shops & Yards (General Contractor Services)

42. Building Materials, Hardware & Equipment, Retail

43. Buildings, Office

General

Professional

44. Burglar & Fire Alarm Systems Installation, Sales & Service

45. Business Machines, Sales & Repair Service

46. Bus Garaging & Equipment Maintenance

47. Buses, Passenger Terminal

48. Business & Management Consultant Services

49. Business Machines, Sales & Repair Services

50. Cafeteria

51. Candy & Other Confectionery Products

Manufacture

Retail

Wholesale

52. Canvas Goods: Manufacture

Sales

53. Canning & Preserving of Fruits, Vegetables & Sea Foods

54. Carpets & Rugs, Cleaning & Repair

55. Catering Services

56. Cement

Retail

Wholesale

57. Chinaware, Glassware & Metalware, Retail

58. Chocolate & Cocoa Products, Manufacture

59. Cigarette & Tobacco Products

Retail

Wholesale

60. Civic, Social, & Fraternal Association (Clubhouse or Office)

61. Coin Machines, Sales, Service & Rental

62. Coffee Shops & Ice Cream Parlors

63. Commercial & Industrial Machinery, Equipment & Supplies, Sales & Rental

64. Concrete Products

(Storage Yards) Wholesale

65. Construction Equipment & Materials

Rentals

Sales

Storage

66. Costume Jewelry, Costume Novelties, Buttons and Miscellaneous Notions, Manufacture

67. Custom Brokers

68. Dairy Products, Retail

Wholesale

69. Dance Halls

70. Dental Laboratory Services

71. Dentists' Offices

72. Detective & Protective Services

73. Diaper Services

74. Diesel Engines—Equipment, Service & Supply

75. Divers Services

76. Disinfecting & Exterminating Service

77. Doughnut Shop

Wholesale

Retail

78. Draperies, Curtains & Upholstery, Manufacture & Sales

79. Drilling Company, Equipment Yard

80. Drive-In Establishments

Banks

Restaurants

81. Drugs, Manufacture

82. Drugs & Proprietary, Retail

Sales

Wholesale & Storage

83. Duplicating, Mailing & Stenographic Services

84. Dyeing & Finishing of Textiles, Manufacture

85. Educational & Scientific Research Services

86. Electrical Appliances, Retail Sales & Services

87. Electrical Equipment & Supplies, Retail

88. Electrical Equipment, Repair Services

89. Electric Power Generation

Offices

Substations

Yards (Storage)

90. Engineering & Architectural Services

91. Engines, Repair Services (Diesel & Other Power Engines)

92. Equipment Rental & Leasing Services

93. Farm & Garden Supplies, Retail

94. Finance, Insurance & Real Estate Services

95. Fire Protection & Related Services

96. Fire Stations

97. Fish & Seafood, Retail

Wholesale

98. Florists, Retail

99. Food Products, Brokers & Distributors, Wholesale (Warehouse)

100. Freight Forwarding Services (Express)

Garages & Warehouse

Offices

101. Fruit Storage

102. Fruit & Vegetable Market, Wholesale

103. Furniture, Homefurnishing & Equipment

Manufacture

Display & Storage

Retail Sales

Upholstery

104. Funeral & Crematory Services

105. Garage, Community

106. Garage, Private

107. Garage, Public

108. Glass Shop—Window & Plates, Installation

109. General Merchandise & Dry Goods

Retail

Wholesale

110. Greenhouses

111. Groceries & Related Products

Retail

Wholesale

112. Guns, Sales & Gunsmith

113. Gymnasiums & Athletic Clubs

114. Hardware, Plumbing, Heating Equipment & Supplies, Sales

115. Hardware, Retail

116. Hotel & Restaurant Equipment & Supplies

117. Household Specialties

118. Ice

Manufacture

Sales

119. Ice Cream & Frozen Desserts, Manufacture

120. Interior Decorators

Display & Sales

Offices

Workshops

121. Intercom Systems & Services, Sales

122. Iron (Custom Decorative), Wrought Iron Shops

123. Janitor Service

124. Janitor Supplies, Retail Sales Storage

125. Jewelry Design & Repair

126. Jewelry & Precious Metals Manufacture

Retail & Repair

127. Labor Unions & Similar Labor Organizations, Halls

128. Landscape Gardeners' & Contractors' Offices

129. Landscape Gardeners' Equipment Storage Yard

130. Laundry & Dry Cleaning Depot

Depot

Processing (Industrial)

Self-Service

Self-Service & Depot

131. Leather Goods, Custom Repair

132. Leather Goods, Custom or Handicraft

Production, Manufacture

133. Legal Services

134. Linen Supply & Industrial Laundry Services

135. Liquor, Wholesale

136. Liquor Store, Retail

137. Locksmith Shops, Repair & Retail

138. Lumber & Other Building Materials, Sales

139. Machine Rental

Commercial & Domestic

140. Machine Shops

141. Manufacturers' Agents (Offices)

142. Marine Craft & Accessories, Supplies & Equipment

143. Marine Surveyors

144. Meat & Meat Products, Wholesale

145. Medical Clinics

146. Medical Laboratory Services

147. Mobile Home Sales

148. Motor Freight Garaging & Equipment Maintenance

149. Motor Freight Terminals

150. Movers—Warehouse & Garages

151. Music Shops—Instruments & Supplies (Sales & Repair)

152. Newspaper & Magazine Dealers

Retail

Wholesale & Distribution

153. Office Furniture, Equipment & Supplies, Sales

154. Office Supplies

155. Optical Goods, Retail

156. Packing & Crating Services

157. Paint Supplies, Retail Sales

158. Paper & Paper Products, Wholesale

159. Perfumes, Cosmetics & Other Toilet Preparation, Manufacture

160. Perfume & Cosmetic Shops, Retail

161. Pharmaceutical Products, Manufacture

162. Photofinishing Services

163. Photographic Services

164. Photo-Copy Machine, Equipment & Supplies

165. Physical Therapists

166. Physicians' Services

167. Plumbing Fixtures & Supplies, Display and Sales

168. Police Protection & Related Activities

169. Police Stations

170. Postal Services

171. Postal Substations

172. Power Plants & Equipment

173. Printing, Publishing & Allied Industries

174. Professional Membership Organizations and Business Associations

175. Professional, Scientific & Controlling Instruments; Photographic & Optical Goods, Manufacture

176. Public Utility, Offices

177. Radios & Television, Retail

178. Radio Repair & Television Repair Services

179. Radio Communication Services

180. Radio & Television Transmittal Towers & Stations

181. Recording Service (Studios)

182. Refrigeration Equipment, Commercial & Servicing

183. Refrigerated Warehouse (Cold Storage)

184. Research, Development & Testing Services

185. Restaurants

186. Rubber Stamps, Sales, Manufacture

187. Rugs & Carpets, Cleaning & Repair Services

188. Sails, Manufacture

189. Sandwich Shops

190. Schools

Auto Driving

Barber & Beauty

Business & Stenographic

Professional

Technical, Trade & Vocational

191. Sewage Lift Station & Pressure Control Station

192. Sewing Machines, Sales & Repair

193. Shoe Laces, Manufacture

194. Sheet Metal Work, Custom

195. Sign Painters'

Shops & Yards, Manufacture

196. Soft Drinks, Retail Sales

197. Special Construction Trade Services, Offices, Shops & Yards

198. Sporting Goods (Athletic), Retail

199. Stamps, Rubber & Metal, Sales

200. Stationery Engravers

201. Stationery, Retail

202. Steel Bars, Sheet, Strip, Tube, etc., Sales and Storage

203. Syrups & Preserves, Manufacture

204. Tax Consultants' Offices

205. Taxicab Service (Stands)

206. Taxidermists

207. Telegraph Message Centers

208. Telephone Exchange Stations

209. Textile Mill Products, Manufacture

210. Thermometers, Manufacture

211. Trailers, Sales, Renting & Leasing

212. Travel Arranging Services

213. Upholstery, Furniture & Canvas Awnings

214. Variety Stores, Retail Sales

215. Vegetable Market, Retail—Wholesale

216. Vending Machines (Coin-Operated)

Distribution & Repair

217. Warehouse & Storage Services (General)

218. Watch, Clock, Operated Devices & Jewelry, Manufacture

219. Water Delivery Service

220. Water, Mineral (Bottled), Storage & Distribution

221. Water Sports Equipment, Sales & Rentals

222. Water Pressure Control Stations

223. Welfare & Charitable Services (Offices)

224. Welding Equipment & Supplies, Storage

225. Welding Shop

226. Well Drilling Equipment & Supplies Storage Yards

227. Wholesale Trade, Storage & Warehouse

228. Windows, Sales

229. Woodwork Shop (Carpentry & Cabinet)

C ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Planned Development

2. Sign

Business

Directional

For Sale or For Rent

Identification

Temporary

I-1 HEAVY INDUSTRY ZONE

Uses permitted as a matter of right:

1. Abattoirs

2. Accessory Buildings

3. Agricultural Processing

4. Agricultural Equipment & Machinery

Sales & Rental

Repair & Service

Storage

5. Air Compressors, Sales & Rentals

6. Air Express Service Warehouse

7. Alcohol & Alcoholic Beverages, Manufacture

8. Alcoholic Beverages, Wholesale

8a. Alternative and Renewable Energy Systems and Components (solar photovoltaic, solar thermal, wind turbine or other wind converters)

Assembly

Manufacturing

Wholesale

9. Alumina & Related Products, Manufacture

10. Aluminum Products, Assembly & Sales

11. Animals, Shelter (Pounds)

12. Apparel & Other Finished Products, Manufacture

13. Armories

14. Asbestos Products, Sales & Storage

15. Asphalt Paving, Plant & Storage Yard

16. Automobiles & Motorcycles

Painting & Body Work

Repair Work (Mechanical)

Tire Repair & Recapping

Towing & Wrecking

Wrecking Yards

17. Bars, Metal & Steel, Wholesale

18. Beverages

Bottling, Manufacture

Wholesale & Retail

19. Boilers Contractors' Repair Shops

20. Bottling & Canning—Soft Drinks & Aerated Waters

21. Breweries

22. Building Contractors' Offices, Shops & Yards (General Contractor Services)

23. Building Materials, Hardware & Equipment, Storage

24. Bus Garaging & Equipment Maintenance

25. Candy & Other Confectionery Products

Manufacture

Wholesale

26. Canning & Preserving of Fruits, Vegetables, & Sea Foods

27. Canvas Goods

Manufacture

Sales

28. Cement

Manufacture

Bagging & Storage (Bulk Plant)

Wholesale

29. Central Garbage Grinding Stations

30. Chocolate & Cocoa Products, Manufacture

31. Cigarettes & Tobacco Products, Wholesale

32. Clay, Structural Products, Manufacture

33. Commercial & Industrial Machinery, Equipment & Supplies, Sales & Rental

34. Concrete Products

Manufacture

Ready-Mixed Plant

Storage Yards

35. Construction Equipment and Materials

Rental

Storage

Sales

36. Costume Jewelry, Costume Novelties, Buttons & Miscellaneous Notions, Manufacture

37. Crane & Hoist Service, Storage

38. Crushed & Broken Stone

Manufacture

Storage

39. Cylinders, Air & Hydraulic, Sales & Service

40. Diesel Engines—Equipment, Service & Supply

41. Distillation Plant (Water)

42. Distilling Company, Equipment Yard

43. Dry Dock—Cranehoist

Marine Railway

44. Drugs, Manufacture

45. Dyeing & Finishing of Textiles, Manufacture

46. Electrical Contractors'

Shops & Yards

47. Electric Power Generation

Offices

Plants

Substations

Yards (Storage)

48. Engines, Repair Services (Diesel & Other Power Engines)

49. Explosives & Inflammable Liquids, Storage

50. Fabricated Metal Products, Manufacture

51. Fire Protection & Related Activities

52. Flammable Liquids, Storage

53. Freight Forwarding Services

Garages & Warehouses

54. Garbage Collection (Storage & Equipment)

55. Ice, Manufacture

56. Ice Cream & Frozen Desserts, Manufacture

57. Industrial Waste Disposal

58. Insecticides, Storage

59. Iron (Custom Decorative), Wrought Iron Shops

60. Jewelry & Precious Metals, Manufacture

61. Junkyard

62. Laundry & Dry Cleaning, Processing

63. Leather Goods, Custom or Handicraft Production, Manufacture

64. Lubricating Oils, Compounds, Storage

65. Lumber & Other Building Materials, Wholesale

66. Machine Shops

67. Machine Rental, Commercial

68. Marine Terminals

Fishing

Freight

69. Marine Craft & Accessories

Ship & Boat Building

Supplies & Equipment

70. Military Bases & Reservations

71. Molasses, Storage

72. Motor Freight Terminals

73. Motor Freight Garaging & Equipment Maintenance

74. Packing & Crating Services

75. Paints, Varnishes, Lacquers, Enamels & Allied Products, Manufacture

76. Paints & Varnishes, Bulk Storage (Warehouse)

77. Paving Contractors' Storage Yards

78. Perfumes, Cosmetics & Other Toilet Preparation, Manufacture

79. Petroleum Refining & Related Industries

80. Pharmaceutical Products, Manufacture

81. Plastic Materials, Synthetic & Other Manmade Fibers, Manufacture

82. Pottery & Related Products, Manufacture

83. Public Utility, Plants

84. Radio & Television Transmittal Towers

85. Refrigerated Warehouse

86. Refuse Incineration (Solid Waste)

87. Refuse Disposals (Solid Waste)

88. Restaurants

89. Research Development & Testing Services

90. Rubbish Removal, Commercial, Equipment Yard (Solid Waste Disposal)

91. Sails, Manufacture

92. Salvage, Equipment & Storage Yards

93. Sand & Gravel, Storage Yards

94. Sandwich Shops

95. Scrap Metal, Storage

96. Sanitary Services, Equipment & Storage Yards

Rubbish Removal

Septic Cleaning & Installation

97. School

Technical, Trade & Vocational

98. Sewage Treatment Plants

99. Sewer Cleaning Services

100. Sewage-Lift Station & Pressure Control Station

101. Sheet Metal Work, Custom

102. Shoe Laces, Manufacture

103. Special Construction Trade Services, Offices, Shops & Yards

104. Steel Bars, Sheet, Strip Tube, etc., Sales & Storage

105. Storage Yards, Bulk Material

106. Telephone Relay Towers

107. Thermometers, Manufacture

108. Textile Mill Products, Manufacture

109. Upholstery, Furniture & Canvas Awnings

110. Warehouse & Storage Services (General)

111. Water Distillation & Processing

112. Water Delivery Service

113. Water, Mineral (Bottled), Storage & Distribution

114. Water Pressure Control Stations

115. Water Storage (Facilities)

116. Welding Equipment & Supplies, Storage

I-1 ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Planned Development

2. Signs

Business

Directional

For Sale or For Rent

Identification

Temporary

I-2 LIGHT INDUSTRY ZONE

Uses permitted as a matter of right:

1. Accessory Buildings

2. Accounting, Auditing & Bookkeeping Services

3. Advertising Agencies, Offices

4. Agents, Shipping

5. Agricultural Equipment & Machinery

Repair & Service

Sales & Rentals

Storage

6. Agricultural Processing

7. Air Compressors, Sales & Rentals

8. Air Conditioning Equipment, Sales & Service

9. Air Express Service, Warehouse

10. Alcohol & Alcoholic Beverages, Manufacture

11. Alcoholic Beverages

Retail

Wholesale

11a. Alternative and Renewable Energy Systems and Components (solar photovoltaic, solar thermal, wind turbine or other wind converters)

Assembly

Manufacturing

Wholesale

12. Aluminum Products

Assembly & Sales

Retail Sales

13. Ambulance Service, Office & Garage

14. Animals

Boarding (Kennels)

Clinics (Office)

Hospital (Veterinary)

Shelter (Pound)

Sales (Pet Shops)

15. Answering Service

16. Apparel & Other Finished Products, Manufacture, Wholesale, Retail, Churches and Halls of Worship

17. Armories

18. Architects' & Engineering Supplies

19. Asbestos Products—Sales & Storage

20. Automobiles & Motorcycles

Accessories

Glass Replacement & Upholstering

Laundry (Car Wash)

Motor Tune-Up & Repair Work (Mechanical)

Painting & Body Repair Work

Parking, Commercial

Repair Work (Mechanical)

Sales—New and/or Used

Service Stations (Gasoline)

Storage (Live), Fleet Parking

Storage (Dead), Fleet Parking

Tire Sales & Repair

Tire Retread & Recapping

Towing & Wrecking Service

21. Awnings & Canvas Goods, Manufacture

22. Bakeries, Manufacture, Wholesale, Retail, Churches and Halls of Worship

23. Bars, Metal & Steels, Wholesale

24. Beverages, Bottling, Manufacture, Wholesale, Retail, Churches and Halls of Worship

25. Blue Printing & Photocopying Services & Equipment

26. Boilers, Contractors' Repair Shops

27. Bottling & Canning Soft Drinks & Aerated Waters, Wholesale, Retail, Churches and Halls of Worship

28. Building Contractors' Office, Shops & Yards (General Contractor Services)

29. Building Materials, Hardware & Equipment, Retail Sales

30. Burglar Alarm Systems Installation, Sales & Service

31. Bus Garaging & Equipment Maintenance

32. Buses, Passenger Terminal

33. Cafeteria

34. Candy & Other Confectionery Products

Manufacture

Wholesale, Retail, Churches and Halls of Worship

35. Canning & Preserving of Fruits, Vegetables & Sea Foods, Retail, Churches and Halls of Worship

36. Canvas Goods, Manufacture

37. Carpets & Rugs, Cleaning & Repair

38. Cement

Bagging & Storage (Bulk Plant)

Retail & Wholesale

39. Chocolate & Cocoa Products, Manufacture

40. Cigarette & Tobacco Products, Wholesale, Retail, Churches and Halls of Worship

41. Clay, Structural Products, Manufacture

42. Commercial & Industrial Machinery, Equipment & Supplies, Sales & Rental

43. Concrete Products

Manufacture, Sales, Churches and Halls of Worship

Storage Yards

44. Construction Equipment & Materials

Rental

Storage

Sales

45. Costume Jewelry, Costume Novelties, Buttons & Miscellaneous Notions, Manufacture

46. Crane & Hoist Service, Storage

47. Cylinders, Air & Hydraulic, Sales & Service

48. Dairies, Processing & Distribution

49. Dairy Products, Wholesale, Retail, Churches and Halls of Worship

50. Disinfecting & Exterminating Service

51. Diesel Engines—Equipment, Service & Supplies

52. Doughnut Shops, Wholesale, Retail, Churches and Halls of Worship

53. Drive-In Establishments, Restaurants

54. Draperies, Curtains & Upholstery, Manufacture Sales

55. Drugs, Manufacture

56. Drugs & Proprietary, Wholesale & Storage

56a. Dwelling, Single Family

57. Dyeing & Finishing of Textiles, Manufacture

58. Educational & Scientific Research Services

59. Electrical Equipment & Supplies, Retail Sales

60. Electrical Equipment, Repair Services

61. Electric Power Generation

Offices

Substations

Yards (Storage)

62. Engines, Repair Services (Diesel & Other Power Engines)

63. Fire Protection & Related Activities

64. Fish & Seafoods, Retail & Wholesale

65. Food Products, Brokers & Distributors, Wholesale, Retail, Churches and Halls of Worship (Warehouse)

66. Freight Forwarding Services (Express)

Garages & Warehouses

Offices

67. Fruit & Vegetable Market, Wholesale, Retail, Churches and Halls of Worship

68. Fruit Storage

69. Funeral & Crematory Services

70. Furniture, Home Furnishing & Equipment

Display & Storage

Upholstering

71. Garage, Private

72. Garage, Public

73. Glass Shop—Window & Plate, Installation

74. Groceries & Related Products, Wholesale, Retail, Churches and Halls of Worship

75. Hardware, Plumbing, Heating Equipment & Supplies, Sales

76. Hotel & Restaurant Equipment & Supplies

77. Ice

Manufacture

Sales

78. Ice Cream & Frozen Desserts, Manufacture

79. Industrial Waste Disposal

80. Insecticides, Storage

81. Iron (Custom Decorative), Wrought Iron Shops

82. Janitor Service

83. Janitor Supplies

Retail Sales

Storage

84. Jewelry & Precious Metals, Manufacture

85. Labor Unions & Similar Labor Organizations, Halls

86. Laundry & Dry Cleaning, Processing

87. Leather Goods, Custom or Handicraft Production, Manufacture

88. Linen Supply & Industrial Laundry Services

89. Liquor, Wholesale

90. Lubricating Oils, Compounds, Storage

91. Lumber & Other Building Materials, Wholesale & Retail

92. Machine Rental, Commercial & Domestic

93. Machine Shops

94. Manufacturers' Agents (Offices)

95. Marine Craft & Accessories, Supplies & Equipment

96. Marine Surveyors

97. Marine Terminals (Docking Facilities & Associated Areas)

Fishing

Freight

Passenger & Freight

98. Meat & Meat Products, Wholesale

99. Military Bases & Reservations

100. Mobile Home Sales

101. Motor Freight Garaging & Equipment Maintenance

102. Motor Freight Terminals

103. Movers—Warehouse & Garages

104. Newspaper & Magazine Dealers

Wholesale & Distribution

105. Office Furniture, Equipment & Supplies, Sales

106. Paints & Varnishes, Bulk Storage (Warehouse)

107. Painting Contractors' Offices, Shops & Yards

108. Perfumes, Cosmetics & Other Toilet Preparation, Manufacture, Sales, Churches and Halls of Worship

109. Pharmaceutical Products, Manufacture, Sales, Churches and Halls of Worship

110. Photographic Services

111. Plumbing, Heating & Air Conditioning Services

112. Plumbing Fixtures & Supplies, Display, Sales

113. Public Utility

Offices & Yards

114. Printing, Publishing & Allied Industries

115. Radio Communication Services

116. Radio & Television Transmittal Towers

117. Refrigeration Equipment, Commercial & Servicing

118. Refrigerated Warehouse

119. Research, Development & Testing

120. Restaurants

121. Rubber Stamps

Sales, Manufacture

122. Rubbish Removal, Commercial, Equipment Yard (Solid Waste Disposal)

123. Rugs & Carpets, Cleaning & Repair Services

124. Salvage Company, Equipment, Storage Yards, Sales, Churches and Halls of Worship

125. Sanitary Services—Equipment & Storage Yards

Rubbish Removal

Septic Cleaning & Installation

126. Schools

Auto Driving

Technical, Trade & Vocational

127. Sewage Treatment Plants

128. Sewage Lift Station & Pressure Control Station

129. Sewer Cleaning Services

130. Shoe Laces, Manufacture

131. Sign Painters' Shops & Yards, Manufacture

132. Special Construction Trade Services

133. Stationery Engravers

134. Steel Bars, Sheet, Strip, Tube, etc., Sales & Storage

135. Swimming Pools Service & Repair, Equipment & Supplies

136. Syrups & Preserves, Mfg. Sales, Churches and Halls of Worship

137. Telephone Exchange Stations

138. Telephone Relay Towers

139. Textile Mill Products, Mfg.

140. Thermometers, Manufacture

141. Trailers, Sales, Renting & Leasing

142. Vending Machines (Coin-Operated)

Distribution & Repair

143. Vegetable Market, Wholesale, Retail, Churches and Halls of Worship

144. Warehouse & Storage Services (General)

145. Watch, Clock, Operated Devices & Jewelry, Manufacture

146. Water Delivery Service

147. Water, Mineral (Bottled), Storage, Distribution Sales, Churches and Halls of Worship

148. Water Pressure Control Stations

149. Water Storage (Facilities)

150. Welding Equipment & Supplies, Storage

151. Welding Shop

152. Well Drilling Equipment & Supplies

Storage Yards

153. Wholesale Trade, Storage & Warehouse

154. Woodwork Shop (Carpentry & Cabinet)

I-2 ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Planned Development

2. Sign

Business

Directional

Identification

Temporary

W-1 WATERFRONT—PLEASURE ZONE

Uses permitted as a matter of right:

