

**RALPH DLG. TORRES**  
Governor



**ARNOLD I. PALACIOS**  
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

17 JUN 2020

The Honorable John Paul P. Sablan  
Chairman  
Saipan and Northern Islands Legislative Delegation  
Twenty-First Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Blas Jonathan "BJ" T. Attao  
Speaker, House of Representatives  
Twenty-First Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Chairman and Mr. Speaker:

This is to inform you that I have signed into law **House Local Bill No. 21-41**, entitled, "To further amend the Saipan Zoning Law of 2013, as amended, to provide smoother functionality between the zoning districts and the newly established/existing industries within the Third Senatorial District; and for other purposes.", which was passed by the Saipan and Northern Islands Legislative Delegation of the Twenty-First Northern Marianas Commonwealth Legislature.

This bill becomes **Saipan Local Law No. 21-15**. Copies bearing my signature are forwarded for your reference.

Sincerely,

**RALPH DLG. TORRES**  
Governor

cc: Lt. Governor; President of the Senate; Press Secretary; Saipan Zoning Board; Commonwealth Law Revision; Special Assistant for Administration; Special Assistant for Programs & Legislative Review



## **Saipan & Northern Islands Legislative Delegation**

**Third Senatorial District**

**Twenty-First Northern Marianas Commonwealth Legislature**

**P. O. Box 500586  
Saipan, MP 96950**

**Representative John Paul P. Sablan, Chairman**

**Representative Roman C. Benavente, Vice Chairman**

**Senator Vinnie F. Sablan, Floor Leader**

May 13, 2020

The Honorable Ralph DLG. Torres  
Governor  
Commonwealth of the Northern Mariana Islands  
Capitol Hill  
Saipan, MP 96950

Dear Governor Torres:

I am honored to transmit for your action House Local Bill No. 21-41 entitled,

**“To further amend the Saipan Zoning Law of 2013, as amended, to provide smoother functionality between the zoning districts and the newly established/existing industries within the Third Senatorial District; and for other purposes.”**

The local bill was passed unanimously by the Saipan and Northern Islands Legislative Delegation of the Twenty-First Northern Mariana Islands Commonwealth Legislature on First and Final Reading, a quorum duly present during its First Day, Second Special Session held on May 12, 2020.

Sincerely,

A handwritten signature in blue ink, appearing to read "FK Kaipat".

Frances Joan P. Kaipat  
Delegation Clerk

Enclosure



**SAIPAN AND NORTHERN ISLANDS LEGISLATIVE DELEGATION  
TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
THIRD REGULAR SESSION, 2020**

**HOUSE LOCAL BILL NO. 21-41**

---

---

**A LOCAL BILL FOR AN ACT  
FOR THE THIRD SENATORIAL DISTRICT**

To further amend the Saipan Zoning Law of 2013, as amended, to provide smoother functionality between the zoning districts and the newly established/existing industries within the Third Senatorial District; and for other purposes.

---

---

**Offered by**

Representative John Paul P. Sablan

On February 7, 2020

---

---

**HOUSE ACTION**

Transmitted to Saipan and Northern Islands Legislative Delegation for action on

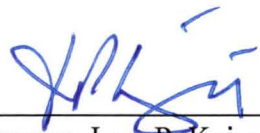
February 19, 2020

---

---

**DELEGATION ACTION**

Referred To	: None
Comments Solicited	: Mayor of Saipan; Mayor of Northern Islands; : Chairman, SNI Municipal Council (2/19/2020) [DM 21-64, 21-65, 21-66]
Comments Received	: Mayor of Saipan; (3/9/2020 re Mayors Comm. 21-34)
Standing Committee Report	: None
Passed First & Final Reading	: May 12, 2020

  
\_\_\_\_\_  
Frances Joan P. Kaipat  
Delegation Clerk





**SAIPAN AND NORTHERN ISLANDS LEGISLATIVE DELEGATION**

**Third Senatorial District**

**Twenty-First Northern Marianas Commonwealth Legislature**

**THIRD REGULAR SESSION, 2020**

**HOUSE LOCAL BILL NO. 21-41**

**A LOCAL BILL FOR AN ACT  
FOR THE THIRD SENATORIAL DISTRICT**

To further amend the Saipan Zoning Law of 2013, as amended, to provide smoother functionality between the zoning districts and the newly established/existing industries within the Third Senatorial District; and for other purposes.

**BE IT ENACTED BY THE THIRD SENATORIAL DISTRICT DELEGATION PURSUANT TO  
CHAPTER 4, DIVISION 1, TITLE 1 OF THE COMMONWEALTH CODE:**

**SECTION 1. FINDINGS.**

The Delegation finds that the Third Senatorial District contains newly implemented industries, such as cannabis, and long existing industries, such as the adult businesses. Cognizant of the economic trends that is taking place within our respective senatorial district, the Delegation finds that it is imperative to amend appropriate sections within the Saipan Zoning Law to provide better clarity and functionality between our zoning districts and the industries that are permitted to operate within them. In doing so, the Third Senatorial District will be able to properly and diligently exploit the numerous benefits from these industries, and allow for our respective district to economically flourish and provide better financial stability in the future.



HOUSE LOCAL BILL NO. 21-41

---

1           Therefore, the purpose of this Act is to further amend the Saipan Zoning Law of 2013,  
2 as amended, to provide smoother functionality between the zoning districts and the newly  
3 established/existing industries within the Third Senatorial District; and for other purposes.

4       **SECTION 2. AMENDMENT.**

5           Section 102; Section 103; Section 401; Section 404; Section 405; Section 406; Section  
6 408; Section 410; Section 411; Section 412; Section 414; Section 415; Section 504; Section  
7 506; Section 507; Section 508; Section 509; Section 1207; and Section 1210 of the Saipan  
8 Zoning Law of 2013, as amended, is hereby amended (along with the deletion of Sections 513  
9 & 514 and the addition of a new Section 1211) pursuant to the attached exhibit A.

10       **SECTION 3. SEVERABILITY.**

11           If any provision of this Act or the application of any such provision to any person or  
12 circumstance should be held invalid by a court of competent jurisdiction, the remainder of this  
13 Act or the application of its provisions to persons or circumstances other than those to which it  
14 is held invalid shall not be affected thereby.

15       **SECTION 4. SAVINGS CLAUSE.**

16           This Act and any repealer contained herein shall not be construed as affecting any  
17 existing right acquired under contract or acquired under statutes repealed or under any rule,  
18 regulation or order adopted under the statutes. Repealers contained in this Act shall not affect  
19 any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not  
20 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which  
21 shall already be in existence on the date this Act becomes effective.

HOUSE LOCAL BILL NO. 21-41

**SECTION 5. EFFECTIVE DATE.**

This Act shall take effect upon its approval by the Governor or its becoming law without such approval.

**CERTIFIED BY:**



**JOHN PAUL P. SABLAN**

**Chairman**

Saipan & Northern Islands Legislative Delegation



**BLAS JONATHAN "BJ" T. ATTAO**

**Speaker**

House of Representatives

**Approved**

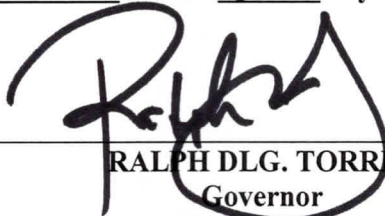
on this

**17<sup>th</sup>**

day of

**June**

, 2020.



**RALPH DLG. TORRES**

**Governor**

Commonwealth of the Northern Mariana Islands

1941

1942

1943

1944



# Article 1. Abbreviations and Definitions

## Section 101 Purpose

This Article defines abbreviations, words, terms, and phrases found in this Law. For rules of construction, see Section 205

## Section 102 Abbreviations

The following abbreviations are used in this Law:

AG	Agricultural Zoning District
<del>ABO</del>	<del>Adult Business Overlay Zoning District</del>
<del>ABP</del>	<del>Adult Business Park Zoning District</del>
ADA	Americans with Disabilities Act Requirements of Title III of the Americans with Disabilities Act (ADA) Regulations and the ADA Standards for Accessible Design (28 CFR Part 36)
APA	Administrative Procedure Act
APC	<u>Areas of Particular Concerns</u>
BECQ	<u>Bureau of Environmental &amp; Coastal Quality</u>
BEH	Bureau of Environmental Health
BR	Beach Road Zoning District
CNMI	Commonwealth of the Northern Mariana Islands
CPA	Commonwealth Ports Authority
CRMA	Coastal Resources Management Act
<del>CRMO</del>	<del>Coastal Resource Management Office</del>
DCRM	<u>Division of Coastal Resources Management</u>
CUC	Commonwealth Utilities Corporation
DEQ	Division of Environmental Quality
DFW	<u>Division of Fish &amp; Wildlife</u>
DLNR	Department of Lands and Natural Resources
DLRS	Division of Land Registration and Surveys, DLNR
DPL	Department of Public Lands
DPS	Department of Public Safety
DPW	Department of Public Works
FEMA	Federal Emergency Management Administration
ft	foot or feet
gpm	gallons per minute
GC	Garapan Core Zoning District
GE	Garapan East Zoning District
ha	hectare(s)
HPO	Historic Preservation Office
IN	Industrial Zoning District
max	maximum
min	minimum
MC	Mixed Commercial Zoning District
OSHA	Occupational Health and Safety Act
PR	Public Resource Zoning District
RU	Rural Zoning District
ROW	right-of-way
sf	square foot or square feet
sm	square meter(s)
TR	Tourist Resort Zoning District

RECEIVED BY  
2/4/2020  
12:00pm  
H. E. LERKS OFC

1	VC	Village Commercial Zoning District
2	VR	Village Residential Zoning District

### Section 103 Definitions

**"Abandoned Vehicle"** means a vehicle, including a car, truck, trailer, boat, motorcycle, recreational vehicle, mobile home, manufactured home, or any other similar vehicle, that:

- (a) Has been left unattended on a highway, street, or alley or other public property outside a designated parking space for a period of 48 hours; or
- (b) Is within public view and is inoperable, partially or wholly dismantled, wrecked, junked, discarded, or of similar condition, or any vehicle without a current license plate if required by law, and is located outside of an enclosed building, garage, carport, wrecked motor vehicle compound, or other place of business designated and lawfully used for the storage of such inoperable vehicles, for a period exceeding 30 days.

**"Abutting"** means that properties, such as two lots or a lot and a road, share the same or common property boundaries.

**"Access"** means an area designated as a way for vehicles or pedestrians to enter or leave a parcel of land.

**"Accessory Apartment"** means as defined in Section 406.

**"Accessory Structure"** means a structure that is an accessory use.

**"Accessory Use"** means a use or structure that:

- (a) Serves the principal building or use;
- (b) Is subordinate in area, extent, and purpose to the principal building or use served; and
- (c) Contributes to the comfort, convenience, or necessity of occupants of the principal building or use served.

An accessory use includes a garage, outdoor kitchen, retaining structure, deck and fence.

**"Addition"** means any construction that adds or enlarges the size of an existing building. Additions also include any extension or increase in floor area or height of a building or structure. Examples of an addition are: a porch, carport, new room (also see "Alteration").

**"Administrative Law Judge"** means "Hearing Officer."

**"Administrative Procedure Act" or "APA"** means CNMI Administrative Procedure Act, 1 CMC § 9101 et seq.

**"Administrator"** means the Zoning Administrator authorized by 2 CMC § 7222.

**"Adult Business"** means an Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Escort Agency, Massage Parlor, Nude Model Studio, Sex Shop, or Sexual Encounter center as each are defined in this Article. An Adult Viewing Booth is not an Adult Business. In any zoning district where an adult business is permitted to operate, it shall not be established within 300ft. from a school, playground, daycare, church, adult gambling establishments, and ports of entry (airport and seaport).