1. Agriculture, Fish & Marine Products (Hatcheries & Pond)

1a. Alternative and Renewable Energy Systems and Components (solar photovoltaic, solar thermal, wind turbine or other wind converters)

Assembly

Retail

2. Amphitheaters

3. Amusement Parks & Fairgrounds

4. Aquariums

5. Athletic Fields (Playfields)

6. Auditoriums

7. Automobiles & Motorcycles, Parking Lots—Commercial

8. Bars & Taverns (Drinking Places)

9. Baths, Public

10. Botanical Gardens & Arboretums

11. Camps, Group or Organized

12. Camping & Picnicking Areas

13. Civic, Social & Fraternal Associations (Clubhouse or Office)

14. Coffee Shops & Ice Cream Parlors

15. Concession, Retail

16. Country Clubs

17. Custom Brokers

18. Delicatessens

19. Divers' Services

20. Dwellings

Attached

Detached

Group

Semidetached

Single-Family

Two-Family

21. Garage

Community

Private

22. Golf Club

23. Golf Courses

24. Greenhouses

25. Home Occupation

26. Libraries

27. Marinas (Recreational Marine Crafts)

Charter & Rentals

Boat Access Sites

Boathouses (Storage)

28. Marine Craft & Accessories

Sales & Repair of Recreational Marine Craft (Non-Dry Docking)

Supplies & Equipment, Retail

29. Marine Surveyors

30. Marine Terminals (Docking Facilities & Associated Areas)

Passenger

Fishing

31. Mobile Homes

32. Motion Picture Theatres—

Indoor

Outdoor

33. Museums

34. Nurseries (Plants)

35. Parks & Recreational Areas, Memorial Parks, Memorial Gardens, Memorial Nature Preserves or Parks, Perpetual Care Parks

36. Playgrounds

37. Play Lots or Tot Lots

38. Professional Membership Organizations & Business Associations (Clubhouse or Office)

39. Recreational Centers (General)

40. Restaurants

41. Schools

Art

Dancing (Studios)

Diving & Snorkeling

Music

Water Skiing

42. Sewage Lift & Pressure Control Station

43. Sewage Treatment Plants

44. Sporting Goods (Athletic), Retail

45. Swimming Pools

46. Tennis Courts

47. Travel Arranging Services

48. Water Pressure Control Stations

49. Water Sports Equipment, Sales & Rental

50. Yacht Clubs

51. Zoological Gardens

W-1 ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Apartment Houses, Hotels and Guesthouses (Dwelling, Multi-Family)

2. Night Clubs

3. Planned Development

4. Refreshment Stands

5. Signs

Business

Directional

For Sale or For Rent

Identification

Temporary

W-1 ZONE

Accessory uses permitted subject to the conditions set forth in section 233 of this subchapter:

1. Accessory Buildings (Structures)

2. Apparel & Accessories, Retail

3. Artists, Commercial & Display

4. Artists' Studios

5. Automobiles & Motorcycles, Rentals (Office)

6. Barber or Beauty Shops

7. Books & Stationery, Retail

8. Cameras & Photographic Supplies, Retail

9. Candy & Other Confectionery, Retail

10. Chinaware, Glassware & Metalware, Retail

11. Cigarettes & Tobacco Products, Retail

12. Drugs & Proprietary, Retail

13. Florists, Retail

14. Gifts, Novelties & Souvenires, Retail

15. Jewelry & Precious Metals, Retail & Repair

16. Laundry & Dry Cleaning

Depot

Self-Service

Self-Service & Depot

17. Liquor, Retail

18. News & Magazine Dealers, Retail

19. Perfume & Cosmetic Shops, Retail

W-2 WATERFRONT—INDUSTRIAL ZONE

Uses permitted as a matter of right:

1. Abattoirs

2. Accessory Buildings

3. Alcohol & Alcoholic Beverages, Manufacture

4. Alcoholic Beverages, Wholesale

4a. Alternative and Renewable Energy Systems and Components (solar photovoltaic, solar thermal, wind turbine or other wind converters)

Assembly

Manufacturing

Retail

Wholesale

5. Aluminum Products, Assembly & Sales

6. Asphalt Paving, Plant & Storage Yard

7. Agents, Shipping

8. Apparel & Other Finished Products, Manufacture

9. Agriculture, Fish & Marine Products (Hatcheries & Ponds)

10. Agriculture Processing

11. Aquariums

12. Armories

13. Asbestos Products, Sales & Storage

14. Asphalt Paving

Plant & Storage Yard

15. Automobiles & Motorcycles

Parking Lots—Commercial

Storage (Live) Fleet Parking

Wrecking Yards (Storage)

16. Bars, Metal & Steel, Wholesale

17. Bars & Taverns (Drinking Places)

18. Beverages

Bottling, Manufacture

Wholesale

19. Bottling & Canning, Soft Drinks & Aerated Waters

20. Breweries

21. Building Materials, Hardware & Equipment, Sales & Storage

22. Cafeteria

23. Canning & Preserving of Fruits, Vegetables & Sea Foods

24. Canvas Goods, Manufacture

25. Cement

Bagging & Storage (Bulk Plant)

Wholesale

26. Central Garbage Grinding Stations

27. Chocolate, Cocoa Products, Manufacture

28. Cigarettes & Tobacco Products, Wholesale

29. Clay, Structural Products, Manufacture

30. Custom Brokers

31. Compositing Plants

32. Concrete Products

Manufacture

Storage Yards

33. Construction Equipment & Materials

Rental

Sales

Storage

34. Crane & Hoist Service (Storage)

35. Cylinders, Air & Hydraulic Sales & Service

36. Diesel Engines—Equipment Service & Supply

37. Distillation Plant (Water)

38. Drugs, Manufacture

39. Dry Dock

Crane Hoist

Marine Railway

40. Educational & Scientific Research Service

41. Engines, Repair Service (Diesel & Other Power Engines)

42. Fruit, Storage

43. Fruit & Vegetable Market, Wholesale

44. Fire Protection & Related Activities

45. Fish & Seafood, Wholesale

46. Fishing Activities & Related Services

47. Freight Forwarding Services

Garages & Warehouses

Office

48. Food Products—Brokers & Distributors, Wholesale (Warehouse)

49. Garage

Private

Public

50. Garbage, Grinding & Compacting

51. Groceries & Related Products, Wholesale

52. Hardware, Plumbing, Heating Equipment & Supplies, Sales

53. Industrial

Waste Disposal

54. Insecticides, Storage

55. Junkyard

56. Leather Goods, Custom or Handicraft

Production, Manufacture

57. Liquor, Wholesale

58. Lubricating Oils, Compounds, Storage

59. Lumber & Other Building Materials, Wholesale

60. Machine Shops

61. Manufacturers' Agents (Office)

62. Marinas (Recreational Marine Crafts)

Charter & Rentals

Boat Access Sites

Boathouses (Storage)

63. Marine Craft & Accessories

Sales & Repair of Recreational Marine Craft

Ship & Boat Building & Repairing

Supplies & Equipment, Sales

64. Marine Surveyors

65. Marine Terminals (Docking Facilities & Associated Areas)

Fishing

Freight

Passenger

Freight & Passenger

66. Meat & Meat Products, Wholesale

67. Molasses, Storage

68. Motor Freight, Terminals

69. Packing & Crating Services

70. Paints & Varnishes, Bulk Storage

71. Perfumes, Cosmetics & Other Toilet Preparations, Manufacture

72. Pharmaceutical Products, Manufacture

73. Professional Membership Organizations & Business Associations (Clubhouse or Office)

74. Professional, Scientific & Controlling Instruments; Photographic & Optical Goods, Manufacture

74a. Propane and Manufactured Gas, Storage and Distribution

75. Radio Communication Services

76. Restaurants

77. Sea Plane Terminals (Ramp)

78. Salvage, Marine

79. Sand & Gravel, Storage

80. Schools

Diving & Snorkeling

Technical, Trade & Vocational

81. Scrap Metal, Storage

82. Steel Bars, Sheet, Strip, Tube, etc., Sales & Storage

83. Sewage Treatment Plants

84. Sewage Lift Station & Pressure Control Station

85. Textile Mill Products, Manufacture

86. Trailers, Sales, Rental & Leasing

87. Travel Arranging Services

88. Watch, Clock, Operated Devices & Jewelry, Manufacture

89. Water Distillation & Processing

90. Water Pressure Control Stations

91. Water Sports Equipment, Sales & Rentals

92. Water Storage (Facilities)

W-2 ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Planned Development

2. Signs

Business

Directional

For Sale or For Rent

Identification

Temporary

P-PUBLIC ZONE

Uses permitted as a matter of right:

1. Abattoirs

2. Accessory Buildings

3. Agricultural Processing

4. Agriculture

Crops, Fruits & Vegetables

Fish & Marine Products (Hatcheries & Ponds)

Forest & Forestry

Horticulture

Livestock & Poultry

5. Airplane & Aircraft

Airline Companies, Offices

Ambulance Service

Flying School

Rental & Charter

Repair & Services

Sales (Aircraft & Accessories)

Storage

Taxi Service

6. Airports & Flying Fields

7. Amphitheaters

8. Animals, Shelter (Pound)

9. Aquariums

10. Art Galleries

11. Arenas & Field Houses

12. Armories

13. Athletic Fields (Playfields)

14. Auditorium

15. Automobiles & Motorcycles

Storage (Live), Fleet Parking

Storage (Dead), Fleet Parking

16. Baths, Public

17. Bowling Alleys

18. Botanical Gardens & Arboretums

19. Cemeteries

20. Central Garbage Grinding Stations

21. Civic, Social & Fraternal Associations (Clubhouse or Office)

22. Colleges

23. Community Centers

24. Convention Centers

25. Correctional Institutions

26. Detective & Protective Services

27. Dormitory Buildings

28. Educational & Scientific Research Services

29. Electric Power Generation

Offices

Substations

Yards (Storage)

30. Fishing Activities & Related Services

31. Fire Protection & Related Activities

32. Fire Station

33. Garage, Public

34. Golf Clubs

35. Golf Courses

36. Gymnasiums & Athletic Clubs

37. Greenhouses

38. Hospitals

39. Libraries

40. Marine Terminals (Docking Facilities & Associated Areas)

Fishing

Freight

Passenger

Passenger & Freight

41. Markets

42. Medical Clinics

43. Medical Laboratory Services

44. Military Bases & Reservations

45. Motion Picture Theatres

Indoor

Outdoor

46. Museums

47. Nurseries (Plants)

48. Offices

General

Professional

49. Parks & Recreational Areas, Memorial Parks, Memorial Gardens, Memorial Nature Preserves or Parks, Perpetual Care Parks

50. Playgrounds

51. Play Lots or Tot Lots

52. Police Protection & Related Activities

53. Police Stations

54. Postal Services

55. Postal Stations

56. Professional Membership Organizations & Business Associations

57. Radio & Television Transmittal Towers & Stations

58. Recreational Centers (General)

59. Refuse Incineration (Solid Waste)

60. Refuse Disposals (Solid Waste)

61. Research, Development & Testing Services

62. Riding Stables

63. Roller Skating

64. Schools

Aviation (Ground)

Business & Stenographic

Diving & Snorkeling

Nursery

Primary (Elementary)

Secondary

Special Education

Technical, Trade & Vocational

65. Sea Plane Terminals (Ramp)

66. Sewage Treatment Plants

67. Sewage Lift Station & Pressure Control Station

68. Shooting Ranges (Outdoor)

69. Stadium

70. Swimming Pools

71. Tennis Courts

72. Travel Arranging Services

73. Water Distillation & Processing

74. Water Pressure Control Stations

75. Water Storage (Facilities)

76. Welfare & Charitable Services

77. Youth Correctional Institution

78. Zoological Gardens

P ZONE

Uses permitted subject to the conditions set forth in sections 231 and 232 of this subchapter:

1. Amusement Parks

2. Cafes (Drinking Places)

3. Camps

4. Restaurants

5. Retail Concessions

6. Signs

Directional

Identification

Temporary

7. Warehousing, Storage and Light Industrial Uses

S-SPECIAL ZONE

Uses permitted as of right:

1. Accessory Building

2. Alteration Clothing

3. Art Galleries

4. Artists' Studios

5. Children's Home

6. Churches, Synagogues, Temples & Sunday School Buildings

7. Civic, Social & Fraternal Associations (clubhouses or office)

8. Convalescent, Rest, Nursing & Retirement Homes

9. Dwellings

Attached

Detached

Group

Semidetached

Single-family

Two-family

Multiple

10. Garage, Private

11. Home Occupation

12. Libraries

13. Museums

14. Nursery Schools

15. Playground

16. Play Lots

17. Religious Quarters

18. Rooming & Boarding Homes

19. Schools

Art

Nursery

Primary (Elementary)

Secondary

Special Education

20. Swimming Pools

21. Tennis Courts

S ZONE

Uses permitted subject to the conditions of section 231 of this subchapter:

1. Community Center

2. Fire Station, Police Station & Postal Stations

3. Garage, Community

4. Medical Clinic

5. Nurseries (Plants)

S ZONE

Uses permitted subject to rules and regulations promulgated by the Planning Office:

1. Neighborhood Grocery

2. Local Craft Manufacturing

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 282; amended Feb. 24, 1978, No. 4098, Sess. L. 1978, p. 23; Aug. 4, 1978, No. 4181, § 2, Sess. L. 1978, p. 193; Dec. 7, 1982, No. 4772, § 2(b), Sess. L. 1982, p. 249; Dec. 29, 1986, No. 5246, § 2, Sess. L. 1986, p. 423; Oct. 13, 1994, No.

6021, § 1, Sess. L. 1994, p. 213; Dec. 1, 2001, No. 6479, § 24(a), Sess. L. 2001, p. 331; May 28, 2005, No. 6745, § 2, Sess. L. 2005, p. 197; July 3, 2009, No. 7075, § 13(b), Sess. L. 2009, p. —.

§ 228a. Repealed. Mar. 26, 1997, No. 6132, § 3, Sess. L. 1997, p. 6.

§ 229. Development provisions

A-1 Agricultural Zone

(a) The Virgin Islands, at one time, produced a substantial amount of sugar. Today, the sugarcane fields lie fallow and for the most part unused. The Virgin Islands at one time produced beef for export. That situation no longer prevails. There is a small amount of truck farming on the northerly side of St. Thomas. Some beef cattle are raised on the Islands and there is some dairying. For the most part, however, potential agricultural lands are unused. They should be used to help provide food for the residents of the Islands and thus reduce the need for imports of food. To that end, the lands should be protected against incongruous uses. The zoning of potential agricultural lands, particularly on St. Croix, with a minimum requirement of forty (40) acres for each principal dwelling unit will assure that the lands will be maintained for their highest and best use.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the A-1 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted. These include, but are not limited to, barns, storage sheds, and a secondary residence for an employee. One (1) roadside stand for the sale of agricultural products produced on the premises shall be permitted.

Required parking areas

Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

Required lot area

Every parcel of property to be used for A-1 Agricultural purposes shall have a minimum area of forty (40) acres.

Permitted lot occupancy

Every parcel of land shall be occupied by not more than two (2) dwelling units.

Front yard

Every structure in a A-1 District shall be set back a minimum distance of fifty (50) feet from the front property line.

Side and rear yards

Every structure in a A-1 District shall provide minimum side and rear yards of not less than one hundred (100) feet from the property line.

Maximum height limits

No residential structure shall exceed a height of three (3) stories.

A-2 Agricultural Zone

(b) There are limited areas which can best be used for agriculture on a scale smaller than forty acres. These truck farming areas, with a minimum area of two acres for each principal building, readily accessible to urban markets, will serve a useful purpose in providing fruits and vegetables locally, thus lessening the need for importing such products.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the A-2 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section of Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted. These include but are not limited to, barns, storage sheds, and a secondary residence for an employee. One (1) roadside stand for the sale of agriculture products produced on the premises shall be permitted.

Required parking areas

Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

Required lot area

Every parcel of property to be used for A-2 Agricultural purposes shall have a minimum area of two (2) acres.

Permitted lot occupancy

Every parcel of land shall be occupied by not more than two (2) dwelling units.

Front yard

Every structure in a A-2 District shall be set back a minimum distance of twenty-five (25) feet from the front property line.

Side and rear yards

Every structure in a A-2 District shall provide minimum side and rear yards of not less than fifty (50) feet from the property line.

Maximum height limits

No residential structure shall exceed a height of three (3) stories.

R-1 Residential—Low density

(c) Much of the land in the Virgin Islands is hilly or mountainous with steep slopes and a minimum amount of soil over a rocky subsurface. These areas are being used for residential purposes, with sewage disposal by means of septic tanks. The minimum lot area for such use should be one-half (½) acre, and even this minimum is questionable with respect to adequate disposal of sewage without surfacing of effluent to disturb one's neighbor. Fortunately, there is no conflict with wells that supply drinking water. These zones should be carefully located in relation to subdivision regulations.

Use permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the R-1 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Required parking areas

Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

Permitted density

Every zoning lot shall be occupied by not more than two (2) dwelling units.

Permitted lot occupancy

All principal residential structures shall occupy not more than a total of twenty-five (25) percent of the area of the zoning lot.

Required lot area

Every parcel of property to be utilized in the R-1 District shall have a minimum lot area of one-half (½) acre.

Lot width

Every lot shall have a minimum lot width at the street line of one hundred (100) feet.

Front yard

Every structure in a R-1 District shall be set back a minimum distance of fifteen (15) feet from the front property line.

Side and rear yards

Every structure in a R-1 District shall provide minimum side and rear yards of not less than fifteen (15) feet from the property line.

Maximum height limit

No residential structure shall exceed a height of two (2) stories.

R-2 Residential—Low density one- and two-family

(d) Much of the so-called residential property in the Virgin Islands is presently zoned R-10, in theory requiring a minimum lot area of 10,000 square feet. Because that pattern has already been established, the R-2 Residential areas will maintain the same minimum lot requirements. Incongruous uses, such as business and industry, will not be permitted except that planned developments are allowed, provided the density pattern is retained.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the R-2 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Required parking areas

Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

Permitted density

Every zoning lot shall be occupied by not more than two (2) dwelling units.

Permitted lot occupancy

All principal structures shall occupy not more than a total of thirty (30) percent of the area of the zoning lot.

Required lot area

Every parcel of property to be utilized for residential purposes in the R-2 District shall have a minimum lot area of ten thousand (10,000) square feet.

Lot width

Every lot shall have a minimum lot width at the street line of seventy-five (75) feet.

Front yard

Every structure in a R-2 District shall be set back in minimum distance of fifteen (15) feet from the property line.

Side and rear yards

Every structure in a R-2 District shall provide minimum side and rear yards of not less than ten (10) feet from the property line.

Maximum height limit

No residential structure shall exceed a height of two (2) stories.

R-3 Residential—Medium density

(e) Because the areas that are buildable in the Virgin Islands are limited to topography and availability of central sewer and water facilities and because of the estimated rise in population and because of the need of providing a considerable number of low cost or low rental housing units, higher densities must be permitted than will be found in single and two-family residential districts. At the same time, there must be a reasonable limitation of density because of the limited ability of the Islands to provide central public services, highways, transportation, parking, etc. Three categories for multi-family housing are being provided. The first limits the number of persons per acre to eighty (80). This makes it possible to develop land with a variety of multi-family units and not limit the number of dwellings per acre. The R-3 Residential zones will provide for medium density hotels and multi-family dwellings and their related needs.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the R-3 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted as set forth in section 233 of this subchapter.

Required parking areas

Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

Limitations on persons per acre

The maximum number of persons per acre for residential structures shall not exceed eighty (80) persons at the time of construction.

Permitted lot occupancy

All principal residential structures shall occupy not more than a total of thirty (30) percent of the area of the zoning lot.

Required lot area

Every parcel of property to be utilized for residential purposes in the R-3 Residential District shall have a minimum lot area of six thousand (6,000) square feet.

Usable open space

In addition to the requirements set forth herein for Permitted Lot Occupancy and for Off-Street Parking, thirty-five (35) percent of the area of the zoning lot shall be reserved for Usable Open Space.

Maximum height limit

No residential structure shall exceed a height of six (6) stories.