**"Adult Business Overlay Zoning District"** means as described in Section 513.

**"Adult Business Park Zoning District"** means as described in Section 514.

**"Adult Cabaret"** means a nightclub, bar, restaurant, café, or similar commercial establishment that regularly, commonly, habitually, or consistently features:

- (a) Persons who appear in a state of nudity or semi-nudity; or
- (b) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (c) Films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- (d) Persons who engage in "exotic" or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

**"Adult Gambling Machine Business"** means a place of business:



- 1 (a) That is primarily established or functioning to operate one or more video or mechanical  
2 games or pay devices:  
3 (1) For which a charge in money or some other valuable, is made either directly or  
4 indirectly; and  
5 (2) From which payment or reward is made other than in food, drink, or extra plays; or  
6 (b) That contains a room, enclosure or area in which is operated one or more video or  
7 mechanical games or pay devices:  
8 (1) for which a charge in money or some other valuable, is made either directly or  
9 indirectly; and  
10 (2) from which payment or reward is made other than in food, drink, or extra plays; or  
11 (c) That has on its premises in any given area or part one or more video or mechanical games or  
12 pay devices:  
13 (1) For which charge is made in money or some other valuable, either directly or  
14 indirectly; and  
15 (2) From which payment or reward is made other than in food, drink, or extra plays; or  
16 (d) That provides to its customers machines, screens and other electronic devices that are  
17 classified by the Department of Finance or its successor in relevant function as amusement  
18 machines whose major element is chance; or  
19 (e) That advertises itself by means of signage as "poker" or as providing "poker", or the  
20 equivalent term in a non-English language.

21 **"Adult Motel"** means a hotel, motel or similar commercial establishment that principally offers short  
22 term sleeping rooms, typically for fewer than 24 hours, and that:

- 23 (a) Is associated with an adult business; or  
24 (b) Advertises its rooms for the use of specified sexual activities; or  
25 (c) Advertises to and provides patrons with closed-circuit television transmissions, films,  
26 motion pictures, video cassettes, slides, or other photographic reproductions that are  
27 characterized by the depiction or description of specified sexual activities or specified  
28 anatomical areas; or  
29 (d) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that  
30 is less than twenty-four (24) hours.

31 **"Adult Motion Picture Theater"** means a commercial establishment where, for any form of  
32 consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are  
33 regularly, commonly, habitually, or consistently shown that are characterized by the depiction or  
34 description of specified sexual activities or specified anatomical areas except an Adult Viewing Booth.

35 **"Adult Novelties"** means instruments, devices, or paraphernalia, either designed as representations of  
36 human genital organs or female breasts, or designed or marketed primarily for use to stimulate human  
37 genital organs, or that are designed or marketed for use in connection with specified sexual activities.

38 **"Adult Theater"** means a theater, concert hall, auditorium, or similar commercial establishment that  
39 regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of  
40 nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of specified  
41 anatomical areas or by specified sexual activities except an Adult Viewing Booth.

42 **"Adult Viewing Booth"** does not mean an Adult Motion Picture Theater, Adult Theater, or other  
43 theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600  
44 square feet. Adult viewing booth means:

- 45 (a) Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or  
46 seat patrons and is used for presenting motion pictures or viewing publications by any  
47 photographic, electronic, magnetic, digital, or other means or media (including, but not  
48 limited to, film, video or magnetic tape, laser disc, CD, DVD books, magazines, or  
49 periodicals) for observation by patrons therein, and where the images so displayed are  
50 distinguished or characterized by the depicting or describing of specified sexual activities or  
51 specified anatomical areas; or



- (b) Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used by patrons for viewing any type of live performance that involves viewing of specified sexual activities or specified anatomical areas.

**"Agricultural Zoning District"** means as described in Section 502.

**"Airport"** means as defined in Section 413(a).

**"Alteration"** means to modify or change the appearance of an existing building or structure. For example, a building is altered if a new room is added (also see "Addition").

**"Agriculture, Intensive"** means as defined in Section 405.

**"Amenity"** means a characteristic of a development that improves the development's desirability, attractiveness, or marketability. Amenities may include: a consistent building design; recreational facilities, such as swimming pools or playgrounds; security alarm systems; garbage pickups; 24 hour water services, piped in drinking water.

**"Amortization"** means the process by which buildings, structures, and uses of land not meeting the requirements of this Law are required to be discontinued or made to meet the requirements within a specified period of time.

**"Amusement, Indoor"** means as defined in Section 412.

**"Amusement, Outdoor"** means as defined in Section 412.

**"Amusement, Outdoor Intensive"** means as defined in Section 412.

**"Apartment"** means a multifamily dwelling unit contained in a building comprised of 3 or more dwelling units, each having an entrance to a hallway or balcony in common with at least one other dwelling unit.

**"APC"** means Area of Particular Concern identified in accordance with the CNMI Coastal Resources Management Act.

**"Appeal"** means a way to obtain review of a decision, determination, order, or failure to act pursuant to the terms of this Law.

**"Aquaculture"** means as defined in Section 405.

**"Arena, Auditorium, Stadium"** means as defined in Section 412.

**"Articulation"** means design emphasis placed on a particular architectural feature by special details, materials, change in building plane (recessed or extended from building surface), contrast in materials, or decorative artwork.

**"Art Studio"** means an artist's workroom (with or without employees). This can be for the purposes of painting, pottery (ceramics), sculpture, scrapbooking, photography, graphic design, cinematography, animation, or the creation of music or the practice of dance.

**"Artwork"** means a device, element, or feature whose primary purpose is to express, enhance, or illustrate aesthetic quality, feeling, physical entity, idea, local condition, historical or mythical happening, or cultural or social value. Examples of artwork include sculpture, bas relief sculpture, murals, or unique specially crafted lighting, furniture, pavement, landscaping, or architectural treatment that is intended primarily, but not necessarily exclusively, for aesthetic purposes. A sign is not considered artwork.

**"Asphalt or Concrete Plant"** means as defined in Section 413.

**"Assembly Hall"** means as defined in Section 411.

**"Beach Road Zoning District"** means as described in 503.

**"Bed and Breakfast"** means as defined in Section 408.

**"Beneficial Use"** means a use that provides the property owner with an economic benefit or product.

**"Board"** means Zoning Board.

**"Building"** means a structure having a roof that is built permanently on a lot and intended to shelter people, animals, property, or business activity, or a structure used or intended to be used for supporting or sheltering any use or occupancy. The word "building" shall be construed as if followed by the words "or part or parts thereof and all equipment therein."

**"Building Front"** means that exterior wall of a building that faces the front lot line.

**"Building Height"** means the maximum height of a building permitted to be built on a lot. Building



height is determined from the vertical distance as measured from the ground elevation to the highest point on the building. An elevator shaft shall be considered part of a building. If the elevator shaft is the highest portion of the building, the maximum building height shall be measured from the ground elevation to the highest point of the elevator shaft.

**"Building Line"** means that line formed by the rear, side, and front yard setbacks.

**"Building Safety Code"** means CNMI Building Safety Code, 2 CMC § 7101 et seq., and implementing regulations.

**"Cannabis (Retail, Lounge, or Farm)"** the retail, lounge, or farm uses of the Cannabis plant and its derivatives (also known as marijuana).

**"Cargo Container"** means a large container for freight, ordinarily a large metal boxlike object of standardized dimensions that can be loaded from one form of transport to another.

**"Catering Service, Social or Home"** means as defined in Section 410.

**"Cemetery"** means as defined in Section 411.

**"Certificate of Occupancy"** means an official certification indicating that a use or building (as built) conforms to the provisions of the Building Safety Code and may be used or occupied.

**"Church or Place of Worship"** means as defined in Section 411.

**"Coastal Resources Management Act" or "CRMA"** means the CNMI Coastal Resources Management Act, 2 CMC §1501 et seq.

**"Communication Tower, Standard"** means as defined in Section 414.

**"Communication Tower, Stealth"** means as defined in Section 414.

**"Constitution"** means the Constitution of the Commonwealth of the Northern Mariana Islands.

**"Contractor's Office and Storage"** means as defined in Section 413.

**"Conversion, Building or Use"** means the process by which the original use of a building or land is changed to a different use.

**"Copy"**, in addition to meaning "duplicate," means letters, numbers, symbols or pictures on a sign surface.

**"Copy, Changeable"** means sign copy that changes at intervals of more than once every six seconds.

**"Day Care Facility"** means as defined in Section 411.

**"Decision"** means the adoption of a plan, regulation, rule, resolution, opinion, order or directive.

Typically a decision is reduced to writing and includes a description or discussion of the reasons for it.

**"Dedication"** means the transfer of private property to public ownership for a public purpose.

**"Delivered" or "Presented"** means:

- (a) Delivered in person;
- (b) Deposited in the mail, with postage paid;
- (c) Faxed, and a memo generated automatically by the sending fax machine or fax modem that the fax was received; or
- (d) Emailed with an acknowledgment by the recipient that the email had been received.

**"Development"** for purposes of this Law means any of the following:

- (a) Construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings, structures, or accessory structures;
- (b) A change in use classification for any buildings or land;
- (c) An extension of any use of land;
- (d) Clearing, grading, or other movement of land;
- (e) Mining, dredging, filling, grading, paving, excavation, or drilling operations;
- (f) Storage, deposition, or mining of materials;
- (g) Construction of public or private sewage disposal systems or water supply facilities for which permission may be required pursuant to this Law; or
- (h) Division of a parcel of land into 2 or more lots.

**"Drainage"** means the process of removing surface water, usually from rainfall, from land surface. Drainage can be accommodated by either natural or man-made facilities. Proper man-made drainage includes facilities designed to remove surface water to an appropriate receptor without causing adverse



1 effects to adjacent land uses or streets.

2 **"Duplex"** means as defined in Section 406.

3 **"Dwelling"** means any building or portion thereof which contains living facilities, including provisions  
4 for sleeping, eating, cooking, and sanitation.

5 **"Dwelling Unit"** means a room or group of rooms that provide, or are intended to provide, living  
6 quarters for not more than one family.

7 **"Emergency Shelter"** means an establishment operated by or under authority or sanction of the  
8 government that provides temporary housing for:

9 (a) a victim of a disaster that has been declared by the Governor; or

10 (b) a child who is placed under custody of the CNMI Division of Youth Services as a result of  
11 child abuse and/or neglect; or

12 (c) a victim of domestic violence, sexual assault, or human trafficking.

13 **"Easement"** means a right or authorization from one property owner to another for a specific and  
14 limited use of his property. For an example, a property owner may give or sell a small portion of his  
15 property to allow installation of power lines or pipelines or to allow walking or driving access to  
16 another property.

17 **"Energy Facility, Renewable"** means as defined in Article 4 Section 414.

18 **"Energy Facility, Nonrenewable"** means as defined in Article 4 Section 414.

19 **"Electronic Communication"** means communication mediated by one or more of the following  
20 electronic means: radio, telephone, fax, email, Internet posting that allows the reader to access the  
21 information and download a copy of it, CD-ROM, DVD, diskette, thumb drive or other portable  
22 memory device.

23 **"Electronic Means"** includes telephone, video-conference, electronic-communications-mediated  
24 written, aural and/or video means, including mediated through the internet, and/or email.

25 **"Escort"** means a person who, for consideration, agrees or offers to act as a companion, guide, or date  
26 for another person, or who agrees or offers to privately model lingerie or to privately perform a  
27 striptease for another person.

28 **"Escort Agency"** means a person who furnishes, offers to furnish, or advertises to furnish escorts as  
29 one of its primary business purposes for a fee, tip, or other consideration.

30 **"Evening Entertainment"** means as defined in Section 408.

31 **"Facade"** means that exterior side of a building that faces, and is most nearly parallel to, a public or  
32 private street. The facade includes the entire building wall, including wall faces, parapets, fascia,  
33 windows, doors, canopies, and visible roof structures of one complete elevation.

34 **"Family"** means one or more persons related by blood, marriage, or law occupying a dwelling unit and  
35 living as a single housekeeping unit. A family may include one servant having common housekeeping  
36 facilities with the family, and such servant is part of the family for the purposes of this Law.

37 **"Farms"** means as defined in Section 405.

38 **"Fascia"** means a band located at the top edge of a building but below the actual roofline and above  
39 the building wall. Fascia material is typically of a different type than either the actual roof or the  
40 building wall.

41 **"Fence"** means an artificially constructed barrier of any material or combination of materials erected  
42 to enclose, screen or separate areas.

43 **"Filling"** means the depositing on land, whether submerged or not, of sand, gravel, earth, or other  
44 materials. Biodegradable materials and other materials subject to decomposition or significant settling  
45 (such as garbage and other organic matter) are not included.

46 **"Forestry"** means as defined in Section 405.

47 **"Foot candle"** means a unit of illumination produced on a surface, all points of which are one foot  
48 from a uniform point source of one candle.

49 **"Frontage"** means the measure of the width of a lot on the property line that abuts and faces its access  
50 road.