R-4 Residential—Medium density

(f) Substantial areas of the Virgin Islands, particularly in the built-up urban sections, have been zoned for a theoretical minimum lot area of 3,000 square feet for residential purposes. In these areas the size of lots varies from 1,000 square feet to over 8,000 square feet. The lot area requirements have often been violated for residence purposes by exceptions; further intrusions have permitted nonresidential uses. The result has been a mixture of nonrelated uses in what was supposed to be residential areas of modest homes. Because the pattern of the 1,000 to over 8,000 square foot lots has been established, it is retained but kept for residential purposes. The R-4 Residential zones will limit the density to one hundred twenty (120) persons per acre. This makes it possible to develop areas for multiple family use within a range of low to medium densities. Areas which are no longer suitable for residences alone because of the intrusion of incongruous uses are suggested for different types of zoning.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the R-4 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Required parking area

Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

Limitations on persons per acre

The maximum number of persons per acre for residential structures shall not exceed one hundred twenty (120) persons at the time of construction.

Permitted lot occupancy

All principal structures shall occupy not more than fifty (50) percent of the area of the zoning lot.

Required lot area

Every parcel of property to be utilized for residential purposes in the R-4 District shall have a minimum lot area of three thousand (3,000) square feet.

Lot width

Every lot shall have a minimum lot width at the street line of not less than forty (40) feet.

Maximum height limit

No residential structure shall exceed a height of three (3) stories.

R-5 Residential—High density

(g) Because of the nature of development in the Virgin Islands and their importance as a tourist center, hotels, apartment houses and other multi-family residential units will be required. While densities comparable to those to be found in our largest cities would make no sense in the Virgin Islands, areas must be established where high density structures are permitted as a matter of right and are not dependent upon the issuance of an exception. Such areas are shown upon the zoning maps. The R-5 Residential zones will limit the density to one hundred sixty (160) persons per acre. This will permit a greater variety in the number and type of dwelling units to be constructed than would be possible if limitations were based on the number of dwelling units.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the R-5 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted as set forth in section 233 of this subchapter.

Required parking areas

Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

Limitations on persons per acre

The maximum number of persons per acre for residential structures shall not exceed one hundred sixty (160) persons at the time of construction.

Permitted lot occupancy

All principal residential structures shall occupy not more than a total of thirty (30) percent of the area of the zoning lot.

Required lot area

Every parcel of property to be utilized in the R-5 Residential District shall have a minimum lot area of ten thousand (10,000) square feet.

Usable open space

In addition to the requirements set forth herein for Permitted Lot Occupancy and for Off-Street Parking, thirty-five (35) percent of the area of the zoning lot shall be reserved for Usable Open Space.

Maximum height limit

No residential structure shall exceed a height of eight (8) stories.

B-1 Business—Central business district

(h) The central business districts of Charlotte Amalie, Christiansted and Frederiksted are devoted primarily to commercial enterprises serving the visitor and tourist. There are also hotels, professional offices and, in some instances, residences. In Charlotte Amalie, there are industrial uses which would appear not to be the highest and best use to which central business district properties could be put. These areas also represent the historical districts of the communities. Buildings have been traditionally limited in height. All three cities face the water and in all cases are used for some form of shipping.

The B-1 District will maintain the historical and commercial character of the business centers of these cities and discourage incompatible uses. However, if these centers are to grow and prosper, they must be convenient to those wishing to use them. Therefore, adequate parking, presently lacking, must be provided.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the B-1 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Required parking and loading areas

Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter; provided, however, that the Virgin Islands Historic Preservation Commission is authorized, in its discretion, to waive said parking and loading requirements in those portions of any central business district which are designated as historic and architectural control districts pursuant to the provisions of subchapter III of this chapter when, in the opinion of the Historic Preservation Commission, said waiver will not be contrary to the intents and purposes of this chapter.

Floor area ratio

The maximum total Floor Area Ratio for all structures shall be two (2) for any zoning lot.

Limitations on persons per acre

The maximum number of persons per acre for residential structures, or residential portions of structures, including hotels, shall not exceed one hundred sixty (160) persons.

Permitted lot occupancy

There shall be no requirement for business structures.

All principal residential structures, with their accessory structures, shall occupy not more than a total of forty (40) percent of the area of the zoning lot.

Combined commercial and residential structures are permitted, provided the requirements for maximum Floor Area Ratio and maximum number of persons per acre are satisfied. The business portions of such structures are not limited in percent of lot occupancy but the residential portions of such structures shall occupy not more than a total of forty (40) percent of the area of the zoning lot and shall meet all other residential requirements.

Required lot area

There shall be no requirement for business structures.

Every parcel of property to be utilized for residential purposes in the B-1 District shall have a minimum lot area of twenty thousand (20,000) square feet.

Maximum height limit

No requirement except within the historically certified areas the height of any structure shall not exceed three (3) stories.

Usable open space

For all residential buildings, except hotels or for parts of buildings used for residential purposes, there shall be provided thirty (30) percent of the area of the zoning lot as Usable Open Space.

B-2 Business—Secondary/neighborhood

(i) Most of the business activities in the three principal cities of the Islands will be found concentrated on a single street (Main Street in Charlotte Amalie) and in offshoots in the form of Plazas nearby (Charlotte Amalie and Christiansted). Immediately adjacent to these primary business areas, however, are shopping facilities for less intensive use which are classified as secondary. Scattered throughout the Islands are a number of small neighborhood business districts. In some instances they approach the style of a small shopping center. They are much more limited in the number of persons attracted to them and in the variety of goods sold there. On St. John, the single shopping center is limited in its scope and naturally in the demand made upon it by the limited population of the Islands. As the population of the Islands increases, there will be demand for additional neighborhood shopping centers consisting of a limited number of stores but none of which are expected to reach the scale of the primary shopping areas. These too, are classified as secondary and specific areas in the Islands are placed in that classification.

Use permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the B-2 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Required parking and loading areas

Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter; provided however, that the Virgin Islands Historic Preservation Commission is authorized, in its discretion, to waive said parking and loading requirements in those portions of any central business district which are designated as historic and architectural control districts pursuant to the provisions of subchapter III of this chapter when, in the opinion of the Historic Preservation Commission, said waiver will not be contrary to the intents and purposes of this chapter.

Floor area ratio

The maximum total Floor Area Ratio for all structures shall be one (1) for any zoning lot.

Limitations on persons per acre

The maximum number of persons per acre for residential structures, or residential portions of structures, including hotels, shall not exceed eighty (80) persons.

Permitted lot occupancy

There shall be no requirement for business structures.

All principal residential structures, with their accessory structures, shall occupy not more than a total of forty (40) percent of the area of the zoning lot.

Combined commercial and residential structures are permitted, provided the requirements for maximum Floor Area Ratio and maximum number of persons per acre are satisfied. The business portions of such structures are not limited in percent of lot occupancy but the residential portions of such structures shall occupy not more than forty (40) percent of the area of the zoning lot and shall meet all other residential requirements.

Required lot area

There shall be no requirement for business structures.

Every parcel of property to be utilized for residential purposes in the B-2 District shall have a minimum lot area of five thousand (5,000) square feet.

Maximum height limit

No requirement except that in any historically certified area the height of any structure shall not exceed three (3) stories.

Usable open space

For all residential buildings, except hotels, or for parts of buildings used for residential purposes, there shall be provided thirty (30) percent of the area of the zoning lot as Usable Open Space.

B-3 Business—Scattered

(j) The pattern of development in the Virgin Islands has heretofore permitted single business establishments in residence districts. These stores are convenient, particularly in those areas occupied by low income families. In recognition of an existing pattern, a zoning district is established to legalize these establishments which might otherwise be nonconforming uses. Future development, however, should provide for convenience shopping on the basis of the comprehensive plan for the development of the Islands. Further provision is made for such convenience establishments on a planned basis in the B-4 Business—Residential Area Zone.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the B-3 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Required parking and loading areas

Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter.

Limitations on persons per acre

The maximum number of persons per acre for residential structures, or residential portions of structures shall not exceed one hundred twenty (120) persons.

Permitted lot occupancy

All principal commercial and residential structures, with their accessory structures, shall occupy not more than a total of sixty (60) percent of the area of the zoning lot.

Combined commercial and residential structures are permitted, provided the requirement for maximum number of persons per acre are satisfied. Such structures shall occupy not more than a total of sixty (60) percent of the area of the zoning lot. The residential portions of such structures shall meet all other residential requirements.

Required lot area

There shall be no requirement for business structures.

Every parcel of property to be utilized for residential purposes in the B-3 District shall have a minimum lot area of three thousand (3,000) square feet.

Side yards

Every business structure in a B-3 District shall be separated from any adjacent residential structure and/or any property zoned for residential purposes by a minimum side yard on each side of the business structure of not less than five (5) feet.

Rear yards

Every residential structure in a B-3 District shall provide a minimum rear yard of not less than five (5) feet from the property line.

Every business structure in a B-3 District adjoining a residential structure and/or property zoned for residential purposes shall provide a minimum rear yard of at least ten (10) feet.

Maximum height

No building shall exceed a height of two (2) stories, except that if used for residential purposes or combined commercial and residential structures shall not exceed a height of three (3) stories.

B-4 Business—Residential areas

(k) In order that convenience shopping facilities may be available in all parts of the Islands, a Business—Residential Area Zone is established to permit grocery stores and similar facilities on a planned basis in new residential areas. When integrated into the design of a residential area, such shopping facilities, small in scale, can benefit the residential area instead of detracting from such areas and lowering property values as has resulted in the past where such facilities have been established on a spot zone basis.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the B-4 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Required parking and loading areas

Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter.

Limitations on persons per acre

The maximum number of persons per acre for residential structures, or residential portions of structures shall not exceed eighty (80) persons.

Permitted lot occupancy

All principal commercial and residential structures, with their accessory structures, shall occupy not more than a total of fifty (50) percent of the area of the zoning lot.

Combined commercial and residential structures are permitted, provided the requirement for maximum number of persons per acre are satisfied. Such structures shall occupy not more than a total of fifty (50) percent of the zoning lot.

Required lot area

There shall be no requirement for business structures. Every parcel of property to be utilized for residential purposes in the B-4 District shall have a minimum lot area of six thousand (6,000) square feet.

Maximum lot area

No single structure in the B-4 District containing one or more business enterprises, shall occupy a lot exceeding ten thousand (10,000) square feet, except that in Planned Residential Areas, businesses may occupy not more than five (5) percent of the total area of the Planned Residential Area.

Lot width

Every lot shall have a minimum width at the street line of not less than forty (40) feet.

Side yards

Every residential structure in a B-4 District shall provide a minimum side yard on each side of the structure of not less than five (5) feet from the property line. Every business structure in a B-4 District shall be separated from any adjacent residential structure and/or property zoned for residential purposes by a minimum side yard on each side of the business structure of not less than five (5) feet.

Rear yard

Every residential structure in a B-4 District shall provide a minimum rear yard of not less than five (5) feet from the property line.

Every business structure in a B-4 District adjoining a residential structure and/or property zoned for residential purposes shall provide a minimum rear yard of at least twenty (20) feet.

Maximum height limit

No building shall exceed a height of two (2) stories.

C Commercial

(l) There are a number of uses which are not exactly business, such as those establishments which serve the tourists in the central business district, and are not exactly light industrial. These include service stations, automobile dealers, warehouses, laundries. Because it is particularly important to maintain the pedestrian character of the central business districts, a Commercial zone is established where these uses are permitted as a matter of right and where there will be little interference with pedestrians. A number of these uses are permitted in the light industrial as well as the commercial district.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the C section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Required parking and loading areas

Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter.

Required lot area

Every parcel of property to be utilized for a C use shall have a minimum lot area of five thousand (5,000) square feet.

Permitted lot occupancy

Not more than fifty (50) percent of the area of a zoning lot may be used for building or the storage of equipment other than required off-street parking or off-street loading.

Maximum height limit

No building or structure shall exceed a height of thirty-five (35) feet.

I-1 Heavy industry

(m) Heavy industries are those which are likely to pollute the air or the waters, which are noisy or which create problems because of heavy trucking. With the heavy dependence of the Virgin Islands on tourism and with the establishment of fine residential districts of expensive homes, obviously the Virgin Islands will wish to avoid destroying the environment which today is one of its principal assets. Therefore, limited areas are established for heavy industry.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged, or used only for one or more of the uses indicated in the I-1 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the

Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

In addition to customary accessory uses, the following uses shall be permitted where necessary to a permitted principal use; guard houses, cafeterias, dining rooms, recreational facilities, clinics and the sleeping quarters of a caretaker or watchman.

Required parking and loading areas

Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter.

Required lot area

Every parcel of property to be utilized for an I-1 use shall have a minimum lot area of five (5) acres.

Permitted lot occupancy

No more than thirty-five (35) percent of the area of the zoning lot may be used for building or the storage of equipment other than required for off-street parking or off-street loading.

Lot width

No requirement.

Yards

No requirement except where the property abuts a residential structure and/or property zoned for residential purposes, in which case every building shall be set back a minimum of one hundred (100) feet from the residential property line.

Maximum height limit

No building or structure shall exceed a height of fifty (50) feet, except that chimneys, smokestacks or other similar devices may be erected above the height limit contained herein, but not to exceed said height limit by more than one hundred fifty (150) feet.

I-2 Light industry

(n) Most of the limited industry in the Virgin Islands is what might be characterized as “light”, consisting of warehousing, contracting, some light assembly and textile manufacturing. Space available in the Virgin Islands is limited. Heretofore, additional space has been made available on a spot zone basis. Areas are now established on the zoning maps where such industries are permitted as a matter of right in relation to their effect upon surrounding property, effect upon highways by trucks, the availability of public facilities, etc. Property owners will know in advance what might be expected if they build residences adjacent to zoned industrial sites.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged, or used only for one or more of the uses indicated in the I-2 section of the TABLE OF

PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Required parking and loading areas

Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter.

Required lot area

Every parcel of property to be utilized for an I-2 use shall have a minimum lot area of five thousand (5,000) square feet.

Permitted lot occupancy

No more than sixty (60) percent of the area of a zoning lot may be used for building or storage of equipment other than required off-street parking or off-street loading.

Side yards

Every structure in a I-2 District shall be separated from any adjacent residential structure and/or property zoned for residential purposes by a minimum side yard of not less than twenty (20) feet.

Rear yard

Every structure in a I-2 District adjoining a residential structure and/or property zoned for residential purposes shall provide a minimum rear yard of at least twenty (20) feet.

Maximum height limit

No building or structure shall exceed a height of thirty-five (35) feet.

W-1 Waterfront—Pleasure

(o) The extensive waterfront of the Virgin Islands constitutes one of its most important assets. While a very limited amount of the waterfront is presently available for public beaches, it is anticipated that the public areas will be increased to meet the recreation needs of the people of the Islands and the visitors. Those areas which are available for recreation should be preserved and protected against intrusion of an industrial nature. A Waterfront—Pleasure zone is established for that purpose. Private residential areas abutting the waterfront should also be protected not only against commercial and industrial uses, but equally important, against pollution.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the W-1 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the

Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Required parking and loading areas

Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter.

Permitted density

Every zoning lot shall be occupied by not more than two (2) dwelling units.

Permitted lot occupancy

No building shall occupy more than forty (40) percent of the area of the zoning lot.

Required lot area

Every parcel of property to be utilized for a W-1 use shall have a minimum lot area of ten thousand (10,000) square feet.

Usable open space

In addition to the requirements set forth herein for Permitted Lot Occupancy and for Off-Street Parking, thirty (30) percent of the area of the zoning lot shall be reserved for Usable Open Space.

Lot width

Every lot shall have a minimum lot width of one hundred (100) feet.

Front yard

Every structure in a W-1 District shall be set back from the front property line a minimum distance of twenty-five (25) feet.

Side yards

Every structure in a W-1 District shall be separated from any adjacent residential structure or property zoned for residential purposes by a minimum side yard on each side of the structure of not less than ten (10) feet.

Rear yard

Every structure in a W-1 District adjoining a residential structure or property zoned for residential purposes shall provide a minimum rear yard of at least twenty (20) feet.

Maximum height limit

No building shall exceed a height of three (3) stories.

W-2 Waterfront—Industrial

(p) Areas along the waterfront are presently being used for industrial purposes. Presumably, the comprehensive plan for the Islands will determine what limits will be placed on the use of the central waterfront of Charlotte Amalie, where ships dock to load and unload products which require trucking for industrial purposes, and what industrial uses, if any, will be permitted on St. John. Industrial uses which do not require waterfront access should be encouraged to find other sites. To do this, the Zoning Ordinance establishes adequate sites where industry is allowed as a matter of right. The Waterfront—Industrial District encourages the placement of industrial uses, which require direct waterfront access, in areas where they will relate most effectively to the surrounding districts.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the W-2 section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Required parking and loading areas

Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter.

Required lot area

Every parcel of property to be utilized for W-2 use shall have a minimum lot area of twenty thousand (20,000) square feet.

Permitted lot occupancy

No more than forty (40) percent of the area of the zoning lot may be used for building or the storage of equipment other than required off-street parking or off-street loading.

Yards

No requirement, except where the property abuts a residential structure and/or property zoned for residential purposes, in which case every building or structure shall set back a minimum of twenty five (25) feet from the residential property line.

Maximum height limit

No building or structure shall exceed a height of thirty-five (35) feet.

P Public

(q) Properties which are publicly owned should be shown upon the zoning map as such. To zone public property for residential, commercial or industrial uses, simply because the surrounding properties fall into these categories, gives a false impression of the comprehensive

development plan and encourages requests for improper rezoning of properties. A parcel of property may lie adjacent to a park entrance which is zoned industrial and the property owner may request zoning on that basis. On-site examination would indicate that such zoning would be improper. Further, in determining what land is available for private development, it is important to know how much of the Islands is not available because of public ownership; the property owner should be in a position to know the true character of the property adjacent to his own.

Uses permitted

Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the P section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Required parking and loading areas

Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter.

Maximum height limit

No building shall exceed the maximum height allowed in the adjoining zoning district.

S-Special

Use permitted

(r) Land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one or more of the uses indicated in the S section of the TABLE OF PERMITTED USES, subject to such standards as may be referred to in that section and in the Special Requirements section of said Table and in the section on Required Conditions for Permitted Uses.

Permitted accessory uses

Customary accessory uses are permitted.

Parking area

Parking areas shall be provided in accordance with the provisions of section 230 of this subchapter; Provided, however, That the provisions of said section 230 shall not apply to any development for which the Planning Office has certified that such provisions will cause unnecessary alteration of the district.

Permitted density

The maximum number of persons for residential structures shall not exceed eighty (80) persons per acre.

Permitted lot occupancy

All principal structures shall occupy not more than fifty (50) percent of the area of the zoning lot.

Secondary kitchen

No development shall provide more than one kitchen for each dwelling unit nor shall the plumbing or utility connections for such kitchens be provided within any dwelling unit.

Required lot area

Every parcel of property to be utilized for residential purposes shall have a minimum of 2,000 square feet.

Lot width

There shall be no minimum lot width.

Maximum height limit

No residential structure shall exceed three (3) stories.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 346; amended Oct. 17, 1974, No. 3628, § 1, Sess. L. 1974, p. 245; Sept. 11, 1978, No. 4204, Sess. L. 1978, p. 227; Dec. 7, 1982, No. 4772, § 2(c), Sess. L. 1982, p. 251; June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44; Nov. 3, 1995, No. 6069, § 1(a), Sess. L. 1995, p. 6; Mar. 26, 1997, No. 6132, § 3, Sess. L. 1997, p. 6; May 28, 2005, No. 6745, §§ 3(a)–(c), Sess. L. 2005, p. 197.

§ 229a. Repealed. Mar. 26, 1997, No. 6132, § 3, Sess. L. 1997, p. 6.

§ 230. Off-street parking and loading regulations

Because there is little in the way of mass transportation available in the Virgin Islands (bus line on St. Thomas), most of the inhabitants, permanent and temporary, are dependent upon either private automobiles or their feet as a means of transportation. Taxi service is available on St. Thomas and St. Croix but the average visitor, staying more than a few days at an outlying hotel, is likely to rent a car for transportation to the business centers and for travel around the Islands. Among the inhabitants, all but the very low income persons own automobiles and the forecast is for a large increase in the number of cars on the Islands. With narrow roads and steep slopes, it is important that off-street parking be provided for all residences, including hotels, and it is important that adequate space be made available for the off-street parking and loading of motor vehicles in the business and industrial districts. The need is obvious and very great in the business section of Charlotte Amalie, where many of the available spaces are taken up by workers in the business establishments.

Intent of regulations

(a) It is intended by this section that each permitted use of land which generates vehicular traffic provide its own parking and loading facilities in sufficient amount to permit such use to function without reliance upon parking or loading accommodations within public rights-of-way, the availability of which is subject to regulations upon traffic at various times and at various locations.

It is further intended by this section that off-street parking and loading facilities be developed in a manner compatible with adjacent uses of land as well as the use of land it serves in accordance with the environment intended for the district in which such facility is located.

General requirements

(b) No building or structure in any district established by this subchapter shall be erected or enlarged, nor shall any building, structure or land be used, designed or arranged for any purpose without provisions for such off-street parking facilities as required by this subchapter, or for such off-street loading facilities as required by this subchapter nor shall any off-street parking nor loading area whether required by this subchapter or voluntarily provided be developed other than in the manner set forth in this subchapter.

For the purpose of this section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle, except that one hundred sixty-two (162) square feet of lot or floor area, which has a direct means of egress and ingress from any alley or street, shall be deemed parking space for one vehicle. On corner or through lots, parking space may not be included as part of required yards lying adjacent to either street.

All parking spaces and access driveways shall be paved or otherwise surfaced with an all-weather surface, and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from any parking area shall be permitted to drain onto adjoining property.

All parking space shall be reserved for the sole use of the occupants of the building or lot sold the visitors thereto. However, churches, theaters, stadiums, auditoriums and other places of assembly may make arrangements for joint use of parking spaces as hereinafter specified.

Loading spaces as required in subsection(s) shall not be construed as supplying off-street parking space.

In case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is mentioned, and to which said not mentioned use is similar, shall apply, the determination to be made by the Zoning Administrator.