51 **"Full Cut-Off lighting"** means any outdoor light fixture shielded in such a manner that all light



1 emitted by the fixture is projected below the horizontal as determined by a photometric test or certified  
2 by the manufacturer.

3 **"Funeral Home"** means as defined in Section 410.

4 **"Gas Station, Light repair"** means as defined in Section 410.

5 **"Gas and Fuel, Wholesale"** means as defined in Section 413.

6 **"Garapan Core Zoning District"** means as described in Section 505.

7 **"Garapan East Zoning District"** means as described in Section 504.

8 **"Golf Course"** means as defined in Section 412.

9 **"Government Service"** means as defined in Section 411.

10 **"Grade"** means the natural level of the ground adjoining the object whose height is to be measured.  
11 For the purpose of determining sign height, grade shall be the elevation of the public street closest to  
12 the sign as measured at the street centerline.

13 **"Greenhouse or Nursery"** means as defined in Section 405.

14 **"Ground Cover"** means a meadow or grassland or other type of soil-stabilizing vegetation.

15 **"Hearing Officer"** means the administrative official who presides at a public hearing, including  
16 hearings held pursuant to Article 14 of this Law and the Administrative Procedure Act. Such person  
17 may be titled "Hearing Officer", "Administrative Hearing Officer", or "Administrative Law Judge" or  
18 some other title.

19 **"Helipoint or Helipad"** means as defined in Section 413.

20 **"Hospital"** means as defined in Section 411.

21 **"Hotel/Motel"** means as defined in Section 408.

22 **"Impervious Surface"** means a building or solid paving (cement or asphalt typically) that covers land  
23 to the extent that no surface water can drain into the underlying soil.

24  
25 **"Individual Wastewater Disposal System"** means a system designed and installed to treat and  
26 dispose of sewage from a single structure or group of structures using a septic tank together with a  
27 leaching field or seepage pit.

28 **"Industrial Zoning District"** means as described in Section 506.

29 **"Institutional Residential"** means as defined in Section 406.

30 **"Junkyard"** means as defined in Section 413.

31 **"Land"** means areas landward of the ordinary high water mark.

32 **"Landowner"** means a person who has, in whole or in part:

33 (a) Legal or equitable title to the parcel;

34 (b) Charge, care or control of the parcel as agent of the owner or as executor, administrator,  
35 trustee, or guardian of the estate of the beneficial owner; or

36 (c) An option or contract to purchase.

37 **"Live Theatrical Performance"** means a play, skit, opera, ballet, concert, comedy, or musical drama.

38 **"Lot"** means a unit of land that can be described legally, as by metes and bounds.

39 **"Lot Area"** means the area contained within the boundary lines of a lot, not including easements for  
40 publicly dedicated or accepted rights-of-way.

41 **"Lot Depth"** means the measurement distance between the midpoint of the front lot line and the  
42 midpoint of the rear lot line.

43 **"Lot, Flag"** means a lot that has access to a public right-of-way by means of a narrow strip of land.

44 **"Lot Line"** means a line of record bounding a lot that divides one lot from another adjoining lot or  
45 from a public or private street or any other public space.

46 **"Lot Line Adjustment"** means a modification of a boundary line between, or consolidation of, two or  
47 more legal parcels.

48 **"Lot Line, Front"** means a lot line separating a lot from a street right-of-way.

49 **"Lot Line, Rear"** means a lot line opposite and most distant from the front lot line, or, in the case of  
50 triangular or otherwise irregularly shaped lots, a line at least 10 feet in length entirely within the lot,  
51 parallel to, and at a maximum distance from, the front lot line.



1 **"Lot Line, Side"** means any lot line other than a front or rear lot line.

2 **"Lot, Nonconforming"** means a lot that does not meet the requirements of the zoning district in which  
3 it is located.

4 **"Lot of Record"** means a validly recorded lot or parcel of land that at the time of its recording with the  
5 Commonwealth Recorder's Office complied with all applicable laws and regulations.

6 **"Lot Width"** means the distance between the midpoint of one side lot line to the other side lot line.

7 **"Mail"** means one of the following mail services: U. S. Postal Service (USPS) first class mail, or  
8 priority mail, or Express Mail; overnight mail by one of the following private carriers if they serve the  
9 CNMI: Airborne Express; DHL; FedEx; UPS; or the national postal services of the following  
10 countries, using service equivalent to or better than USPS airmail: Australia; China; Japan; Korea;  
11 Republic of the Philippines; any FAS state.

12 **"Manufacturing and Processing"** means as defined in Section 413.

13 **"Marquee"** means a permanent structure other than a roof attached to, supported by, and projecting  
14 from a building and providing protection from the elements.

15 **"Massage Parlor"** means an establishment in which someone can hire a masseur or masseuse and  
16 receive a massage on the premises. For the purpose of this definition, massage parlor does not include:

- 17 (a) Businesses offering the methods of practice or the legitimate techniques of physicians,  
18 chiropractors, physical therapists, massage therapists or athletic trainers, and that are  
19 professionally licensed or certified by the appropriate governmental agency; or  
20 (b) Massage facilities located in hotels that have more than 20 rooms or in spas or beauty  
21 salons that provide a wide array of other personal services that account for a substantial  
22 proportion of the business; or  
23 (c) Homes in which massage is done by traditional healers recognized by the customs of the  
24 Northern Mariana Islands.

25 **"Media"** means anything printed or written, or any picture, drawing, photograph, motion picture, film,  
26 videotape or videotape production, or pictorial representation, or any electrical or electronic  
27 reproduction of anything that is or may be used as a means of communication. Media includes but shall  
28 not be limited to books, newspapers, magazines, periodicals, photographs, movies, videos, sound  
29 recordings, CD-ROMs, computer files, DVD's, digital or analog videodisks, other magnetic media,  
30 and undeveloped pictures.

31 **"Medical Clinic"** means as defined in Section 411.

32 **"Metes and Bounds"** means a system of describing and identifying land by measures (metes) and  
33 direction (bounds) from a reference point that is easily recognized such as a monument, tree,  
34 permanent fixture, or a corner of intersecting streets. Metes and bounds is a common way of describing  
35 land when a high degree of accuracy is not necessary.

36 **"Microbrewery"** means as defined in Section 413.

37 **"Mining"** means as defined in Section 413.