When off-street parking and loading is required

(c) Off-street parking and loading shall be provided at the time any use of land is established or at the time of erection of any building or structure or at the time any building, structure or land is altered or enlarged in any manner to increase the amount of off-street parking or loading spaces as required by this subchapter. However, when the use of any building or land existing at the time of adoption of this subchapter is changed to a use in which the parking requirements of this subchapter are calculated differently from the method of calculation for the former use, only such additional parking as may result by reason of the different calculation need be provided for the changed use.

Obligation for retaining off-street parking and loading space

(d) The requirements for off-street parking and loading shall be a continuing obligation of the owner of the real estate on which any use is located as long as the use continues and is a use which requires off-street parking or loading. It shall be unlawful for an owner of any building or land use activity affected by the off-street parking and loading requirements of this subchapter to discontinue, change, reduce or dispense with or cause the discontinuance or change or reduction of the required off-street parking or loading space which meets with the requirements of and is in compliance with this subchapter. It shall be unlawful for any firm or corporation to use such building or land without acquiring such area as is required and permitted by this subchapter to fulfill the off-street parking and loading requirements of this subchapter. Whenever off-street parking is required and cannot be provided within the principal building or on the same lot as the principal building and is located on another parcel or property provided for and utilized for off-street parking, said parcel of property shall be owned by the owner of the principal building or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during, or as long as off-street parking is required for such principal building in accordance with the terms of this subchapter.

Reduction in parking space

(e) Off-street parking space required under this section may be reduced at a time the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction may not be below the standards set forth in this section.

Location of parking spaces

(f) The parking spaces required for uses other than one or two-family dwellings shall be located on the same lot as the principal use or on a lot which is within five hundred (500) feet of the principal use, such distance to be measured along lines of public access to the property.

Passenger vehicles

(g) Except as otherwise provided in this section, off-street parking spaces required herein may be occupied by the occupants, employees or patrons of the property or by visitors, or by self-propelled delivery vehicles incidental to the principal use but not by vehicles being repaired, stored or displayed for sale or hire.

Places of assembly

(h) In stadiums, sport arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this subchapter.

Units of measurement

(i) When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1 shall be disregarded and fractions over one-half (1 shall require one (1) parking space.

Collective provisions

(j) Nothing in this section shall be construed to prevent collective provision of off-street parking facilities for two (2) or more structures or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; provided also that the requirements set forth hereinbefore as to maximum distances between parking facilities and principal structures or uses served shall apply to each structure or use participating in the collective provisions for parking.

Joint use

(k) Churches. Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, auditoriums and other places of public assembly, stores, office buildings, and industrial establishments, lying within five hundred (500) feet of the church as measured along lines of public access, and that are not normally used between the hours of 6:00 A.M. and 6:00 P.M. on Sundays, and that are made available for other parking, may be used to meet not more than seventy-five (75) percent of the off-street parking requirements of a church.

For other types of places of public assembly. Parking spaces already provided to meet off-street parking requirements for stores, office buildings and industrial establishments, lying within five hundred (500) feet of the place of public assembly as measured along lines of public access, and that are not normally in use between the hours of 6:00 P.M. and midnight and are made available for other parking, may be used to meet not more than fifty (50) percent of the total requirements of parking spaces.

Mixed occupancies and uses not specified. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as above specified for joint use.

Parking areas: development and maintenance

(l) Every parcel of land hereafter used as a public or private parking area shall be developed and maintained by the owner in accordance with the following requirements:

(1) Screening and landscaping. Off-street parking for more than five (5) vehicles or any use in the TABLE OF PERMITTED USES, subject to conditions, shall be effectively screened on each side which adjoins or faces premises situated in any residential district, or premises used for residential purposes in any district, by a fence of acceptable design, wall or compact hedge. Such fence, wall or hedge shall be not less than four (4) feet and no solid portion shall be more than six (6) feet in height and shall be maintained in good condition and shall provide year-round screening. The space, if any, between such fence, wall or hedge and the side lot line of adjoining premises shall be landscaped with grass, hardy shrubs or suitable ground cover and maintained in good condition.

(2) Minimum distances and setbacks. No part of any parking area for more than five (5) vehicles or for any use in the TABLE OF PERMITTED USES, subject to conditions, shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care. If not on

the same lot with a principal structure, the parking area shall not be located within the front yard or side street yard required for such structure.

If not on the same lot with a principal structure, the parking area shall not be closer to any street line than the least depth of the yard which would be required for a principal structure of one (1) story height. The fence, wall or hedge required by the preceding paragraph shall be set back from each street the same as if it were a building wall so as to observe the front yard and side street yard requirements of this subchapter.

(3) Bumper guards. These shall be provided a bumper guard of either wood, metal or concrete not more than two (2) feet in height and securely anchored into the ground on all sides of the parking area where there is required a protective fence or wall. Such bumper guard shall be located at such distance so that automobiles will not strike the protective fence or wall. As an alternative, a concrete beam serving the same purpose may be provided.

(4) Surfacing of parking areas. Any off-street parking area for more than five (5) vehicles or for any use in the TABLE OF PERMITTED USES, subject to conditions, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. The foregoing requirements with respect to the type of surfacing shall not apply to a parking area located in any industrial district, and at a distance of not less than one hundred (100) feet from any lot in any residential district, except that a dustless surface shall be provided in any case.

(5) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises located in any residential district or any premises used for residential purposes in any district.

Off-street parking requirements for residents: when required

(m) Off-street parking space shall be provided for residents of any use in accordance with the provisions of this subsection and in the amount set forth in subsection (n).

For the purpose of this subsection, residents shall include any persons occupying a residential use as defined by this subchapter but need not include:

A. Persons under legal driving age;

B. Persons undergoing special care, treatment or supervision which precludes operation of motor vehicles for legal or physical reasons;

C. Persons in religious or other institutions when or if by the official policy or rules such persons do not operate motor vehicles as an incident of their residency.

Any questions as to the application of the off-street parking requirements for residents shall be determined by the Zoning Administrator in accordance with the provisions of this subsection.

Amount of off-street parking required for residents

(n) Subject to the provisions of subsection (m), one (1) off-street parking space shall be provided for each dwelling unit, transient guest room or other separate residential accommodation for individuals on any premises in any district.

Off-street parking requirements for employees: when required

(o) Off-street parking space shall be provided for employees of any use in accordance with the provisions of this subsection and in the amount set forth in subsection (p).

For the purpose of this subsection, employees shall also include employers, proprietors or any persons other than residents, customers, patrons or visitors whose normal daily occupation, profession, vocation or business is conducted upon any premises. The number of employees on any premises shall be calculated upon the estimated maximum daily employment or maximum employment in any work shift in a twenty-four (24) hour period.

Off-street parking requirements for employees shall apply to but not be limited to all of the following types of activities:

A. Any manufacturing or other industrial activity permitted by this subchapter;

B. Any warehousing, storage or other wholesale activity permitted by this subchapter;

C. Any activity which primarily provides a construction, repair, installation or similar business service not involving the sale of products other than as related to or incidental to the primary service offered where such activity is permitted by this subchapter;

D. Any general office activity of a business, profession or institution not involving the direct sale of products upon the premises other than as incidental to the primary office activity;

E. Any use which employs persons upon a daily basis where such is permitted in any of the residential districts.

Any questions as to the application of the off-street parking requirements shall be determined by the Zoning Administrator in accordance with the provisions of this subsection.

Amount of off-street parking required for employees

(p) One (1) off-street parking space shall be provided for every five (5) employees.

Off-street parking requirements for customers, patrons, visitors or persons other than residents and employees: when required

(q) Off-street parking space shall be provided for customers, patrons or visitors of any use in accordance with the provisions of this subsection and in the amount set forth in subsection (r).

For the purpose of this subsection, customers, patrons or visitors shall include all persons other than residents or employees for whom specific accommodations are provided upon any premises by floor area, lot area, seats, beds or other applicable arrangements.

Off-street parking requirements for customers, patrons or visitors shall apply to but not be limited to all of the following types of activities:

A. Any premises which provide a central or general assembly area or areas intended primarily for adult persons, including but not limited to the following places:

1. Eating and drinking places;

2. Entertainment, amusement or recreation places;

3. Chapels, sanctuaries or funeral parlors;

4. Auditoriums, theaters or meeting halls;

5. Arenas, amphitheaters, stadia or similar places for spectators of sporting or other events;

6. Exhibition halls, museums, galleries, libraries, or other gathering places for civic, social, religious, entertainment, business, educational, or other purposes.

B. Any student assembly areas in educational institutions accommodating persons of legal driving age.

C. Any personal services performed upon individuals in an office or place of business by professional or trained persons, including but not limited to:

1. Doctors or dentists offices;

2. Medical clinics;

3. Barbers, beauticians or other personal grooming or similar personal services performed by trained persons.

D. Any business or activity engaged in the sale of goods or merchandise upon any premises, including indoor, outdoor or drive in facilities.

E. Any place or institution providing for permanent or temporary treatment, care or supervision of patients, minor persons, elderly persons or confined persons wherever arrangements for visitors are provided, including but not limited to: hospitals, sanitariums, convalescent, retirement or similar homes.

Any questions as to the application of the off-street parking requirements shall be determined by the Zoning Administrator in accordance with the requirements of this subsection.

Amount of off-street parking required for customers, patrons or visitors

(r) Places of public assembly. One (1) parking space for each ten (10) seats.

Doctors, dentists, medical offices, barber or beauty shops. One (1) parking space for each professional or operator.

Business engaged in the sale of goods or merchandise. One (1) parking space for each five hundred (500) square feet of floor area.

Hospitals. One (1) parking space for each bed, but not including bassinets.

Retirement homes. One (1) parking space for each six (6) beds.

Off-street loading requirements

(s) On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale stores, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt and distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services in order to avoid interference with the public use of the streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten (10) by fifty (50) feet with fifteen (15) foot height clearance, and shall be provided for each twenty thousand (20,000) square feet of gross floor area, except that:

A. No spaces are required for structures with less than fourteen hundred (1,400) square feet of gross floor area;

B. One space is required for structures with more than fourteen hundred (1,400) but less than twenty thousand (20,000) square feet of gross floor area.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 368; amended Dec. 30, 1994, No. 6064, § 17(a)(2), Sess. L. 1994, p. 319.

§ 230a. Use of subdivision roadways or streets

The use of any roadway or street onto, within or through any subdivision of residential development of ten or more dwellings, which roadway or street is open to the use of any other persons as guests, visitors or permittees, other than the actual inhabitants thereof, shall not be denied or restricted directly, indirectly or by subterfuge, to any person, subject only to the conditions and limitations established by law and applicable in like manner to all persons.

—Added Dec. 27, 1983, No. 4881, § 4, Sess. L. 1983, p. 257.

§ 231. Uses permitted subject to conditions

Required conditions for permitted uses

(a) The general uses of land permitted by the TABLE OF PERMITTED USES in each district are intended to be used with common characteristics which are consistent with the purpose established by this subchapter for each district. However, certain uses of land provide accommodations consistent with, or necessary to, the purpose intended for each district but differ in their general characteristics from the principal permitted activity and in their impact thereon.

Special conditions are, therefore, established for these uses in order to retain a consistent relationship between their greater or unique intensity or kind activity and the principal activity permitted in the district where they may be permitted, subject to the additional conditions.

Every use conditionally permitted in any district, as set forth in the TABLE OF PERMITTED USES in this subchapter shall be subject to all regulations of the district in which such use is conditionally permitted and located unless otherwise stated and set forth under specific conditions of the following sections for each conditionally permitted land use.

1. Amusement parks.

Amusement parks, public or private, are permitted in the A-1, A-2, or P Districts subject to the following conditions:

A. A permit for their construction and operation shall have been obtained from the proper department or departments of the Government of the United States Virgin Islands;

B. When located in a P District, a permit for construction and operation shall have been obtained from the Department of Conservation and Cultural Affairs;

C. All structures of any kind shall be erected a minimum distance of two hundred (200) feet from any adjacent residential property;

D. The minimum area devoted to such use shall be ten (10) acres;

E. All buildings or structures shall occupy a maximum of twenty-five (25) percent of the area of the space allocated to this use;

F. No building or structure shall exceed a height of thirty (30) feet;

G. All amusement enterprises located within two hundred (200) feet of any adjacent residential property shall close at 10:00 P.M.;

H. All lighting shall be so constructed as not to shine directly upon adjacent residential property;

I. The entire area shall be surrounded by a fence;

J. All entrances shall be from a main travelled highway and not from any residential street.

2. Apartment houses, hotels and guesthouses (dwelling, multifamily).

Apartment houses and hotels and guesthouses are permitted in the W-1 District, subject to the following conditions:

A. A. There shall be a minimum zoning lot area of three (3) acres;

B. The maximum number of persons per acre for residential structures shall not exceed forty (40) persons at the time of construction;

C. No residential structure shall exceed a height of three (3) stories;

D. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

3. Athletic fields or playfields.

Athletic fields or playfields are permitted in the R-1, R-2, R-3, R-4, and R-5 Districts subject to the following conditions:

A. Every athletic field shall have a minimum area of five (5) acres;

B. Every athletic field shall be surrounded by a fence or planted area;

C. No building, structure, play area such as a baseball field, football field or tennis court shall be located closer than fifty (50) feet from the property line;

D. No building or structure shall exceed a floor area of over twenty-five hundred (2,500) square feet;

E. All play areas shall be treated so as to be free from dust;

F. All lighting shall be directed away from the property lines so as not to create an unsatisfactory condition for surrounding residential property;

G. All activities shall cease at 11:00 p.m.

4. Automobile laundry (car wash).

Automobile laundries are permitted in the B-2 District subject to the following conditions:

A. There shall be a minimum lot area of five thousand (5,000) square feet;

B. Every car wash structure shall be set back from the street line a minimum distance of fifty (50) feet;

C. Adequate drainage shall be provided upon the property so as not to permit water to flow upon adjacent property;

D. Adequate storage space shall be provided upon the property for the storage of cars washed and to be washed;

E. There shall be no storage of cars washed or to be washed upon the public street;

F. There shall be a minimum side yard on each side of any structure used for car wash purposes of ten (10) feet.

5A. Bowling alleys and roller skating.

Bowling alleys and roller skating are permitted in the W-1 District subject to the following conditions:

A. There shall be a minimum lot area of one (1) acre;

B. The maximum coverage shall not exceed thirty (30) percent of the entire lot area;

C. There shall be minimum side and rear yards of twenty-five (25) feet with a minimum setback of fifty (50) feet from all adjacent residential properties;

D. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter;

E. No bowling alley or roller skating rink shall be located in W-1 Districts designated as swimming areas;

F. All lighting shall be directed so as not to create an unsatisfactory condition for surrounding residential property.

5B. Cafes, retail concessions, and restaurants.

afes, retail concessions and restaurants are permitted in the P District if publicly owned and operated, or if publicly owned and privately operated under continuous supervision of a public agency, or if privately owned and operated on a contract with and under constant supervision of a public agency.

6. Camps.

Recreation camps, day camps, overnight camps are permitted in the P District if publicly owned.

7. Churches, synagogues, temples, and Sunday School buildings.

Churches, synagogues, temples, and Sunday school buildings are permitted in the R-1 and R-2 Districts subject to the following conditions:

A. There shall be a minimum zoning lot area of three-quarter (¾) acres;

B. The maximum coverage of any building or buildings shall not exceed thirty (30) percent of the entire lot area;

C. There shall be minimum side and rear yards of twenty-five (25) feet with a minimum setback of one hundred (100) feet from all adjacent residential properties;

D. Entrances and exits to parking facilities shall be located, where possible, on nonresidential streets and a minimum of seventy-five (75) feet from any street intersections;

E. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

8. Colleges, universities and other institutions of higher learning.

Public and private colleges; universities; art, music, professional or other schools providing an educational curriculum above the level of public secondary schools are permitted in the R-1, R-2, R-3, R-4, and R-5 Districts subject to the following conditions:

A. Uses of land shall be limited to educational, administrative, operational and maintenance buildings, student unions, auditoriums, chapels, research or testing laboratories, libraries, gymnasiums, stadia, athletic fields, playgrounds, student and faculty dormitories, fraternity or sorority houses or other residences of officials, caretakers or guards. Book or stationery stores, eating establishments or other facilities for the convenience of students, faculty, employees or visitors shall be permitted within any building where there are no separate outside entrances to such uses facing any adjoining residential property;

B. The minimum lot area shall be ten (10) acres;

C. The total coverage of all buildings upon any campus shall not exceed thirty (30) percent of any one contiguous area of campus;

D. All buildings shall be set back from every adjacent property a minimum distance of twenty-five (25) feet and, in addition, not closer than fifty (50) feet to any adjacent residential property;

E. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

9. Community centers.

Community centers are permitted in the R-1, R-2, R-3, R-4, S, and R-5 Districts subject to the following conditions:

A. There shall be a minimum lot area of one (1) acre in the R-1 District;

B. The maximum coverage shall not exceed thirty (30) percent of the entire lot area;

C. There shall be minimum side and rear yards of twenty-five (25) feet with a minimum setback of fifty (50) feet from all adjacent residential properties in the R-1 District;

D. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

10. Convalescent, rest, nursing and retirement homes; and sanitariums.

Convalescent, rest, nursing, and retirement homes; and sanitariums are permitted in the R-1 and R-2 Districts subject to the following conditions:

A. There shall be a minimum lot area of one (1) acre;

B. The maximum coverage of any building or buildings shall not exceed thirty (30) percent of the entire lot area;

C. There shall be minimum side and rear yards of twenty-five (25) feet with a minimum setback of fifty (50) feet from all adjacent residential properties;

D. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

11. Country clubs and golf clubs.

Country clubs and golf clubs are permitted in the A-1, A-2, R-1, and R-2 Districts subject to the following conditions:

A. The minimum lot area shall be not less than forty (40) acres;

B. Buildings shall occupy not more than five (5) percent of the area of the zoning lot;

C. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter;

D. The maximum height of any structure shall not exceed two (2) stories;

E. A golf shop, cafe, snack bar or swimming pool may be considered an accessory use if located a minimum distance of two hundred (200) feet from any adjoining residential property or property zoned for residential use;

F. Accommodations for overnight guests may be provided if they meet the lot area requirements of the district.

12. Dwellings — Attached, semi-detached and group.

Attached semi-detached and group dwellings are permitted in the R-1 and R-2 Districts subject to the following conditions:

A. The minimum lot area requirements for the respective districts shall apply;

B. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

(C). The maximum height for any building constructed under title 29 Virgin Islands Code, chapter 3 may not exceed three stories.

13. Electrical substations, radio and television transmittal towers, and telephone relay towers.

Electrical substations, radio and television transmittal towers, and telephone relay towers are permitted in the A-1, A-2, R-1, R-2, R-3, R-4, and R-5 Districts subject to the following conditions:

A. There shall be a minimum lot area of six thousand (6,000) square feet;

B. The maximum coverage of any building or buildings shall not exceed thirty (30) percent of the area of the zoning lot;

C. There shall be minimum setbacks from every adjacent property of twenty-five (25) feet, except that setbacks from adjacent residential properties shall be fifty (50) feet;

D. Transformers shall be located within buildings;

E. The lines between the substation and the street shall be underground;

F. The substation shall be suitably screened from any adjacent residential property by a solid fence or planting screen which shall provide year-round screening.

14. Fire stations, police stations, and postal substations.

Fire stations, police stations, and postal substations are permitted in the R-1, R-2, R-3, R-4, S, and R-5 Districts subject to the following conditions:

A. There shall be a minimum lot area of fifteen thousand (15,000) square feet;

B. The maximum coverage of any building or buildings shall not exceed thirty (30) percent of the area of the zoning lot;

C. There shall be minimum setbacks from every adjacent property of twenty-five (25) feet, except that setbacks from adjacent residential properties shall be fifty (50) feet;

D. There shall be no exterior car washing;

E. There shall be no parking or storage of nongovernment vehicles in the front yard;

F. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

15. Garage, community.

A community garage is permitted in the R-3, R-4, S, and R-5 Districts subject to the following conditions:

A. Every community garage shall be located in the rear yard of the zoning lot and not less than three (3) feet from any property line;

B. Every community garage shall occupy not more than forty (40) percent of the rear yard;

C. The number of garage spaces permitted shall not exceed the number of dwelling units on the zoning lot.

(16) Gymnasiums and athletic clubs.

Gymnasiums and athletic clubs are permitted in the R-1, R-2, R-3, R-4, and R-5 Districts as part of a permitted public, private or parochial school or community center.

17. Hospitals.

Hospitals are permitted in the R-1, R-2, R-3, R-4, and R-5 Districts subject to the following conditions:

A. There shall be a minimum lot area of fifteen (15) acres in the R-1 District, ten (10) acres in the R-2 District, and five (5) acres in the Districts R-3, R-4, and R-5;

B. The maximum coverage of any building or buildings shall not exceed thirty (30) percent of the area of the zoning lot;

C. There shall be a minimum setback from adjacent property of twenty-five (25) feet, except that the setbacks from adjacent residential properties shall be fifty (50) feet;

D. No power plant or laundry shall be located nearer than one hundred (100) feet from any residential property;

E. Off-street parking shall be provided in accordance with section 230 of this subchapter;

F. In addition to customary accessory uses, the following accessory uses shall be permitted within the hospital complex when located inside of any building with no outside separate entrances to such facilities: drug stores, gift shops, eating establishments or such other goods or services providing a convenience for patients, employees and visitors.

18. Laundry and dry cleaning; depot, self-service, and self-service and depot.

Laundry and dry cleaning; depot, self-service, and self-service and depot are permitted uses in the R-3, and R-5 Districts when located on the first floor or in the basement of any apartment house or hotel.

19. Marinas (recreational marine crafts).

Marinas are permitted in the R-3 and R-5 Districts subject to the following conditions:

A. Such facilities shall be used only for the docking of small power boats and sailboats;

B. No repair work, such as the scraping or finishing or refinishing of hulls or the painting of boats, shall be permitted;

C. Two (2) fuel pumps shall be permitted;

D. No sale of food or drinks at the docking area or areas shall be permitted;

E. One (1) identification sign shall be permitted not to exceed two (2) square feet in dimension.

20. Medical clinics.

Medical clinics are permitted in the R-4 and S Districts subject to the following conditions:

A. The minimum lot size shall be five thousand (5,000) square feet;

B. The building shall occupy not more than forty (40) percent of the entire lot area;

C. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter;

D. All buildings shall be set back from the street line a minimum distance of twenty-five (25) feet and from all other property lines a minimum distance of ten (10) feet.

Medical clinics are permitted in the R-3 and R-5 Districts subject to the following conditions:

A. If in separate buildings, they shall meet the requirements of paragraphs A through D above, and be limited to a maximum height of two (2) stories;

B. If in multiple dwellings (apartment houses or hotels), they shall be located on the ground (first) floor of the building and shall occupy not more than ten (10) percent of the ground floor area of the building.

21. Memorial parks, memorial garden, memorial nature preserve or park, perpetual care park.

Memorial parks, memorial gardens, memorial nature preserves or parks, and perpetual care parks are permitted in the R-4, R-5, B-3, I-2, and S Districts subject to the following conditions:

A. A permit for their construction and operation shall have been obtained from the proper department or departments of the Government of the Virgin Islands;

B. All mausoleums and wall crypts shall be erected a minimum distance of three hundred (300) feet from any adjacent residential property;

C. All lighting shall be constructed so as not to shine directly upon adjacent residential property;

D. All mausoleums and wall crypts shall occupy a maximum of fifty percent (50%) of the total area of the Memorial Park, Memorial Nature Preserve or Park, or Perpetual Care Park;

E. No mausoleum or wall crypt shall exceed a height of thirty (30) feet;

F. Accessory uses permitted subject to conditions set forth in section 233(a) of this chapter.

22. Mobile home parks.

Mobile home parks or courts are permitted in the A-1, A-2, R-2, and R-3 Districts subject to the following conditions:

A. The minimum area for mobile home parks shall not be less than five (5) acres;

B. The minimum area of land to be allotted to or designed for a mobile home space shall not be less than twenty-five hundred (2,500) square feet per unit; however, no unit shall occupy more than thirty (30) percent of such allotted space;

C. The minimum common open space in a mobile home park shall be not less than thirty (30) percent of the entire mobile home park area. For the purpose of this section, common open space shall be calculated as any open unoccupied area remaining after deducting the minimum area allotted to each unit. Such open space shall not be occupied by buildings, roadways or parking areas, and shall be sodded and landscaped or otherwise made available for recreation use. The perimeter of the mobile home park shall also be landscaped to provide screening from adjacent areas;

D. The maximum number of mobile home units shall not exceed ten (10) units per acre;

E. The mobile home park shall front on a major street or road, or shall have an improved road that provides direct access to a major street or road;

F. No mobile home shall be located nearer than ten (10) feet from any roadway within a mobile home park, and no mobile home or other building or parking lot shall be located nearer than twenty-five (25) feet from the boundaries of the mobile home park. No mobile home and appurtenances shall be located nearer than twenty (20) feet from any other mobile home or appurtenances within a mobile home park;

G. Off-street parking shall be provided in accordance with section 230 of this subchapter; however, they need not be individually related to each mobile home and may be provided in a common parking area. In the case of common parking areas of more than five car spaces, effective screening and landscaping shall be utilized and the parking area shall be paved;

H. Buildings or structures in addition to the mobile home units shall be limited to administration offices or quarters, buildings used for common recreation or laundry facilities, storage and such buildings or structures as may be required for sanitation purposes, and a small grocery or general store. A minimum of forty (40) units, in place, are required for a small grocery or general store which shall be incorporated wherever possible in other service or convenience building in the park.

23A. Motion picture (indoors).

Motion picture (indoors) are permitted in R-3, R-4, and R-5 Districts subject to the following conditions:

A. There shall be a minimum zoning lot area of two (2) acres;

B. The maximum coverage of any building shall not exceed thirty (30) percent of the entire lot area;

C. There shall be minimum side and rear yards of twenty-five (25) feet with a minimum setback of sixty (60) feet from all adjacent residential properties;

D. Entrances and exits to parking facilities shall be located, where possible, on nonresidential streets and a minimum of seventy-five (75) feet from any street intersections;

E. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

23B. Night clubs.

Night clubs are permitted in the W-1 District subject to the following conditions:

A. Night clubs are permitted only as a secondary use of a building whose principal use is that of a hotel or restaurant;

B. Night clubs shall be so located within the building as to prevent noise from emanating from the building of the disturbance to surrounding property.

24. Nurseries, plant; agriculture, horticulture.

Horticultural activities and nurseries for the growing of plant materials and their sale are permitted in the R-1, S, and R-2 Districts subject to the following conditions:

A. The minimum lot area shall not be less than three (3) acres;

B. The maximum coverage of any building or buildings shall not exceed thirty (30) percent of the area of the zoning lot;

C. Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter;

D. There shall be a minimum setback from any street line of fifty (50) feet and a minimum setback from all other property lines of one hundred (100) feet;

E. All sales shall be conducted in a building set back from the front street line a minimum distance of fifty (50) feet, or if from an open lot a minimum distance of twenty (20) feet from the front street line;

F. There shall be no storage of fertilizer nearer than two hundred (200) feet from any property line;

G. Equipment used, such as carts, tractors and similar vehicles, shall be stored on the premises or left in the open not nearer than two hundred (200) feet from any side or rear property line.

25A. Refreshment stands.

Refreshment stands are permitted in the W-1 District subject to the following conditions:

A. When erected upon public property, a permit shall have been obtained from the proper department of the Government of the United States Virgin Islands;

B. The design of every stand shall have been submitted to the Virgin Islands Planning Office for approval by its Director, and shall be erected only if approved;

C. The maximum size of each refreshment stand shall be one hundred fifty (150) square feet;

D. No stand shall be erected nearer than two hundred (200) feet from any adjacent residential property;

E. Suitable containers for rubbish shall be placed on the property assigned for such stand, and the owner or operator shall be responsible for proper removal of such rubbish;

F. When located adjacent to a residential district, such stand shall remain open not later than 10:00 P.M.

25B. Riding stables.

Riding stables are permitted in the W-1 District subject to the following conditions:

A. Approval of facilities is first obtained from the Department of Health, Division of Environmental Health;

B. There shall be minimum side and rear yards of fifty (50) feet with a minimum setback of one hundred (100) feet from all residential properties;

C. They shall not be permitted in areas designated as swimming areas in W-1 Districts;

D. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

26. Religious quarters.

Religious quarters are permitted in the R-1 and R-2 Districts subject to the following conditions:

A. There shall be a minimum lot area of one (1) acre;

B. The maximum coverage of any building or buildings shall not exceed thirty (30) percent of the entire lot area;

C. There shall be a minimum setback from adjacent property of twenty-five (25) feet except that setbacks from adjacent residential property shall be fifty (50) feet;

D. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

27A. Seaplane ramps.

Seaplane ramps are permitted in W-1 Districts subject to the following conditions:

A. Such facilities shall be used only for the embarkation and debarkation of passengers or for freight, and for such related accessory activities as are essential to the provisions of these services;

B. No repair work, except emergency repairs, shall be permitted;

C. Two (2) fuel pumps shall be permitted;

D. Sale of food and drinks shall be permitted, when part of a passenger terminal or waiting area;

E. One (1) identification sign shall be permitted not to exceed eight (8) square feet in dimension;

F. No facility shall be located in W-1 Districts designated as swimming areas;

G. No facility shall have its principal activities closer than three hundred (300) feet from adjoining residential properties;

H. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

27B. Sewage lift station, sewage and water pressure control station, and sewage treatment plants.

Sewage lift station, sewage and water pressure control station, and sewage treatment plants are permitted in the R-1, R-2, R-3, R-4, and R-5 Districts subject to the following conditions:

A. The design and location of each installation shall have been approved by the Department of Health of the United States Government of the United States Virgin Islands;

B. The design and specific location of the installation shall have been approved by the Director of the Virgin Islands Planning Office;

C. Every installation shall be surrounded by a fence or planting strip which will effectively screen it from the surrounding property;

D. Where the installation is not connected to a sewer system, the Department of Health must certify that there is a facility available suitable to carry off the effluent without disturbance of surrounding property or without polluting the waters of the Islands.

28. Signs.

Signs are permitted uses in the zoning districts according to sections 227 and 228 of this subchapter, and subject to the following conditions:

General conditions:

A. Signs in designated historical districts shall conform to the regulations of those districts;

B. No sign shall exceed a height of twenty (20) feet above the lowest adjacent established grade;

C. No roof signs shall be permitted anywhere in the Virgin Islands;

D. No sign shall display intermittent lights resembling the flashing light customarily used in traffic signals or those used by police, fire, ambulances or other emergency vehicles, nor shall any sign use the words “stop”, “danger”, or any other word, phrase, symbol or character that might be misconstrued to be a public warning or traffic sign;

E. Illuminated signs shall be shielded so as not to cast direct light onto any residential district or onto any property or building used in whole or in part for residential purposes;

No revolving or rotating signs shall be permitted.

Business Signs:

A. Permitted in the R-3, R-5, and W-1 Districts, provided they do not exceed four (4) square feet.

B. B. Permitted in the I-1, I-2, and W-2 Districts, provided they do not exceed twenty (20) square feet.

Identification Signs:

A. Permitted in the A-1, A-2, R-1, R-2, R-3, R-4, and R-5 Districts, provided they do not exceed one (1) square foot;

B. Permitted in the B-1, B-2, B-3, B-4, C, and W-1 Districts, provided they do not exceed four (4) square feet;

C. Permitted in the I-1, I-2, and W-2 Districts, provided they do not exceed twenty (20) square feet;

D. Permitted on public and semi-public property, provided they do not exceed three (3) square feet.

Directional Signs: Directional signs attached to private property or located at the intersection of streets designating property owners shall not exceed one (1) square foot for each sign.

Occupancy Signs: Permitted in the A-1, A-2, R-1, R-2, R-3, R-4, and R-5 Districts provided that they do not exceed one (1) square foot.

For Sale or For Rent Signs:

A. Permitted in the A-1, A-2, R-1, R-2, R-3, R-4, R-5, and W-1 Districts, provided they do not exceed four (4) square feet;

B. Permitted in the B-1, B-2, B-3, B-4, I-1, I-2, and W-2 Districts, provided they do not exceed four (4) square feet.

Temporary Signs: Permitted in any district subject to the following conditions:

A. Temporary signs shall be located only upon the premises of a use to which such a sign is related;

B. No temporary sign shall be permitted for a period exceeding one (1) year;

C. Temporary signs shall be permitted if they relate to a particular subdivision or development;

D. No temporary sign shall exceed sixteen (16) square feet.

Applications: In addition to the requirements of section 235 of this subchapter, every application for a sign shall include the following information and exhibits in triplicate:

A. Position of sign and its structure in relation to adjacent buildings and structures;

B. The design and size, structural details and the dimensions and colors proposed, and the proposed location on the premises of such sign and/or sign structure;

C. A statement showing the size, dimensions and location of all signs existing on the premises at the time of making said application.

29. Warehousing, storage and light industrial.

Warehousing, storage and light industrial uses are permitted in the P-Public District subject to the following conditions:

A. Such uses should be permitted only in a P-Public District that adjoins a public airport or an area zoned light or heavy industrial.

B. A permit, lease, license, or other entitlement for the construction and/or operation of an activity shall have been obtained from the agency of the Government of the United States Virgin Islands responsible for the management or administration of the property upon which the activity is to be located.

C. There shall be a minimum lot area of five thousand (5,000) square feet.

D. No building or structure shall exceed a height of thirty-five (35) feet.

E. No more than sixty (60) percent of the area of a zoning lot may be used for building or storage of equipment other than required off-street parking or off-street loading.

F. All structures shall be separated from any residential structure and/or property zoned for residential purposes by a minimum of not less than twenty (20) feet.

G. Off-street parking shall be provided in accordance with the provisions of section 230 of this subchapter.

30. Water Storage.

Water storage tanks are permitted in R-3 Districts subject to the following conditions:

A. The design and location of each installation shall have been approved by the Department of Planning and Natural Resources and the Director of the Virgin Islands Planning Office;

B. Every installation shall be fenced and landscaped.

31. Casino Establishment and Casino Simulcasting.

Casino Establishments and Casino Simulcasting are permitted uses in the R-3, R-5, B-1, B-2, and W-1, St. Croix districts when one of the four types of casino licenses is issued by the Casino Control Commission. Each type of casino license is subject to the following conditions:

Casino-1:

(A) The maximum height of any structure shall be three (3) stories within the Historic Districts, and six (6) stories in all other areas.

(B) The number of hotel rooms, casino square footage and indoor public space square footage shall be in accordance with the provisions of Title 32, section 435 of the Virgin Islands Code.

(C) Off-street parking and loading shall be in accordance with the provisions of section 230 of this subchapter.

Casino-2:

(A) The maximum height of any structure shall be three (3) stories within the Historic Districts, and six (6) stories in all other areas.

(B) The number of hotel rooms, casino square footage and indoor public space square footage shall be in accordance with the provisions of Title 32, section 435 of the Virgin Islands Code.

(C) Off-street parking and loading shall be in accordance with the provisions of section 230 of this subchapter.

Casino-3:

(A) The maximum height of any structure shall be three (3) stories within the Historic Districts, and six (6) stories in all other areas.

(B) The number of hotel rooms, casino square footage and indoor public space square footage shall be in accordance with the provisions of Title 32, section 435 of the Virgin Islands Code.

(C) Off-street parking and loading shall be in accordance with the provisions of section 230 of this subchapter.

Casino-4:

(A) The maximum height of any structure shall be three (3) stories within the Historic Districts, and six (6) stories in all other areas.

(B) The number of hotel rooms, casino square footage and indoor public space square footage shall be in accordance with the provisions of Title 32, section 435 of the Virgin Islands Code.

(C) Off-street parking and loading shall be in accordance with the provisions of section 230 of this subchapter.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 377; amended Aug. 4, 1978, No. 4181, § 3, Sess. L. 1978, p. 194; Aug. 10, 1978, No. 4193, Sess. L. 1978, p. 212; Dec. 7, 1982, No. 4772, § 2(d)–(h), Sess. L. 1982, p. 252; June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44; Mar. 26, 1997, No. 6132, § 2, Sess. L. 1997, p. 4; Aug. 27, 1997, No. 6149, § 1(b), Sess. L. 1997, p. 44; Dec. 1, 2001, No. 6479, § 24(b), Sess. L. 2001, p. 331; Nov. 25, 2009, No. 7129, § 2, Sess. L. 2009, p. —.

§ 232. Planned area development

With strict limitations in most zoning laws for yards and other open spaces, it has been found that some imaginative developments that would prove beneficial to the community could not be constructed as they did not meet the strict letter of the law. In order to allow sound and imaginative developments to take place, planned developments have permitted the construction of projects which met the spirit of the law if not its strict letter. These projects are usually shown upon the zoning map only after a public hearing and final action has been taken by the legislative body.

This Zoning Law does not contain some of the usual provisions for yards. Instead, the percentage of the lot that may be occupied is limited and a certain amount of usable open space is required. The usual reason for planned residential developments does not, therefore, exist. The law does, however, provide that residential developments, other than those involving one or two-family dwellings, might be constructed in the A-1, A-2, R-1, and R-2 Districts if certain conditions and requirements are met. Since this is a matter of importance to residents of the Low-Density Districts, it is proposed that planned developments be permitted only after a public hearing, after certain findings have been made by the Planning Office, and after action by the Legislature.

Purpose and intent

(a) Planned developments, as permitted by this section, are intended to provide an opportunity for alternative variety and creative or unique design arrangements and relationships of buildings and uses of land which are built as a single entity under unified control when the plan of development has been approved in the manner prescribed herein.

To insure that a planned development shall conform to the character and nature of the district in which it is located, achieve a maximum of coordination between the planned development and neighboring land uses, promote the intent and purposes of this subchapter, and encourage the most appropriate use of land within the area of the planned development, specific and additional standards are established.

Procedure to establish planned area developments

(b) Amendment to zoning district map. A planned area development as described in subsection (c) of this section shall be established through an amendment to the Zoning District Map, and the boundaries thereof shall be identified by dashed lines as distinguished from the solid lines of zoning district boundaries.

Application. Applications for planned developments shall be submitted in the same manner as required in section 238 of this subchapter for any amendment to this Zoning Law.

Plans. A plan of the proposed development shall be filed with the Virgin Islands Planning Office together with a schedule of construction for each and all stages thereof and shall be made part of any law establishing a planned development. The plan shall be of sufficient detail to determine that all conditions of this subchapter are met and shall show at least the minimum information required by any rules and regulations adopted by the Virgin Islands Planning Office.

Failure to proceed and plan revision or adjustment. Where, for any reason, construction of a planned development does not proceed within a period of two (2) years after the date of approval by the Legislature of the Virgin Islands, then the approval shall be void and the entire matter resubmitted to the Virgin Islands Planning Office for reconsideration in light of existing circumstances unless the applicants have submitted a revised plan or revised schedule which may be approved by law and adopted in lieu of the original plan or schedule.

When in the course of carrying out any stage of the development, adjustments of detail may be required, such adjustments may be permitted if approved by the Virgin Islands Planning Office,

provided that such adjustments are in compliance with all regulations of this subchapter and the general intent of the development plan as adopted by law.

Planned area development; affordable housing

(c) Planned residential developments are permitted in the A-1, A-2, R-1, and R-2 Districts subject to subsection (b) of this section and the following conditions:

Uses permitted. Within a planned residential development, any principal or accessory use is permitted which is already permitted in the existing zoning districts in which such development is located.

Uses permitted in the R-3, R-5, B-3, and B-4 Districts may be allowed when specifically approved as part of the development plan, provided such uses shall not occupy more than five (5) percent of the gross area of the Planned Development.

Required lot area. Planned residential developments shall have a minimum lot area of five (5) acres.

Required parking areas. Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter.

Permitted density. In a zoning district in which a planned residential development is located any combination of dwellings may be erected as long as they meet the following residential density requirements:

In the A-1, A-2 and R-1 District the residential density for a Planned Residential Development shall meet the overall residential density requirements for the R-2 District.

In the R-2 District the residential density for a Planned Residential Development shall meet the overall residential density requirements for the R-3 District.

Permitted lot occupancy. The total zoning lot occupancy for a Planned Residential Development shall not exceed more than a total of thirty (30) percent of the area of the zoning lot.

Maximum height limit. No residential structure shall exceed a height of six (6) stories.

Common open space. Common open space shall be established in an amount not less than forty (40) percent of the area of the Planned Residential Development.

Common open space shall be used for recreation, and outdoor living space not including off-street parking, all of which uses shall include space for landscaping.

The Virgin Islands Planning Office shall stipulate such provisions for the ownership and maintenance of the common open space as will insure its continuity and conservation.

The Virgin Islands Planning Office may require that land be deeded to the Government for public schools and for recreation and/or park purposes if consistent with the General Plan of Development or government policies. Said land is to be fully credited as usable open space.

Paving of interior streets. The Virgin Islands Planning Office may require, that all interior streets be paved at the expense of the developer in accordance with the specifications set forth by it.

(d) Affordable housing proposed by private persons or by the Government pursuant to the affordable housing program may be developed as "planned area developments" in accordance with the provisions of this section. Planned area developments for affordable housing shall be created pursuant to procedures set forth in subsection (b) of this section.

Planned area affordable housing developments may be permitted in the A-1, A-2, R-1 and R-2 Districts, and such other Districts as may be approved by the Legislature, subject to subsection (b) of this section and the following conditions:

Uses Permitted. Within a planned area affordable housing development, any principal or accessory use is permitted which is already permitted in the existing Districts in which such development is located. Uses permitted in the R-3, R-5, B-3 and B-4 Districts may be allowed when specifically approved by the Legislature as part of the affordable housing development plan.

Required Lot Area. Planned area affordable housing developments shall have the minimum lot area approved by the Legislature based upon the recommendations of the Department of Planning and Natural Resources.

Required Parking Area. Off-street parking and off-street loading shall be provided in accordance with the provisions of section 230 of this subchapter.

Permitted Density; Lot Occupancy; Setbacks. In a zoning district in which a planned area affordable housing development is located, minimum lot sizes, the number of units per acre, lot occupancy standards, front, rear and side yard requirements, and other building requirements, shall be established by the Legislature based upon the recommendations of the Department of Planning and Natural Resources. To the maximum extent possible, in reviewing such requirements and standards as in connection with planned area affordable housing developments, the Legislature and the Department of Planning and Natural Resources shall give effect to, and maintain, any and all environmental, water, and land use policies, goals and objectives heretofore or hereafter adopted, including without limitation, applicable coastal zone management policies, goals and objectives.

A planned area affordable housing development approval shall clearly set forth the requirements and standards applicable to the affordable housing development for which approval is granted.

A planned area affordable housing development approval specifying the land use and building requirements applicable to such development shall be granted by the Legislature only if the Department of Planning and Natural Resources finds and determines that the proposed development including affordable housing:

(1) will provide affordable housing which will remain affordable for at least the term of the applicable affordable housing development agreement;

(2) will provide safe, sanitary and high quality dwelling units with amenities sufficient to meet the needs of eligible home buyers or renters and which are aesthetically compatible with the environment;

(3) will not unreasonably compromise or substantially impair any otherwise applicable environmental, water or land use and building policies and standards; and

(4) will significantly promote the health, safety and general welfare of residents of the United States Virgin Islands by helping to reduce the shortage of housing affordable to low and moderate income households and providing additional jobs for residents of the United States Virgin Islands.

Maximum Height Limit. No residential structure shall exceed a height of six (6) stories.

Common Open Space. Common open space shall be established in an amount not less than the percentage approved by the Legislature based upon the recommendation of the Department of Planning and Natural Resources.

Common open space shall be used for recreation, and outdoor living space not including off-street parking, all of which uses shall include space for landscaping.

The Department of Planning and Natural Resources shall stipulate such provisions for the ownership and maintenance of the common open space as will insure its continuity and conservation.