38 **"Mixed Commercial Zoning District"** means as described in Section 507.

39 **"Mixed Use"** means as defined in Section 406.

40 **"Mobile Home"** means as defined in Section 406.

41 **"Modulation"** means, in the design requirements, modulation is a stepping back or projecting forward  
42 of portions of a building face within specified intervals of building width and depth, as a means of  
43 breaking up the apparent bulk of a structure's continuous exterior walls.

44 **"Mom and Pop Grocery Store"** means as defined in Section 410.

45 **"Multifamily or Apartment"** means as defined in Section 406.

46 **"Nonconforming Sign"** means any sign, legally established prior to February 1, 2008 or subsequent  
47 amendment to it, which does not fully meet the requirements of this Law.

48 **"Nonconforming Structure"** means any building or structure, other than a sign, legally established  
49 prior to February 1, 2008 or subsequent amendment to it that does not fully meet the requirements of  
50 this Law.

51 **"Nonconforming Use"** means any use of a building or premises that on February 1, 2008 does not,



1 even though lawfully established, meet all of the applicable use requirements of the zoning district in  
2 which the building or premises is located.

3 **"Nonconformity"** means a lot, sign, structure, building, use of land, or characteristic of a use that is  
4 prohibited by this Law but was lawful prior to February 1, 2008.

5 **"Nonresidential Use"** means any use except a residential use.

6 **"Nude Model Studio"** means any place where a person who appears in a state of nudity or displays  
7 specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured,  
8 photographed, or similarly depicted by other persons for consideration.

9 **"Nudity" Or A State Of Nudity** means: the appearance of a human bare buttock, anus, anal cleft or  
10 cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or  
11 a female breast with less than a fully opaque covering of any part of the areola; or human male genitals  
12 in a discernibly turgid state even if completely and opaquely covered."

13 **"Official Saipan Zoning Map"** means one or more maps showing the location and boundaries of all  
14 the zoning districts established by this Law. These maps are titled "Official Saipan Zoning Map."

15 **"Office Uses"** means as defined in Section 409.

16 **"On-Site"** means located on the lot or parcel in question. However, when referring to on-site  
17 detention, it means within the boundaries of the development site as a whole.

18 **"Parapet"** means that portion of a wall which extends above the roof line.

19 **"Park, Active"** means as defined in Section 412.

20 **"Park, Passive"** means as defined in Section 412.

21 **"Parcel"** means a piece of land.

22 **"Parking, Commercial"** means as defined in Section 410.

23 **"Parking Lot"** means an area within a lot, and outside of the public right-of-way, where motor  
24 vehicles may be parked. This use may or may not be the sole use of the lot.

25 **"Parking, Off-Street"** means a space adequate for parking a motor vehicle with room for opening  
26 doors on both sides, together with properly related access to a public street or alley and maneuvering  
27 room.

28 **"Pedestrian-Oriented Facade"** means a ground floor facade that contains all the following  
29 characteristics:

- 30 (a) A transparent window area or window display shall be along a minimum of 75% of the  
31 ground floor facade between a height of 2 to 8 ft above the ground;
- 32 (b) The primary building entry shall be on this facade;
- 33 (c) The transparent window area shall not be obscured by curtains or other materials or any  
34 sign.
- 35 (d) Weather protection shall be at least five ft in width along at least 75% of the facade width.

36 **"Pedestrian Oriented Street"** means:

- 37 (a) In the Garapan Core Zoning District:

- 38 (1) Paseo de Marianas;
- 39 (2) Coffee Tree Mall;
- 40 (3) Coral Tree Mall;
- 41 (4) CPL. Derence Jack Rd.; or
- 42 (5) Micro Beach Road.

- 43 (b) In the Garapan East Zoning District

- 44 (6) CPL. Derence Jack Rd. from Beach Road to Chalan Pale Arnold Street;
- 45 (7) East side of Beach Road; or
- 46 (8) Any new road extending eastward from Beach Road.

47 **"Pedestrian-Oriented Space"** means a space including all the characteristics of "(a)" but none of the  
48 characteristics of "(b)":

- 49 (a) Characteristics of pedestrian-oriented space:

- 50 (1) Pedestrian access to the abutting structures from the street, private drive, or a  
51 non-vehicular courtyard;



- (2) Paved walking surfaces of either concrete or approved unit paving;
- (3) Pedestrian-scaled lighting (no more than 15 ft in height) at a level averaging at least 2-foot candles throughout the space. Lighting may be on-site or building-mounted lighting;
- (4) At least 3 ft of seating area (bench, ledge, etc.) or one individual seat per 60 sf of plaza area or open space;
- (5) Spaces positioned in areas with significant pedestrian traffic to provide interest and security, such as adjacent to a building entry;
- (6) Landscaping components that add interest to the space; and
- (7) Pedestrian-oriented building facades on some or all buildings facing the space.

(b) Characteristics that are not included in pedestrian-oriented space:

- (1) Asphalt or gravel pavement;
- (2) Space adjacent unscreened parking lots;
- (3) Space adjacent chain link fences;
- (4) Space adjacent blank walls; or
- (5) Space adjacent dumpsters or service areas.

**"Permitted Use"** means a use that is authorized by right in a given zoning district.

**"Person"** means and includes: a natural person; non-governmental organization; firm; association; partnership; limited liability company; corporation; and/or a government entity.

**"Planned Development"** means as defined in Section 406.

**"Plat"** means a map showing the location, boundaries, and ownership of individual properties including the drawing depicting the subdivision of land into 2 or more lots or parcels. A plat is generally used in subdivision of land for resale.

**"Principal Use"** means the main use to which the premises are devoted and the primary purpose for which the premises exist. For example, in a residential area, the house is a principal use; a carport or a pala pala would be an accessory use.

**"Protected Care Housing"** means as defined in Section 406.

**"Public Improvement"** means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, alleys, pedestrian walks or paths; storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment; and public utility or energy services.

**"Public Nuisance"** means an unreasonable interference with a right common to the general public. A public nuisance does not change its character by reason of its location on private or public property, occupied or unoccupied property. The circumstances that may sustain a determination that an interference with a public right is unreasonable shall include the following:

- (a) Whether the conduct involves a significant interference with the public health, the public safety, the public peace, the public comfort or the public convenience;
- (b) Whether the conduct is proscribed by a statute, ordinance or administrative regulation;
- (c) Whether the conduct is of a continuing nature or has produced a permanent or long-lasting effect, and, as the actor knows or has reason to know, has a significant effect on the public right; or
- (d) Such other conduct as is defined within the meaning of "public nuisance" by the Restatement 2d of Torts, Section 821B.