The Department of Planning and Natural Resources may require that land be deeded to the Government for public schools and for recreation and/or park purposes if consistent with the General Plan of Development or Government policies. Said land is to be fully credited as usable open space.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 391; amended Mar. 19, 1990, No. 5523, § 6, Sess. L. 1990, p. 55; June 8, 1990, No. 5575, § 6(b), Sess. L. 1990, p. 226.

§ 232a. Development of affordable housing; applications for planned area affordable housing development permits

(a) Intent and purpose. There is a critical shortage of decent, safe, sanitary and affordable housing in the United States Virgin Islands. One of the factors contributing to the shortage of affordable housing is outmoded and rigid zoning and subdivision laws and building codes. The Government can encourage the provision of affordable housing by making land use and building regulations more flexible and by providing other incentives for the production of such housing. Savings in housing development costs can be achieved through higher density and reductions in frontage and setback requirements and lot coverage requirements. Savings can also be achieved

by expediting the land use and building approval process and by making the process more predictable.

It is the intent of section 232(d) of this title and this section to provide a specialized procedure that will, through incentives and in consideration of specific housing development proposals, facilitate construction of affordable housing in the United States Virgin Islands.

A development permit for planned area affordable housing development may be granted to construct affordable housing on a specific lot, parcel, tract or geographic area only in conjunction with an approved plan and agreement for housing development in accordance with section 232 (particularly subsection (d) thereof) and this section. Any person seeking approval of a housing development and who agrees to make a portion of the housing units within such development affordable within the meaning of this subchapter may request development approval under the provisions of section 232 pertaining to planned area development and this section. Applications for planned area development approval for affordable housing shall receive priority processing by the Legislature, the Department of Planning and Natural Resources and the Zoning Administrator and all governmental departments and agencies involved in the review and approval of land development proposals.

(b) Submission of affordable housing planned area development permit applications; expedited review and incentives. In order to encourage and facilitate the development of affordable housing, persons desiring to construct residential housing may elect to file an application for a planned area affordable housing development permit; provided, that such person agrees to make an agreed number of units in such proposed development available as affordable housing units; and provided, further, that the applicable requirements of section 232 are met. Notwithstanding section 232(c) of this chapter or any other law, the Government of the Virgin Islands Housing Finance Authority shall be exempted from the requirements of paving streets and installing utility systems, including electrical, telephone, water and gas lines, as a precondition to Government's subdividing land for use or sale in the Affordable Housing Program under this chapter. However, upon the Government's completion of a subdivision, under the provisions of this section, the government shall, within 180 days after the last home is constructed, complete the paving of streets and install utility systems and all monies generated from the sales of lots or housing units in the subdivision shall be deposited in a separate account and used or expended for the sole purpose of paving the streets and installing utility systems, including electrical, telephone, water and gas lines in the subdivision. Once the Government has met the requirements of section 232 of this title and this section, the balance of the monies remaining from the sales of the lots or housing units shall be deposited into the Land Bank Fund as established under title 33, chapter 111, of this Code. Applications for a planned area development permit for affordable housing shall be submitted by the applicant to the Virgin Islands Department of Planning and Natural Resources as provided herein and in section 232. An affordable housing development plan shall be submitted along with the planned area development permit application. A copy of such plan shall also be delivered to the Legislature, the Department or the VIHFA and the Authority. Prior to the final approval of a planned area affordable housing development permit, the applicant shall deliver to the Department of Planning and Natural Resources, an executed affordable housing development agreement, in the form prescribed by the Department or the VIHFA, in which the applicant agrees to provide affordable housing units within said proposed development in accordance with the terms of the

preliminary approval. The agreement shall be in recordable form and shall be signed by the applicant and by any other persons whose signatures or consents are required in order to impose the applicant's obligations under the agreement as a covenant running with the land. Upon issuance of the development permit, the affordable housing development agreement shall be signed by the Zoning Administrator and the Department or the VIHFA and a copy thereof recorded in the office of the Recorder of Deeds. A copy of the recorded agreement, certified by the Recorder of Deeds, shall be furnished to the Zoning Administrator, the Authority and the Department or the VIHFA for their respective records.

The Virgin Islands Department of Planning and Natural Resources and all other agencies and departments having jurisdiction in the matter shall give priority treatment to planned area affordable housing development permit applications. Completed applications shall be reviewed and set for public hearing within sixty (60) business days of submission. The Department of Planning and Natural Resources shall promulgate rules and regulations specifying the information and data required to be submitted in connection with the review of planned area affordable housing development applications.

The Virgin Islands Department of Planning and Natural Resources shall also promulgate rules and regulations providing for pre-application meetings, preliminary review and final review of planned area affordable housing development permit applications; provided, that any such rules and regulations shall not allow more than fifteen (15) business days for said department to determine whether or not an application is deemed complete within the meaning of this subsection following any pre-application meeting and preliminary review.

(c) Application procedure. Applications for planned area development permits for affordable housing shall be submitted to the Virgin Islands Department of Planning and Natural Resources. Prior to submission of a final application, applicants are encouraged to schedule a preapplication conference with the Virgin Islands Department of Planning and Natural Resources and the Department to review applicable zoning and affordable housing program requirements and incentives.

The Department of Planning and Natural Resources, after due public notice in accordance with section 239 of this subchapter, shall hold a public hearing regarding the proposed development wherein all interested persons shall have the opportunity to be heard regarding the proposed housing development. After the public hearing, the Department of Planning and Natural Resources shall submit to the Legislature, the Governor, the Department or the VIHFA and the Zoning Administrator a report containing its recommendations on the proposed affordable housing development.

The public hearing and report shall be undertaken only after a complete application has been received by the Department of Planning and Natural Resources. Completed applications shall be reviewed by the Department of Planning and Natural Resources and scheduled for a public hearing within sixty (60) business days of the receipt thereof. Only complete applications are required to be reviewed within the prescribed sixty (60) day period.

Failure of the Department of Planning and Natural Resources to report its recommendations to the Legislature, the Governor, the Department or the VIHFA and the Zoning Administrator after

the public hearing shall be treated as a favorable recommendation of the application. The report shall include findings and recommendations and the reasons for approval, disapproval or modification of the proposed development. A statement of the recommendations of the Department of Planning and Natural Resources and approving, disapproving or proposing a modification of such planned area affordable housing development proposal shall be read at the public hearing. A proposal disapproved by said department may be adopted by the Legislature.

After the public hearing and following submission of the report, the Legislature shall approve, disapprove, or modify and approve the proposed development and shall accordingly authorize the issuance or denial of, as appropriate, the development permit.

(d) Reconsideration of applications. In case the Department of Planning and Natural Resources recommends denial of a request for a planned area affordable housing development permit, the Legislature may permit the application with appropriate modifications to be resubmitted as provided in this section and a new public hearing thereon shall be conducted as herein required.

—Added Mar. 19, 1990, No. 5523, § 7, Sess. L. 1990, p. 57; amended May 3, 1994, No. 5978, § 3(e), Sess. L. 1994, p. 67; May 2, 2001, No. 6403, § 1, Sess. L. 2001, p. 20; June 5, 2001, No. 6413, § 2(a), Sess. L. 2001, p. 38.

§ 233. Accessory uses

General limitations upon accessory uses

(a) An accessory use shall be located upon the same lot with a principal use, unless otherwise set forth in this subchapter.

An accessory use shall be subordinate to the principal use and shall be a use or activity which is customarily incidental to the principal use.

An accessory use shall not materially or substantially change or alter the character of activity of the principal use it serves.

An accessory use shall include accessory buildings and structures to include memorial chapels.

Accessory uses in planned residential districts

(b) In a planned residential development of five (5) acres or more, after receiving a recommendation from the Virgin Islands Planning Office, a limited commercial center may be permitted as an accessory use if it meets the following conditions:

1. The commercial area shall not occupy more than five (5) percent of the total zoning lot area for the planned residential development;

2. It shall be intended primarily for the convenience of the residents of the planned residential development;

3. It shall be so located and designed within the planned residential development as not to interfere with the amenities of the surrounding residential area or to create excessive traffic or parking demands upon the street system;

4. The design of the commercial area shall be in keeping with the general design of the planned residential development.

Accessory uses in hotels and multiple residences

(c) In a hotel or apartment house located in the R-3, R-5, and W-1 Districts, limited commercial activities are permitted subject to the following conditions:

1. The commercial activities will occupy the ground floor area of the hotel or apartment house with the exception of a restaurant or snack bar which may be in a separate building;

2. The commercial activities will be those customarily found in hotels including, but not limited to, perfume, liquor, clothes, novelty, jewelry, watches, etc., shops and restaurants;

3. They shall be intended for the convenience of the residents of the hotel or apartment house.

Accessory uses in agricultural districts

(d) In Agricultural Districts, in addition to the principal structure, buildings for the housing of tenants or employees are permitted, provided the number of such additional structures shall not exceed one (1) in the A-2 District and three (3) in the A-1 District.

One roadside stand for the sale of agricultural products produced on the premises shall be permitted.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 394; amended Dec. 1, 2001, No. 6479, § 24(c), Sess. L. 2001, p. 332.

§ 234. Nonconforming uses

Scope

(a) Any lawful use of land or a building existing at the date of passage of this subchapter and located in a district in which it would not be permitted as a new use under the regulations of this subchapter, is hereby declared to be a nonconforming use, and not in violation of this subchapter at the date of adoption of this subchapter; provided, however, a nonconforming use shall be subject to the regulations in subsection (h) of section 234 of this subchapter.

Record of nonconforming uses

(b) Within twelve (12) months after the adoption of this law or any amendments thereto, the Zoning Administrator shall prepare a complete record of all nonconforming uses of lands, buildings and structures existing at the time of such law or amendment and shall notify the owners of record of said lands, buildings and structures. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupancy other

than the owner, the legal description of the land, and the nature and extent of such use. Such list shall be available at all times in the office of the Zoning Administrator.

Certificate of occupancy for nonconforming uses

(c) The owner of a property in a nonconforming use shall, within sixty (60) days after notification by the Zoning Administrator, sign and return to the Zoning Administrator one copy of the notification, if he agrees that property, ownership and nonconforming use are accurately described in the notification. If he finds that the Zoning Administrator has erred in any respect, he shall certify to the correct facts by affidavit to the Zoning Administrator. Upon receipt of the signed copy of the notification by the Zoning Administrator, the owner shall be issued a Certificate of Occupancy for the nonconforming use. Such certificate shall designate the location, nature and extent of the nonconforming use and such other details as may be necessary for the issuance of the Certificate of Occupancy.

Any nonconforming use for which a Certificate of Occupancy has not been issued shall be presumed to be a violation of this subchapter.

If the Zoning Administrator shall find, upon reviewing any application for a Certificate of Occupancy that the existing use is illegal or in violation of any other ordinance or law, or if he finds that the building for which the Certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the building code or zoning law in effect at the time of construction or alteration, he shall not issue the Certificate of Occupancy but shall declare such use to be in violation of this subchapter.

Continuation of nonconforming use of land or buildings

(d) Nothing contained in this subchapter shall be deemed to prohibit the continued use of land or buildings for any purpose, which use existed and was lawful on the effective date of this subchapter, although such use does not conform to the requirements specified in this subchapter for the district in which such land or buildings are located.

Change of nonconforming use

(e) A nonconforming use may be changed to another nonconforming use in the same zoning classification providing no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use, it shall not revert back to a nonconforming use.

Extension of a nonconforming use

(f) A nonconforming use may be extended throughout the building it occupies, provided no structural alterations or changes are made therein except those required by law or regulation or such as may be necessary to secure or insure the continued advantageous use of the building during its natural lifetime.

A nonconforming use of land may be extended throughout the lot it occupies, but not closer to adjacent properties than would be allowed for a permitted use in the zoning district, except that in the case of activities devoted to extracting soil, rock or other minerals from land, a minimum distance of one hundred feet from adjoining properties shall be maintained.

However, no building occupied by a nonconforming use shall be extended or enlarged in any manner except as may be required by law or regulation or changed to a conforming use.

Restoration of nonconforming building

(g) Nothing in this subchapter shall prohibit, within a period of six (6) months from the date of destruction of a nonconforming building, the securing of a permit for the restoration of said building where its valuation immediately prior to such destruction has not been reduced by more than fifty (50) percent as a result of such destruction by fire, explosion, act of God, or act of the public enemy. The determination as to the extent of reduced valuation resulting from such destruction shall rest with the Commissioner of Planning and Natural Resources.

Discontinuance or abandonment of nonconforming use

(h) Any nonconforming use of land or building which has ceased by discontinuance or abandonment for a period of one (1) year shall thereafter conform to the provisions of this subchapter.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 395; amended June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44.

§ 235. Administration and enforcement

Administration

(a) This subchapter and chapters 5 and 7 of Title 6, Virgin Islands Code, shall be administered and enforced by a Zoning Administrator who shall be the Commissioner of Planning and Natural Resources. The Commissioner of Planning and Natural Resources shall appoint Assistant Zoning Administrator(s) who shall have had experience in dealing with Zoning Laws, and may designate the Assistant Zoning Administrator(s) in writing, to act on his behalf.

The Zoning Administrator is authorized to take an appeal from any decision of the Board of Land Use Appeals when his decision has been overruled by said Board.

The Commissioner of Conservation and Cultural Affairs shall be the Zoning Administrator in connection with any development for which a coastal zone permit is required under Title 12, chapter 21 of this Code (the Virgin Islands Coastal Zone Management Act of 1978).

The Zoning Administrator shall maintain permanent and current records relative to adoption and chapters 5 and 7 of Title 6, Virgin Islands Code, amendment, administration and enforcement of the zoning regulations, including but not limited to all zoning maps, plans, applications, planned developments, conditional uses, variances, appeals and disposition thereof, and shall provide an information service for the public on all matters relating to zoning in the Virgin Islands.

It shall be the duty of the Zoning Administrator to examine all applications for building or other permits for the use of land and to determine that the application and plan submitted conforms to all provisions of this subchapter, as provided and set forth in subsection (c) of section 235 of this subchapter prior to the issuance of any building or other permit.

It shall be the duty of the Zoning Administrator to make recommendations to the Planning Office and the Legislature of the Virgin Islands with respect to changes which he deems desirable in the law in order that it may prove a more effective instrument in helping to achieve the General Development Plan of the Virgin Islands.

Enforcement

(b) The Zoning Administrator and employees of his department as he may designate may cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereat in violation of any provision or regulation of this subchapter.

Any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent the unlawful erection, construction, alteration, conversion, maintenance or use of a building; or to restrain, correct or abate such violation; or to prevent the occupation of buildings, structures or land; or to prevent any illegal act, conduct, business or use in or about such premises.

Application for building or other permits for use of land

(c) All applications for building or other permits for use of land, including building permits for the planting of a tree as defined in chapters 5 and 7 of Title 6, Virgin Islands Code, if such permit is required by either of said chapters, shall contain at least the following information, unless any specific required information is waived by the Zoning Administrator as not relevant or necessary to determine that all provisions of this subchapter have been met:

A site plan of the property, in duplicate, to a scale not to exceed twenty (20) feet to one (1) inch, prepared by a registered engineer, architect or land surveyor, or a draftsman pursuant to the authority of such draftsman under 27 V.I.C. § 291(8), illustrating the proposed development of the property and including the following:

1. Topographical features showing present grades and any proposed grades if present grades are to be altered. When required by the Zoning Administrator, contours not greater than five (5) feet shall be shown;

2. Property boundary lines and dimensions including any distinguishing platted lot lines within the property;

3. Location and dimensions of buildings, including height in stories and feet and including total square feet of ground area coverage of all existing and proposed buildings;

4. Location and dimensions of all driveways and entrances and minimum yard dimensions and, where relevant, relation of yard dimensions to the height of any side of a building or structure;

5. Location and dimensions of parking stalls, access aisles, and total area of lot coverage of all parking areas and driveways;

6. Location and dimensions, including height clearance, of all off-street loading areas;

7. Location, designation and total area of all usable open space, including use of any paved areas as distinguished from sodded or other landscaped areas;

8. Location and height of fences, walls including retaining walls, or screen planting, and the type or kind of building materials or planting used;

9. Proposed surface drainage;

10. Location of easements or other rights-of-way;

11. Location and designation of any open storage space;

12. The use of existing and proposed buildings, including the number of dwelling units in any building and the number of bedrooms in each dwelling unit in any building occupied or proposed to be occupied by more than two (2) dwelling or apartment units. This shall be supplemented by a summary schedule of all existing or proposed dwelling types set forth in the Table of Density Regulations of this subchapter;

13. In residential buildings, any existing or proposed commercial accessory uses as permitted by this subchapter shall be located and designated;

14. The total floor area in any commercial or mixed commercial-residential building which is governed by this subchapter by a floor area ratio (F.A.R.) factor. If a mixed commercial-residential occupancy, the location and total floor area of any commercial part of the building governed by a floor area ratio shall be shown;

15. Any information pertaining to a use conditionally permitted, where necessary to determine that the conditions for that use are met, or any information necessary to determine that the amount of off-street parking required by this subchapter is met.

16. In the case of a building permit required by chapter 5 or 7 of Title 6, Virgin Islands Code, the additional information required by said chapters.

A location map, in duplicate, at a scale not to exceed two hundred (200) feet to one (1) inch showing, at least, the uses of all property across the street or alley from or adjoining the boundary of the subject property, including the following:

1. All streets, alleys or other public rights-of-way, public parks and places and all lots and lot lines, streams, guts, waterways and easements;

2. All structures and the principal use of each structure, including the kind of residential, business, commercial, industrial or waterfront use;

3. All parking areas as may be significant to the application in question.

Any other information as may be required by the Zoning Administrator to determine that the application is in compliance with this subchapter shall be furnished upon demand, including but

not limited to flood plans, elevations, profiles, perspectives or any other material necessary to a complete understanding of this application.

A statement in writing signed by the applicant stating that the information as shown on said plans is true and correct. Any failure to comply with the provisions of this subchapter shall be good cause to refuse the issuance of any permit and/or to revoke any permit which may have been issued for any building or use of land.

Any application properly submitted under this section shall be acted upon by the Zoning Administrator within sixty (60) days.

Certificates of occupancy

(d) A copy of an application for a building permit in any of the zones defined in chapters 5 and 7 of Title 6, Virgin Islands Code, shall be submitted to the Virgin Islands Port Authority at the same time it is submitted to the Zoning Administrator provided such zone is one to which the building permit provisions of either of said chapters applies.

(e) No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a Certificate of Occupancy has been issued by the Zoning Administrator, stating that the premises or building complies with all provisions of this subchapter; except that where the alteration does not require the vacating of the premises or where parts of the premises are finished and ready for occupancy before the completion of the alteration, or in the case of a new structure, before its completion, a conditional certificate of occupancy may be issued.

No change or extension of use and no alteration shall be made in a nonconforming use of a building or land without a Certificate of Occupancy having first been issued by the Zoning Administrator that such change, extension or alteration is in conformity with the provisions of this subchapter and as provided by subsection (c) of section 234.

Application for a Certificate of Occupancy may be made at the time application is made for a building permit or other permit for use of land.

A certificate of occupancy shall be issued within ten (10) days after the erection or alteration of a building is completed if determined to be in conformity with the provisions of this subchapter.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 398; amended Oct. 31, 1978, No. 4248, § 10, Sess. L. 1978, p. 314; July 21, 1981, No. 4594, § 1, Sess. L. 1981, p. 91; Dec. 9, 1982, No. 4774, § 4(a)–(e), Sess. L. 1982, p. 277, 278; June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44.

§ 237. The Virgin Islands Planning Office

General review of zoning law by the Virgin Islands Planning Office

(a) The Planning Office shall carry on a continuous review of the effectiveness and appropriateness of the Zoning Law and recommend to the Legislature such changes that are in keeping with the General Development Plan for the Virgin Islands.

Specific powers of the Virgin Islands Planning Office to review applications

(b) Applications for the following special permits shall be referred to the Planning Office for a report of its recommendations at least thirty (30) days prior to the public hearing assigned to the matter on which the opinion was requested.

Group dwellings as set forth in section 231. The Division of Planning of the Department of Planning and Natural Resources shall be responsible for the review and approval of such proposal. In considering the proposal, the Department of Planning and Natural Resources shall consider in particular the groupings and arrangement of the structures, landscaping, and whether modification in the yard and/or grouping provisions will permit better site planning, and whether the proposed development is compatible with adjacent uses and properties, and whether the proposed location is in harmony with the general plan of development.

Planned area or planned residential developments as set forth in section 232. In reviewing such proposal, the Planning Office shall consider all aspects of the proposal as set forth in this subchapter, and in particular the grouping and arrangement of the structures; the location of permitted uses and their relationship to adjacent properties; the development and distribution of open spaces; the pedestrian and vehicular pattern; the zoning district or districts in which the Planned Development and adjacent properties are located; whether any amendments to said zoning district or districts should or ought to be recommended in conjunction with the proposed development plan; whether any modification in the yard and/or grouping provisions should or ought to be recommended to provide for a better arrangement of buildings and open space and to provide better site planning; whether the proposed development is compatible with adjacent properties and uses, and does not deprive such properties or uses of adequate light and air; and whether the proposed location and development is in harmony with general plan of development and in the public interest of the Virgin Islands.

The full report of the Planning Office regarding such proposal shall include the reasons for the decision thereon and shall be incorporated into the records of any public hearing held thereon.

The Planning Office shall report its findings in regard to these and any other relevant consideration in its report to the Zoning Administrator.

Review of zoning amendments by the Virgin Islands Planning Office

(c) Any petition for an amendment to the text of the Zoning Law or the Zoning District Maps shall be referred to the Planning Office for a report to be submitted to the Legislature of the Virgin Islands after due public notice and hearing, containing its recommendations in the manner set forth in section 238.

In reviewing a petition for an amendment to the Zoning Law or the Zoning District Maps, the Planning Office shall consider, in particular, changes that have taken place in the Virgin Islands in patterns of development and land use, the supply of land and its suitability for various purposes, the effect of the change of any rule or regulation in the text upon the Islands as a whole, the purpose of Zoning and the particular zoning districts, and whether the change is in harmony with the general plan of development of the Virgin Islands.

General rules of procedure of the Planning Office

(d) The Planning Office shall adopt, from time to time, general procedural rules and regulations necessary to carry into effect the provisions of this subchapter. Except as otherwise provided for in this subchapter, these shall include, among other things, procedure for the conduct of public hearings, the time and place of meetings and public hearings on particular matters, forms to be used in the submission of applications, assignment of duties to a secretary and/or assistant secretary who shall be designated by the Director of Planning from employees of his staff to carry out the official business of the Office, formation of committees, and the forms of written reports and findings of the Office.

Time for hearing. The Virgin Islands Planning Office shall fix a reasonable time for hearings, giving due notice thereof as required by section 239, but in no case shall a hearing on a particular matter be held later than sixty (60) days after the filing of an application with the Planning Office on that matter.

Agenda. The agenda of any meeting of the Planning Office shall be released not less than five (5) days prior to the meeting at which matters so listed are to be considered.

Advisory counsel of the Planning Office to other agencies

(e) When requested, the Planning Office and its staff shall give such technical advisory counsel as deemed appropriate to the Zoning Administrator, the Board of Land Use Appeals and other agencies.

Notification of zoning amendments by Planning Office

(f) The Planning Office shall notify the Office of the Tax Assessor and the Department of Finance of all amendments or changes to the text of the zoning law or the zoning district maps within 15 days of every such change. Within sixty days of notification of any zoning changes, the Office of Tax Assessor shall reassess the affected properties.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 407; amended Mar. 16, 1984, No. 4907, Sess. L. 1984, p. 73; Nov. 9, 1995, No. 6084, § 13, Sess. L., p. 213.

§ 238. Amendments

Scope of amendments

(a) Any provision of this subchapter, as well as the boundaries of the various Zoning Districts established herein, may be amended or repealed by the Legislature of the Virgin Islands after due public notice and hearing where parties in interest and citizens shall have an opportunity to be heard, subject to the provisions of this section and section 239 of this subchapter.

Initiation of amendments

(b) Amendments to the Zoning Maps may be initiated either by petition of any property owner or by the Virgin Islands Planning Office. Amendments to the Zoning Law may be initiated by the Virgin Islands Planning Office.

Referral to the Planning Office

(c) Every proposed amendment to the Zoning Law, including changes in the Zoning District Maps or boundaries, shall be referred to the Planning Office at least thirty (30) days prior to the date assigned for a public hearing to be held thereon by the Legislature of the Virgin Islands.

The Planning Office, after due public notice and hearing wherein parties in interest and citizens shall have the opportunity to be heard, shall transmit to the Legislature a report containing its recommendations on the proposed amendment.

Failure of the Planning Office to report prior to or at the hearing of the Legislature shall be taken as approval of the proposal.

A statement of the recommendation of the Planning Office approving, disapproving or proposing a modification of such proposal shall be read at any public hearing held by the Legislature. The report of the Planning Office regarding such proposal shall include the reasons for the vote thereon and shall be incorporated into the records of any public hearing held thereon.

A proposal disapproved by the Planning Office may be adopted by the Legislature.

Notwithstanding any other law, after receiving a necessary zoning change from the Legislature, the owner of property that plans a development on such property as the reason for such zoning change shall begin construction within thirty-six (36) months after receiving all the necessary permits pursuant to the Virgin Islands Code; if construction has not commenced within the aforesaid time period, the owner will again have to obtain the approval of the Legislature as provided under this section; provided further, that if the property abuts a shoreline, the owner of such property shall also grant, provide and maintain public easements to the shoreline abutting such property that are easily accessible to the general public.

Reconsideration of application denied by the Planning Office

(d) In case the Planning Office recommends denial of a request for a change in zoning or any amendment to this subchapter or any Planned Development, the Legislature shall not act upon any law covering the same request if filed with the Legislature more than ninety (90) days after the date of the Planning Office's recommendation of denial unless said law has been referred to the Planning Office for its further consideration. The Office may reaffirm its original recommendation without holding further hearings if it finds and determines that there is no material change in conditions, or it may hold further hearings on the proposed law. The Planning Office shall transmit its recommendation to the Legislature.

Whenever the Planning Office, after hearing all the evidence presented upon any application under the provisions of this subchapter denies same and refuses to recommend to the Legislature the passage of a law making such changes as is proposed, the Planning Office shall refuse to hold further hearings on a renewal application for the same matter by the same applicant or applicants, their successors or assigns, for a period of twelve (12) months from and after denial thereof, except and unless the Planning Office shall find and determine from the information supplied by a request for a rehearing that changed conditions have occurred relating to the application and that a reconsideration is justified. If the rehearing is denied, the

application shall not be reopened for at least one (1) year from the date of the original action by the Planning Office.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 409; amended Jan. 2, 1987, No. 5248, § 11, Sess. L. 1986, p. 438.

§ 238a. Variances by the Legislature

In those cases where an amendment to a zoning map is requested by a property owner for a specific use of property which is not permitted in the zoning district where the property is located, but which use would not substantially conflict with the permitted uses in the zoning district, the Legislature, in lieu of an amendment to the zoning map, may grant a variance for that specific use of the subject property; provided, however, that all other requirements of that zoning district will continue to apply to the subject property.

—Added Mar. 13, 1990, No. 5516, Sess. L. 1990, p. 28.

§ 239. Public hearings

General regulations on public hearings

(a) Public notice of any hearing as required by this subchapter, to be conducted by the Board of Land Use Appeals, or Planning Office, shall be deemed to have been given when the following actions have been completed:

1. A notice setting forth the general purpose of any such hearing and the time and place thereof shall have been published in a newspaper of substantial circulation in the area at least twice at intervals of not less than two (2) days; the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days before such hearing;

2. The owner(s) of any/all lot(s) within the area to be changed as well as those within one hundred fifty (150) feet of such area have been notified by certified mail of the general purpose of any such hearing and the time and place thereof at least fifteen (15) days prior to the date of such hearing;

3. A notice setting forth the general purpose of any such hearing and the time and place thereof has been posted on the property in question;

4. The Secretary of the body holding the hearing has, prior to the hearing, filed with the Office of the Lieutenant Governor an official copy of publication of notices published in the newspaper and set forth that certified letters have been sent to _____ (number of) property owners as indicated in 2 above.

Transcription of testimony

(b) In the hearing before the Virgin Islands Planning Office or the Board of Land Use Appeals, all testimony, objections thereto and ruling thereon shall be taken down by a reporter employed

by the respective Boards for that purpose or recorded by a recording machine set up for that purpose.

Appearance of parties

(c) Upon the hearing before either Board, any party may appear in person or be represented by agent or attorney.

Decision on matters of public hearing

(d) Decisions on matters before either the Planning Office or the Board of Land Use Appeals shall be rendered within thirty (30) days after the hearing on the matter in question.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 410.

§ 240. Penalty for violation

The owner or general agent of a building or premises where a violation of any provision of this subchapter has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten ($10.00) dollars and not more than one hundred ($100.00) dollars for each and every day that such violation continues; but if the offense be found to be willful on conviction thereof, the punishment shall be a fine of not less than one hundred ($100.00) dollars or more than two hundred fifty ($250.00) dollars for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both, in the discretion of the court.

Any such person who, having been served with an order to remove any violation, shall fail to comply with said order within fifteen (15) days after such service, or shall continue to violate any provision of this subchapter in the respect named in such order, shall also be subject to a civil penalty of two hundred fifty ($250.00) dollars. The Commissioner of Planning and Natural Resources, on behalf of the Government of the United States Virgin Islands, or of the owner or occupant of any neighboring property, who is or may be particularly prejudiced by any such violations, may, in addition to the other remedies provided by law, institute injunctions, mandamus, or abatement proceedings, or other appropriate action, to prevent, enjoin, abate, vacate, or remove any building erected or any building or use made or maintained in violation of this subchapter or any regulations hereunder.

In any criminal prosecution under this section, the defendant may plead in abatement that such criminal prosecution is based on a zoning law or regulation which is the subject of a civil action wherein one of the issues is the interpretation of such subchapter or regulation and that the issues in the civil action are such that the prosecution would fail if the civil action results in an interpretation different from that claimed by the Government in the criminal prosecution. The court before which such prosecution is pending may order such prosecution abated if it finds that the allegations of the plea are true.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 411; amended June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44.

§ 241. Interpretation of regulations

In the interpretation and application of the provisions of this subchapter, such provisions shall be held to be the minimum requirements adopted for the promotion of the health, safety, morals or the general welfare of the Virgin Islands. It is not intended by this subchapter to repeal, abrogate, annual or in any way impair or interfere with any provisions of laws or any rules or regulations previously adopted pursuant to law, relating to the use of buildings or land, nor is it intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this subchapter imposes a greater restriction upon the use, erection, alteration or extension of buildings, or use of land, or upon the number of square feet of lot area per family, or where the yard or building line requirements are more restrictive than the requirements imposed by such existing provisions of law, or by such rules or regulations or by such covenants or arrangements, the provisions of this subchapter shall control.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 412.

§ 242. Fees

Establishment of fees

(a) Certain fees are herein established for filing of applications with the Virgin Islands Planning Office or the Board of Land Use Appeals. Such fees shall not apply to applications initiated by the Government of the United States Virgin Islands.

Virgin Islands Planning Office

(b) A fee shall be charged by the Virgin Islands Planning Office to cover the cost of all notices.

For any application to amend this subchapter, including any Planned Development	$250.00
In addition to the above, other than a planned development, for each net acre or fraction thereof:	
one acre but less than 5 acres	$5.00 per acre
5 acres but less than 10 acres	10.00 per acre
10 acres but less than 20 acres	15.00 per acre
20 acres or more	20.00 per acre
For each net acre or fraction thereof in a Planned Development:	
one acre but less than 5 acres	$10.00 per acre
5 acres but less than 10 acres	15.00 per acre
10 acres but less than 20 acres	20.00 per acre
20 acres or more	25.00 per acre

Board of Land Use Appeals

(c) For all applications and appeals, other than variances $30.00

Transcripts, necessary upon appeal to the District Court, shall be furnished by the appellant. These may be obtained, upon payment of the current charge, from the reporting service employed by the Board of Land Use Appeals to take testimony given at the public hearing.

The Board may waive the transcription costs where it is determined that the appellant is unable to pay for same. The cost of the transcript will be refunded to the appellant if the District Court orders such refund upon judgment.

—Added Aug. 8, 1972, No. 3284, § 2, Sess. L. 1972, p. 413; amended May 14, 1985, No. 5060, § 302, Sess. L. 1985, p. 45.

Subchapter II. Subdivision

§ 272. Purposes

The purposes of this subchapter are, within the islands of St. Thomas, St. John and St. Croix:

(1) to regulate the subdivision of land;

(2) to provide for the orderly development of prospective street systems.

It is the intent of this subchapter to require the approval by the Department of Planning and Natural Resources of any proposed subdivision of land coming within the provisions of this subchapter prior to effecting any sale or improvements within the area encompassed by the proposed subdivision.

—Added Dec. 12, 1961, No. 801, § 3, Sess. L. 1961, p. 291; amended June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44; Sept. 18, 2002, No. 6570, § 62(a), Sess. L. 2002, p. 557.

§ 273. Definitions

For the purpose of this subchapter the term “subdivision” means the division of a parcel of land into 4 or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. Any division of land for agricultural purposes into lots or parcels of 5 acres or more and not involving a new street shall not be deemed a subdivision. The term shall include resubdivision and, when appropriate to the context shall relate to the process of subdividing or to the land subdivided.

—Added Dec. 12, 1961, No. 801, § 3, Sess. L. 1961, p. 292.

§ 274. Subdivision regulations

(a) The Virgin Islands Planning Office of the Department of Planning and Natural Resources shall administer the provisions of this subchapter, and may issue from time to time such rules and regulations pursuant to title 3, Chapter 3 Virgin Islands Code (Filing and Publication of Regulations), not inconsistent with the provisions of this subchapter, as may be necessary to effectuate the purposes and provisions of the same. Such regulations pursuant to title 3,

Chapter 3 Virgin Islands Code (Filing and Publication of Regulations) may include in their provisions the form and development of subdivisions, streets and surrounding areas and for water, drainage and sanitary facilities.

(b) Before adopting or amending any regulations, as provided for in subsection (a) of this section, the Commissioner of Planning and Natural Resources shall hold public hearings after giving not less than 15 days' public notice of the time, place and nature thereof.

—Added Dec. 12, 1961, No. 801, § 3, Sess. L. 1961, p. 292; amended June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44; Sept. 18, 2002, No. 6570, § 62(b), Sess. L. 2002, p. 557.

§ 275. Subdivision plans

a) Upon filing of an application with the Planning Director for approval of a preliminary plat or general subdivision plan, the subdivider shall submit to the Planning Director such plans and data as may be required by the Planning Director as necessary to provide information as to the nature and scope of the project. Within 30 days from the submission of the plan, the Planning Director shall approve or disapprove said plan and notify the subdivider.

(b) (1) In the event of approval of a preliminary plat or general subdivision plan the final plat which shall be submitted to the Planning Director within such time as the Director prescribes, shall conform substantially to the general subdivision plan and, if requested in writing by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposed to record and develop at the time; Provided, however, That such portion conforms to all the requirements of this subchapter.

(2) Applications for approval of the plan shall be submitted in writing to the Planning Director.

(3) Four copies of the final plat and other exhibits required for approval shall be prepared as specified in Department of Planning and Natural Resources Rules and Regulations and shall be submitted to the Director of Planning within six months after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the Planning Director.

(4) The Planning Director shall confer with the Department of Planning and Natural Resources regarding connecting utilities and other engineering aspects of the final plat.

(5) Before the Planning Director grants final plat approval to a new sub-division in which a sub-divided parcel, as shown on the Preliminary Sub-division Plan submitted for the Director's approval is contiguous to existing potable water lines, as shown on the Water Distribution Maps of the Virgin Islands Water and Power Authority at the time of the Planning Director's approval of the Preliminary Sub-division Plan, the sub-divider shall install and connect potable water lines to the contiguous plots in the subdivision, or satisfy the Planning Director that all costs and expenses incidental to the installation and connection of potable water lines to the contiguous plots in the subdivision have been paid provided there are public water lines operated by the Virgin Islands Water and Power Authority or any other entity within one hundred feet of any boundary of the subdivision and public water lines are otherwise reasonably accessible to the sub-divider.

(6) Within 30 days from submission of the final plat the Planning Director shall approve or disapprove said plat and notify the subdivider. In case of disapproval the Planning Director shall notify the subdivider as to the reasons therefor.

(c) Upon disapproval of a preliminary plat or general subdivision plan, or final plat by the Planning Director the subdivider may request a hearing before the Commissioner of Planning and Natural Resources if such request is filed within 10 days from the receipt of notice of such disapproval.

(d) The duties of the Planning Director, under the provisions of this subsection, may be performed by the Assistant Planning Director at the direction of the Planning Director.

(e) Subdivision plans required under this chapter must comply with the provisions of Title 28, section 1006, Virgin Islands Code.

—Added Dec. 12, 1961, No. 801, § 3, Sess. L. 1961, p. 292; amended Feb. 12, 1969, No. 2439, Sess. L. 1969, p. 91; Oct. 3, 1984, No. 4992, § 2, Sess. L. 1984, p. 256; June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44; Aug. 2, 2001, No. 6420, § 1, Sess. L. 2001, p. 104; July 5, 2002, No. 6533, § 6, Sess. L. 2002, p. 424; Sept. 18, 2002, No. 6570, § 62(c), Sess. L. 2002, p. 558; Mar. 8, 2010, No. 7149, § 25, Sess. L. 2009, p. —.

§ 275a. Fees

(a) The following non-refundable fees shall apply to the subdivision of land:

Other than a Planned Unit Development

Initial application fee	$10 plus
For subdivision of 5 acres but less than 20 acres	150
20 acres but less than 50 acres	250
50 acres but less than 75 acres	400
75 acres but less than 100 acres	500
100 acres but less than 200 acres	700
200 acres but less than 500 acres	1,000
500 acres or more	1,200

Planned Unit Development

Initial application fee . . . . . $ 200

plus two dollars ($2) for each acre in total area of the development.

(b) At the time of the filing of each Final Plot the following fees shall be paid:

(1) One dollar ($1) per dwelling unit or two dollars per residential lot, whichever is greater; or

(2) Ten dollars ($10) per acre for business or commercial land use.

—Added May 14, 1985, No. 5060, § 303, Sess. L. 1985, p. 46.

§ 276. Variances

(a) Hardship. Where the Commissioner of Planning and Natural Resources finds that extraordinary hardships may result from strict compliance with this subchapter, or regulations adopted pursuant thereto, it may vary the terms of this subchapter so that substantial justice may be done and the public interest secured: Provided, That such variation will not have the effect of nullifying the intent and purpose of this subchapter.

(b) Large scale development. Standards and requirements of this subchapter or regulations adopted pursuant thereto may be modified by the Historic Preservation Commission in the case of a plan and program for a comprehensive new development or neighborhood which in the judgment of the Historic Preservation Commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

(c) Conditions. In granting variances and modifications, the Commissioner of Planning and Natural Resources may require such conditions as will in its judgment secure substantially the objectives of the standards or requirements so varied or modified.

(d) Notwithstanding any other provision of law, no variance or modification granted by the Historic Preservation Commission, which would permit an increase in the height of any structure by more than two stories or 30 feet above the maximum height permitted without such variance or modification, shall be effective until approved by the Governor and the Legislature.

—Added Dec. 12, 1961, No. 801, § 3, Sess. L. 1961, p. 293; amended Apr. 23, 1970, No. 2707, Sess. L. 1970, p. 89; June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44; Sept. 18, 2002, No. 6570, § 62(d), Sess. L. 2002, p. 558.

§ 277. Appeals

Appeals from decisions of the Commissioner of Planning and Natural Resources shall be made to the Board of Land Use Appeals, and thereafter to the District Court of the Virgin Islands in accordance with the procedure set forth in section 270 of this title.

(a) Building and use permits. The Commissioner of Planning and Natural Resources shall not issue building or use permits for any structure on a lot in any subdivision, the plat of which has not been approved or recorded in accordance with the provision contained therein.

(b) Sale of lots from unrecorded plat. It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land as part of, or in conformity with any plan, plat or replat of any subdivision unless said plan, plat or replat shall have first been filed in the office of the Planning Director.

(c) Penalties. Any person who has been notified of a violation of the provisions of this subchapter by the Commissioner of Planning and Natural Resources, and shall have been ordered to comply with the same, shall be allowed a period of 15 days to comply with the order of the Commissioner of Planning and Natural Resources. Whoever, having been so notified and shall have wilfully failed to comply shall upon conviction of the same be fined not more than $50. Each day of violation after such conviction shall constitute a separate offense and shall be punishable by a similar fine.

—Added Dec. 12, 1961, No. 801, § 3, Sess. L. 1961, p. 294; amended June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44; Sept. 18, 2002, No. 6570, §§ 62(d), 62(e), Sess. L. 2002, p. 558.

§ 278. Subdivisions in the Coastal Zone

Notwithstanding anything in this subchapter to the contrary, applications made pursuant to this subchapter for subdivisions of land within the first tier of the coastal zone, as defined in Title 12, chapter 21 of this Code, shall not be approved by the Planning Director unless the subdivider submits evidence or a copy of a valid coastal zone permit authorizing such subdivision. Compliance with the terms and conditions of such coastal zone permit shall also be a condition of approval of any preliminary plat, general subdivision plan or final plat pursuant to this subchapter.

—Added Oct. 31, 1978, No. 4248, § 11, Sess. L. 1978, p. 314.

Subchapter III. Conservation and Preservation of Historic and Cultural Assets

§ 280. Declaration of policy

The Legislature of the Virgin Islands finds and declares—

(1) That the historic heritage in ancient landmarks, and the fine architecture of several centuries which reflect the skills, crafts and culture of the Virgin Islands life, as well as the taste and judgment of the settlers of these islands and the ancestors of today's citizens, are invaluable assets and the property of the people of the Virgin Islands;

(2) That, as the custodian of this heritage, the Legislature finds that the conservation and preservation of such historic and cultural assets will enhance the prestige and attractiveness of the Virgin Islands, will reserve a cultural property for generations to come, will increase resident responsibility and tourist interest, and will maintain the charm and high quality of appearance which make the Virgin Islands of the United States unique in the Caribbean.

—Added June 28, 1968, No. 2258, § 1, Sess. L. 1968, Pt. II, p. 97.

§ 281. Administration of subchapter, functions of the Virgin Islands Historic Preservation Commission; Advisory Commission on Historic Landmarks

(a) The Virgin Islands Historic Preservation Commission shall administer the provisions of this subchapter, and, in implementation and effectuation of such responsibility, shall, without limitation on the generality of the foregoing, have the following powers:

(1) Exercise and perform the powers and functions with respect to the establishment of the "Virgin Islands Registry of Historic Buildings, Sites, and Places" as provided for hereinafter;

(2) Exercise and perform the powers and functions with respect to the preparation of maps of "Historic and Architectural Control Districts" as provided for hereinafter;

(3) Seek the advice, assistance, and cooperation of, and cooperate with, individuals, groups or agencies, public and private, with respect to programs or projects related to the conservation or preservation of historical or cultural assets;

(4) Seek and accept gifts, bequests, endowments, and funds from any source, public or private, with respect to programs or projects related to the conservation or preservation of historical and cultural assets, including participation in federally assisted programs or projects in accordance with the provisions made with respect to executive departments under section 67, Title 3 of this code;

(5) Prepare and place, from funds provided by law, Virgin Islands historical marks on or along the highway or street closest to the location which is intended to be identified;

(6) With the written consent of landowners, mark buildings and sites which are of historic and cultural significance with appropriately designed markers;

(7) Subject to the approval of the Governor, adopt, issue, and amend rules and regulations, not inconsistent with the provisions of this subchapter or other laws, necessary or appropriate for the implementation and effectuation of the purposes of this subchapter.

(b) [Repealed.]

—Added June 28, 1968, No. 2258, § 1, Sess. L. 1968, Pt. II, p. 97; amended June 24, 1987, No. 5265, § 303(i), (o), Sess. L. 1987, pp. 42, 44.