**"Public Resource Zoning District"** means as described in Section 508.

**"Rated Nameplate Capacity"** means the maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a nameplate on the equipment.

**"Real time" or "Real-Time"** means immediately before, during and/or after, as in "as it happens".

**"Reasonable Access"** means the right of the Administrator or staff to view, inspect, or enter property, uses, or buildings to enforce this Law. The term "reasonable" means that access should be during normal hours of business, or at other times when the use is operating outside normal business hours.

**"Renewable Energy"** means as defined in 4 CMC § 8621.



1 **"Residential Use"** mean as defined in Section 406.

2 **"Residential Accessory Building"** means as defined in Section 406.

3 **"Restaurant, Drive Through"** means as defined in Section 408.

4 **"Restaurant, General"** means as defined in Section 408.

5 **"Retail Sales, Heavy"** means as defined in Section 410.

6 **"Retail Sales, Light"** means as defined in Section 410.

7 **"Retaining Structure"** means a structure to hold a mass of earth material at a higher position and not  
8 used to provide a foundation or wall for a building.

9 **"Right-of-Way"** means a strip of land occupied or intended to be occupied by a public street and  
10 associated infrastructure on which a right-of-passage has been recorded for the use of vehicles,  
11 pedestrians, and necessary public utility infrastructure (including, but not limited to, water lines, sewer  
12 lines, power lines, gas lines).

13 **"Road, Arterial"** means a road that is identified as any type of arterial road in the CNMI  
14 Comprehensive Highway Master Plan.

15 **"Road, Collector"** means a road that is identified as any type of collector road in the CNMI  
16 Comprehensive Highway Master Plan.

17 **"Road, Local or Access"** means a road that is intended to provide access to abutting properties.

18 **"Roadside Merchandise Stand"** means as defined in Section 415.

19 **"Roofline"** means the top or bottom edge of a roof or building parapet, excluding any cupolas, pylons,  
20 chimneys, or other minor projections.

21 **"Rural Zoning District"** means as described in Section 509.

22 **"Saipan"** means all land on the islands of Saipan and Managaha.

23 **"Saipan Comprehensive Land Use Plan"** means a comprehensive land use plan text and all  
24 accompanying maps, charts, and explanatory material adopted by the Saipan and Northern Islands  
25 Legislative Delegation for the Island of Saipan.

26 **"Sanitary Landfill"** means as defined in Section 414.

27 **"School, Private"** means as defined in Article 4 Section 411.

28 **"School, Public"** means as defined in Section 411.

29 **"Seaport"** means as defined in Section 413.

30 **"Self-Service Storage"** means as defined in Section 410.

31 **"Semi-Nude or Semi-Nudity"** means the appearance of the female breast below a horizontal line  
32 across the top of the areola at its highest point. This definition shall include the entire lower portion of  
33 the human female breast, but shall not include any portion of the cleavage of the human female breast  
34 exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is  
35 not exposed in whole or in part.

36 **"Service or Storage Area"** means an outdoor area used for storage of garbage, material for recycling,  
37 a dumpster, a utility connection, air conditioning equipment, a freezer or refrigerator, and similar uses.  
38 Except, this does not include an outdoor ice machine at a grocery or convenience store.

39 **"Setback"** means the required distance between a structure and the lot lines of the lot on which it is  
40 located.

41 **"Sex Shop"** means a business that meets any of the following tests:

- 42 (a) Adult media and/or adult toys or novelties constitute more than 10% of the stock-in-trade of  
43 the business or occupy more than 10% of the gross public floor area of the business; or  
44 (b) Adult novelties constitute more than 5% of the stock-in trade or gross public floor display  
45 area of the business; or  
46 (c) It advertises or holds itself out in any media or forum as "XXX", "adult", "sex", "porno",  
47 "pornography", or otherwise as a sex business other than solely an adult media outlet, adult  
48 motion picture theater, or adult cabaret.  
49 (d) Except that the Zoning Administrator may find that a business is not a sex shop if:  
50 (1) Adult media and adult novelties are visually and physically segregated from  
51 minors;



- (2) The sale of such materials constitutes less than 20% of the gross public floor display area or stock-in-trade of the business; and
- (3) the business does not advertise or hold itself out in any forum or medium as "XXX", "adult", "sex", "porno", "pornography", or otherwise as a sex business.

**"Sexual Encounter Center"** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (b) Activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- (c) A principal business purpose exists if the services offered are intended to generate business income.

**"Shoreline"** means the edge of the land surrounding a body of water. The edge of the shoreline shall be the highest elevation of the edge of land as determined through the mean high water mark (MHW) of the U.S. Coastal and Geological Datum.

**"Shrub"** means a low woody plant or bush with several permanent stems instead of a single trunk.

**"Sign"** means a lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from the public right-of-way. A sign does not include artwork.

**"Sign, Above-Roof"** means a sign displayed above the peak or parapet of a building.

**"Sign, Banner"** means a sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.

**"Sign, Building"** means a sign painted on or attached to a wall of a building and includes a sign to identify the building or facility or individual tenants or businesses. A building sign does not mean a window sign, banner or other temporary type of signs.

**"Sign, Can"** means a sign that is back-lit with letters or graphics on a flat plastic sheet.

**"Sign, Externally Illuminated"** means a sign that is illuminated by an artificial source of light not contained within the sign itself.

**"Sign, Ground"** means a sign supported by one or more uprights, posts, or bases placed on or affixed in the ground and not attached to any part of a building. It includes a pole sign and a monument sign.

**"Sign, Monument"** means a ground sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole.

**"Sign, Pole Mounted"** means a sign mounted on a single pole with a horizontal cross section anywhere below the sign that is less than two-thirds of the horizontal cross section of the sign.

**"Sign, Portable"** means a sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

**"Sign, Projecting"** means a sign attached to and projecting from the wall of a building and not in the same plane as the wall.