§ 282. Registry of Historic Buildings, Sites, and Places

The Virgin Islands Historic Preservation Commission is authorized to prepare from time to time, after due notice and public hearings, for submission to the Legislature and the Governor for approval, an inventory, to be known as the "Virgin Islands Registry of Historic Buildings, Sites, and Places", of all buildings, sites, features, landmarks, areas, and districts in the Virgin Islands, which, after consultation with specialists and experts in the protection and preservation of historic buildings, sites, and places, are determined worthy of recordation and preservation. The Registry shall be prepared in such a manner as to be consistent with the national Register. The

Registry shall include such items as the following: houses, warehouses, commercial structures, government buildings, forts and fortifications, churches and synagogues, cemeteries, squares, monuments, naval and nautical features, selected street facades, ruins, markets, birthplaces, parks and open squares, walls and retaining walls, stairways, steps, towers.

—Added June 28, 1968, No. 2258, § 1, Sess. L. 1968, Pt. II, p. 97; amended June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44.

§ 283. Historic and Architectural Control Districts

The Virgin Islands Historic Preservation Commission is hereby authorized to prepare from time to time, after due notice and public hearings, for submission to the Legislature and the Governor for approval, maps (and amendments, revisions, modifications, or additions thereto) of areas within the Virgin Islands to be known as “Historic and Architectural Control Districts”. An Historic and Architectural Control District shall be an area including one or more public or private lots or properties, or parts thereof, within which, after consultation with specialists and experts, the buildings, structures, appurtenances, and places are determined of basic and vital importance for the development of culture and tourism because of their unique Danish or other colonial style, including color preparation, form, and architectural details, because of their being a part of, or related to, a park, square, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes in general.

—Added June 28, 1968, No. 2258, § 1, Sess. L. 1968, Pt. II, p. 97; amended June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44.

§ 284. Approval of Registry and Historic and Architectural Control Districts; authentication

(a) The Virgin Islands Registry of Historic Buildings, Sites, and Places, and the maps of the Virgin Islands Historic and Architectural Control Districts, shall be submitted to the Legislature and to the Governor. The said Registry and maps of Control Districts, or any parts thereof, or amendments, changes or requirements made or imposed by the Legislature, shall not become effective until approved by the Legislature and the Governor. Upon such approval, the Registry and maps of Control Districts, together with all explanatory material thereon, shall constitute a part of this subchapter for all legal purposes and effects.

(b) The Registry and maps of Control Districts, and changes or amendments thereto, shall be authenticated, and kept in the places set forth with respect to the official zoning maps in subsections (c), (d) and (e) of section 262 of this title. The said Registry and maps, thus duly authenticated, shall be and constitute the official and definitive representation as to the status of buildings, sites, places, and areas within the Virgin Islands for the purposes of this subchapter.

—Added June 28, 1968, No. 2258, § 1, Sess. L. 1968, Pt. II, p. 97.

§ 285. Building permits in Historic and Architectural Control Districts and Registry

(a) Until plans therefor are submitted to and acted upon by the Virgin Islands Historic Preservation Commission, no building or structure, including stone walls, fences, paving and steps, may be erected, reconstructed, altered, restored, moved, or demolished within any Historic and Architectural Control District or affecting any building, site, or place listed in the Registry; and no sign, light, fence, wall, or other appurtenant fixture may be erected or displayed on any lot or on the exterior of any building or structure located within said Control District or listed in the Registry; and no building or other permit may be granted for any such purpose within the said Control District or pertaining to any building, site, or place listed in the Registry.

(b) Nothing in this subchapter may be construed so as to prevent the ordinary maintenance and repair of any architectural feature in any Historic and Architectural Control District or listed in the Registry which does not involve a change in design, material, color, or the outward appearance thereof; nor may prevent the construction, reconstruction, alteration, or demolition of any such feature which the Commissioner of Planning and Natural Resources shall certify is required by the Public Safety because of unsafe or dangerous condition; nor may prevent the construction, reconstruction, alteration, or demolition of any such feature under a permit issued by the Commissioner of Planning and Natural Resources prior to the effective date of the establishment of any said Control District or Registry entry.

(c) The provisions of this subchapter do not limit, restrict, or impede in any respect the construction, reconstruction, renovation, alteration, restoration, or decoration of the interior by the owner of any building or structure, unless such building or structure is specifically listed in the Registry.

—Added June 28, 1968, No. 2258, § 1, Sess. L. 1968, Pt. II, p. 97; amended June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44.

§ 286. Coordination of other departments and agencies with the Virgin Islands Historic Preservation Commission

(a) In order to effectuate the intent of this subchapter, the Commissioner of Planning and Natural Resources, before issuing a building permit for work on or demolition of any building or structure in any Historic and Architectural Control District or listed in the Registry, shall refer the application and plans to the Virgin Islands Historic Preservation Commission for its consideration and action. The Historic Preservation Commission shall take into consideration the design and general arrangement, the material, color, and architectural style of the building or structure in question, and the use or project to be developed, and the proper relationship thereof with the feature and characteristics of the nearby buildings and the immediate neighborhood in general. All public projects, regardless of sponsorship, shall be reviewed in the same manner where project plans relate to buildings or structures in any Control District or which are listed in the Registry.

(b) The Virgin Islands Historic Preservation Commission shall notify each applicant of the time, date, and place at which the application and plans will be considered, and each applicant may

appear before the Historic Preservation Commission, in person and by representatives, to discuss the application and plans. If the Historic Preservation Commission disapproves the plans it shall place upon its records the reasons and shall include recommendations regarding the proposed construction, reconstruction, alteration, moving, change, or demolition, in terms of landscape, architectural and artistic design, scale arrangements, textures, material, color, and the like, of the property involved. The Historic Preservation Commission shall notify the applicant and the Commissioner of Planning and Natural Resources of its determination in writing, and shall, within fifteen days after a disapproval, furnish the applicant and the Commissioner with an attested copy of its reasons therefor and of recommended amendments or modifications to the plans. After receipt of the building permit from the Commissioner of Planning and Natural Resources, the applicant may proceed with the construction, reconstruction, alteration, moving, change, or demolition according to the plans as amended or modified in strict accordance with the Historic Preservation Commission's recommendations.

(c) If the Historic Preservation Commission either does not notify the applicant of its determination within sixty days after submission of the application and plans to the Commissioner of Planning and Natural Resources, or does not furnish the applicant with a copy of its reasons for disapproval and of its recommendations within fifteen days after disapproval, then the application and plans shall be deemed approved in full and acted upon.

—Added June 28, 1968, No. 2258, § 1, Sess. L. 1968, Pt. II, p. 97; amended June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44.

§ 287. Appeals; enforcement; penalties

(a) Any applicant or property owner aggrieved by a determination of the Historic Preservation Commission may, within thirty days of receiving notice of such a decision by the Historic Preservation Commission, file a written notice of appeal with the Board of Land Use Appeals, and thereafter to the District Court in accordance with the procedure set forth in section 270 of this title.

(b) Any building or structure located in any Control District or listed in the Registry which is set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this subchapter, is unlawful and a public nuisance.

(c) Any person who has been notified of a violation of the provisions of this subchapter by the Commissioner of Planning and Natural Resources or the Historic Preservation Commission and has been ordered to comply with the same, shall be allowed a period of thirty (30) days within which to comply with the order of the Commissioner or the Historic Preservation Commission. Any person who has been so notified and has wilfully failed to comply shall upon conviction of the same be fined not more than $25. Each seven day period of continuing violation after such conviction shall constitute a separate offense and shall be punishable by a similar fine.

(d) The Attorney General shall prosecute all actions required for the enforcement of the provisions of this subchapter.

(e) If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this

subchapter, the Attorney General, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful action, to restrain, correct, or abate such violation, or to prevent the occupancy of the building, structure, or land or any illegal act or use in or about such premises.

—Added June 28, 1968, No. 2258, § 1, Sess. L. 1968, Pt. II, p. 97; amended June 24, 1987, No. 5265, § 303(o), Sess. L. 1987, p. 44.

§ 288. Construction

This subchapter, being designated for the public welfare and the perpetuation of those structures and areas which have a close and immediate relationship to the cultural heritage of the Virgin Islands, shall be broadly construed in order to accomplish the purposes herein set forth.

—Added June 28, 1968, No. 2258, § 1, Sess. L. 1968, Pt. II, p. 97.

Exhibit 4

Soil Map of STT CAM v4.0 Cable Landing Area

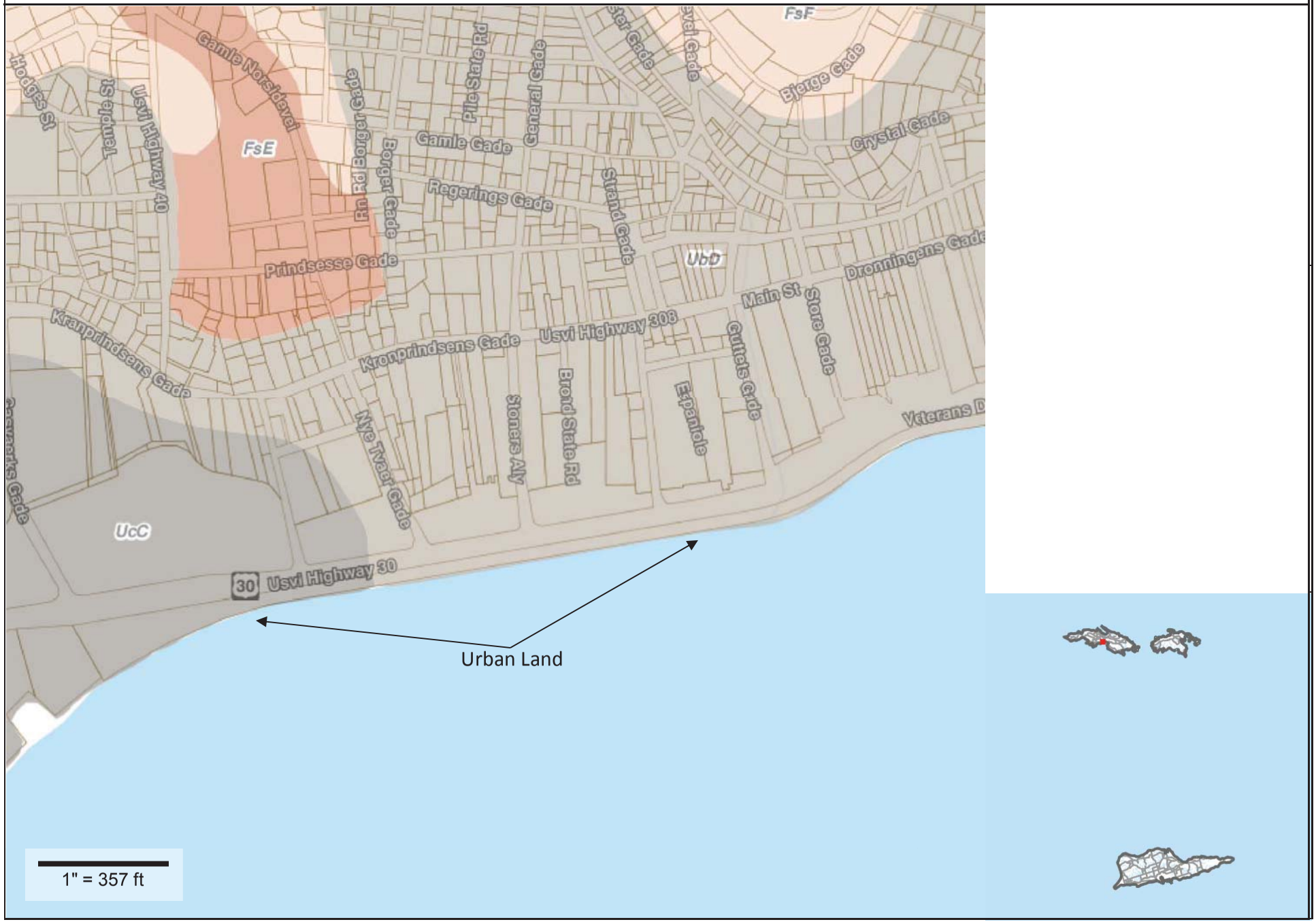
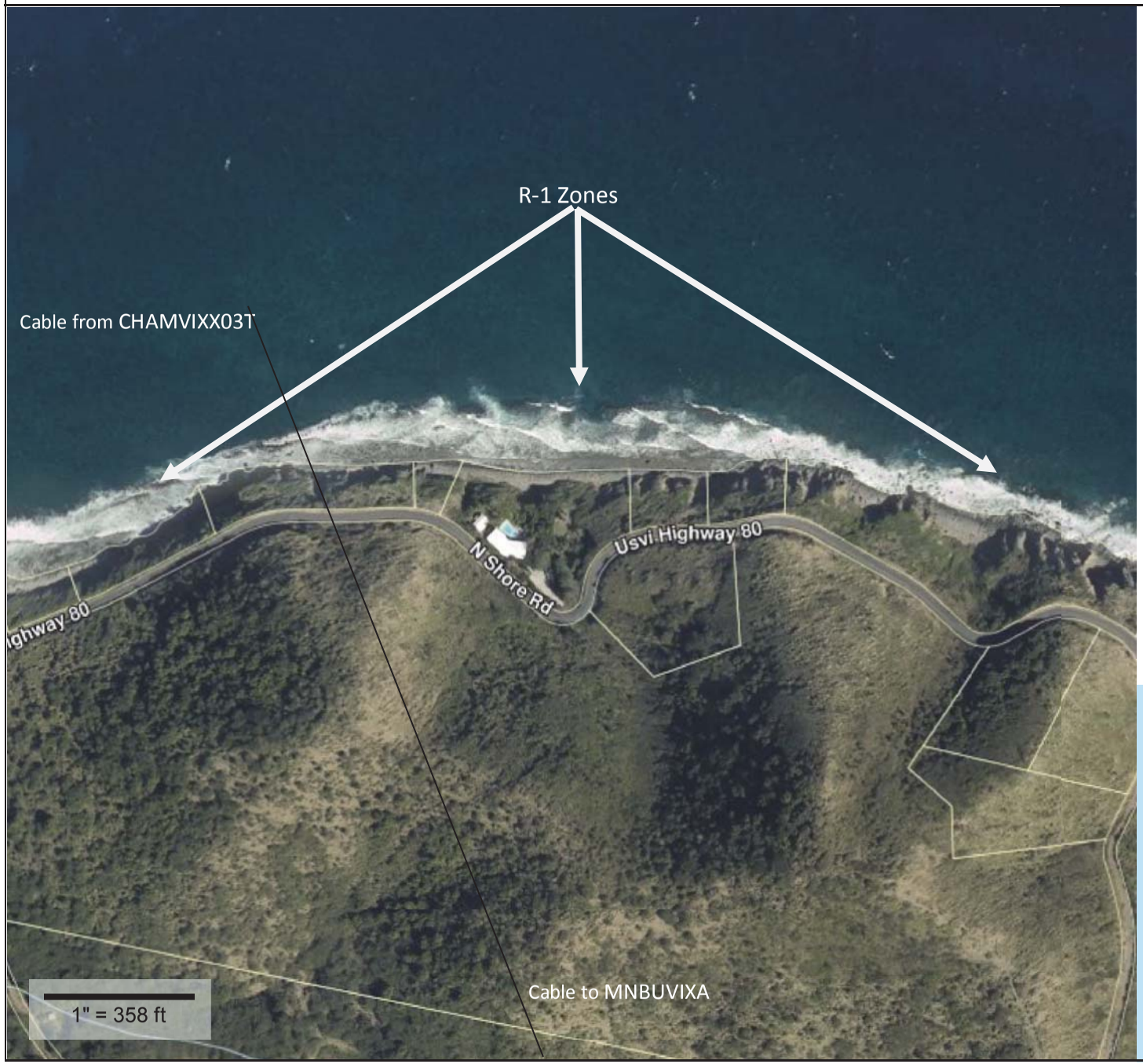

Gamle Norsdevei
Hodges St
St Jerome
Usvi Highway 40
FsE
Rn Rd Borger Gade
Borger Gade
Pile State Rd
General Gade
Gamle Gade
Regerings Gade
Strand Gade
Bjerge Gade
Crystal Gade
FsF
Prindsesse Gade
UbD
Dronningens Gade
Main St
Store Gade
Kranprindsens Gade
Kronprindsens Gade
Usvi Highway 308
Gutlets Gade
Espanjole
Broad State Rd
Stoners Aly
Nye Tvaer Gade
Veterans D
Sagwerks Gade
UcC
30
Usvi Highway 30
Urban Land
1" = 357 ft

Exhibit 5

Aerial of STX CAM v4.0 Cable Landing Area


R-1 Zones
Cable from CHAMVIXX03T
Usvi Highway 80
N Shore Rd
ghway 80
Cable to MNBUVIXA
1" = 358 ft

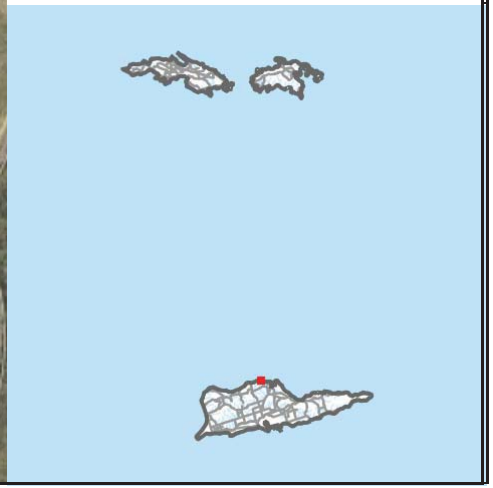
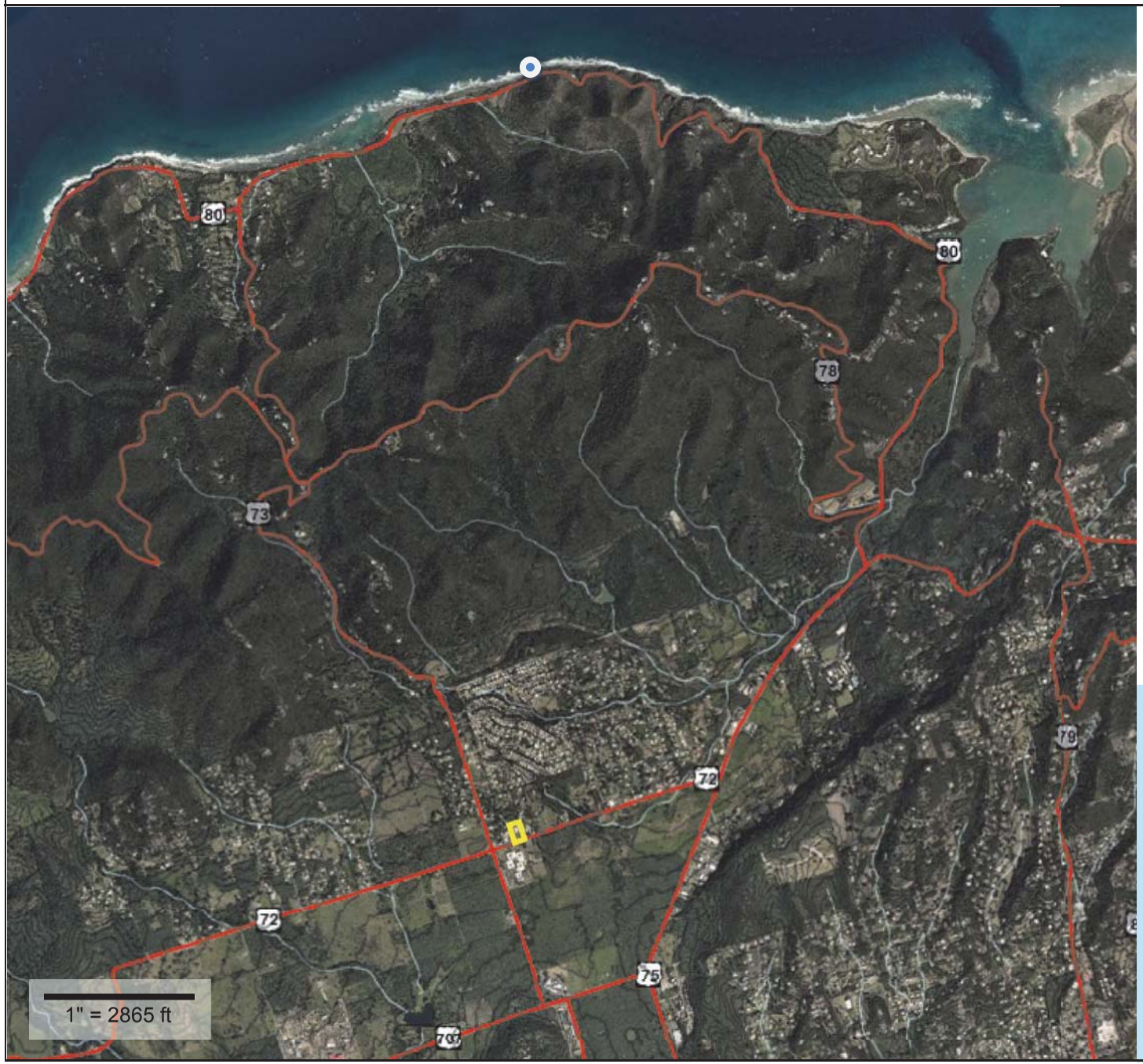
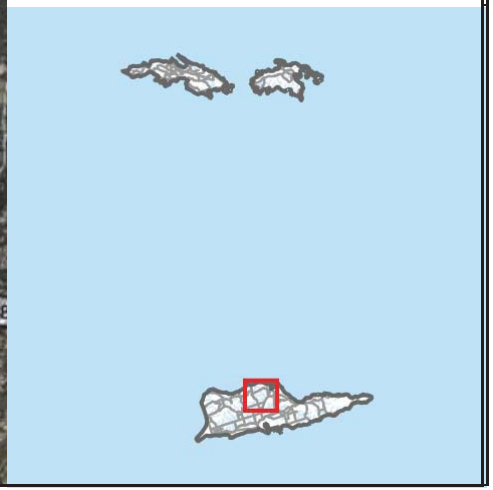


Exhibit 6

Aerial of North Central STX


80
80
78
73
79
72
72
75
1" = 2865 ft