**"Sign, Temporary Window"** means a window sign that is not approved as a permanent window sign.

**"Sign, Window"** means a temporary or permanent sign applied, painted or affixed on, or within one foot behind or in front of, the inside or outside of a window.

**"Signature" or "Signed"** means as follows: The term includes a hard copy or an electronic communication that bears the hallmark of legitimacy, including original hard copy, photocopy of an original, fax copy, electronic signature through use of a digital code, and an electronic copy of a hard copy signature if separately confirmed as true and correct.

**"Single-Family Dwelling"** means as defined in Section 406.

**"Site"** means a plot of land that can be used for a development.

**"Site Plan"** means a plan of an area to be developed. It is drawn to scale. It shows uses and structures proposed for a parcel of land required by this Law. The plan typically shows property boundaries, existing and proposed streets, building sites, setbacks, reserved open space, proposed buildings, and major landscape features (natural and manmade). It identifies the type of uses proposed as well as the



various other items required by this Law.

**"Slope"** means the change in the vertical measurement divided by the change in the horizontal measurement. It is written as a ratio or a percentage.

**"Soil Erosion"** means any removal and/or loss of soil by the action of water, gravity, or wind. Erosion includes both the detachment and transport of soil particles.

**"Special Event"** means as defined in Section 415.

**"Specified Anatomical Area"** means:

(a) The human male genitals in a discernibly turgid state, even if fully and opaquely covered; or

(b) Less than completely and opaquely covered human genitals, pubic region, buttocks; or

(c) A female breast below a point immediately above the top of the areola.

**"Specified Sexual Activity"** means and includes any of the following:

(a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(c) Masturbation, actual or simulated; or

(d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

**"State"** includes a US state, territory, tribal land, commonwealth, the District of Columbia, and any other US jurisdiction other than the US Government itself.

**"Street"** means a public or private road used for travel by motor vehicles or bicycles.

**"Structural Alteration"** means any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls of a building.

**"Structure"** means anything constructed or erected in a fixed location for occupancy or use.

**"Structure, Permanent"** means a structure placed on or in the ground, or attached to another structure in a fixed position, and intended to remain in place for more than 9 months.

**"Subdivision"** means a division or re-division of a plat, tract, parcel, or lot of land into 2 or more parts including a change, or rearrangement of boundaries.

**"Subdivision, Major"** means a subdivision that consists of 8 or more lots or any subdivision where public improvements are required.

**"Subdivision, Minor"** means a subdivision that consists of 7 or fewer lots and where public street dedications or other public improvements are not required.

**"Swale"** means a linear depression in the land's surface in which sheet runoff would collect and form a temporary watercourse.

**"Temporary Batch Plant"** means as defined in Sections 415 and 613.

**"Temporary Use"** means as defined in Section 415.

**"This Law"** means the Saipan Zoning Law of 2008.

**"Tourist Resort Zoning District"** means as described in Section 510.

**"Tower Height"** means the height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

**"Townhouse"** means as defined in Section 406.

**"Transfer Station"** means as defined in Section 414.

**"Undeveloped Condition"** means a parcel of land where all the natural retention areas and drainage ways plus any existing roadway drainage structures shall be included in the flow calculations.

**"Use Classification"** means the organization of uses into groups that share common functional characteristics and land use compatibility. See Article 4 for the use classifications.

**"Use"** means a purpose or activity at a building, structure or piece of land.

**"Utility, Minor"** means as defined in Section 414.

**"Variance"** means the permission by which a property owner is granted relief from certain provisions



of this Law.

**"Vehicle Repair, General"** means as defined in Section 410.

**"Veterinary Clinic or Hospital"** means as defined in Section 411.

**"Video or Movie Production"** means as defined in Section 415.

**"Village Commercial Zoning District"** means as described in Section 511.

**"Village Residential Zoning District"** means as described in Section 512.

**"Virtual" or "Virtually"**, when used with respect to a meeting, means by electronic means that provide for real-time communication to and from the participants in such a manner that each participant can hear and/or read the comments of each other participant.

**"Warehousing and General Wholesaling"** mean as defined in Section 413.

**"Water or Wastewater Plant"** means as defined in Section 414.

**"Waterbody"** means a lake, pond, lagoon, or ocean.

**"Wind Energy System, Large"** means a wind energy conversion system consisting of a wind turbine and associated control or conversion electronics that has a rated nameplate capacity of more than 30kW or that is intended primarily to generate power for sale.

**"Wind Energy System, Small"** means a wind energy conversion system consisting of a wind turbine and associated control or conversion electronics that has a rated nameplate capacity of more than 30kW and that is intended primarily to reduce on-site consumption of utility power.

**"Wind Facility"** means all equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

**"Wind Turbine"** means a device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

**"Window"** means any opening in a wall or roof that functions or appears to function to admit light into a building or structure. Usually such opening is framed and spanned with glass mounted to permit opening and closing.

**"Window Pane"** means an individual piece of glass or other such material in a window.

**"Writing"** includes hard copy, and electronic communications including such electronic formats as fax, email, PDF format, and word processing formats that are generally commercially available.

**"Yard"** means an open space that: (a) lies between the principal building or buildings and the nearest lot line; and that (b) is unobstructed from the ground up, except for accessory buildings or architectural features or as otherwise provided in this Law. Yard requirements have been included in this Law for multiple reasons including provision of room for greenery, to accommodate landscaping, to provide visibility needed for traffic safety, to permit light access to windows, and to buffer noise.

**"Yard, Front"** means "a space extending the full width of the lot between any building and the front lot line and measured perpendicularly to the building at the closest point to the front lot line: See Figure 1.

**"Yard, Rear"** means a space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. See Figure 1.

**"Yard, Side"** means a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building. See Figure 1.

**"Zone"** means a zoning district.

**"Zone, Overlay"** means a special zoning district placed over an existing zoning district, part of a district, or a combination of districts. An overlay zoning district builds on the underlying zoning by establishing additional or stricter requirements. The requirements of the overlay zoning district apply in addition to those of the underlying zoning district.

**"Zoning Administrator"** means the Zoning Administrator authorized by 2 CMC §7222.

1 **"Zoning Board"** means the Commonwealth Zoning Board established by Public Law No. 6-32, 2  
 2 CMC §7221 et seq.

3 **"Zoning Code"** means 2 CMC §7201 et seq.

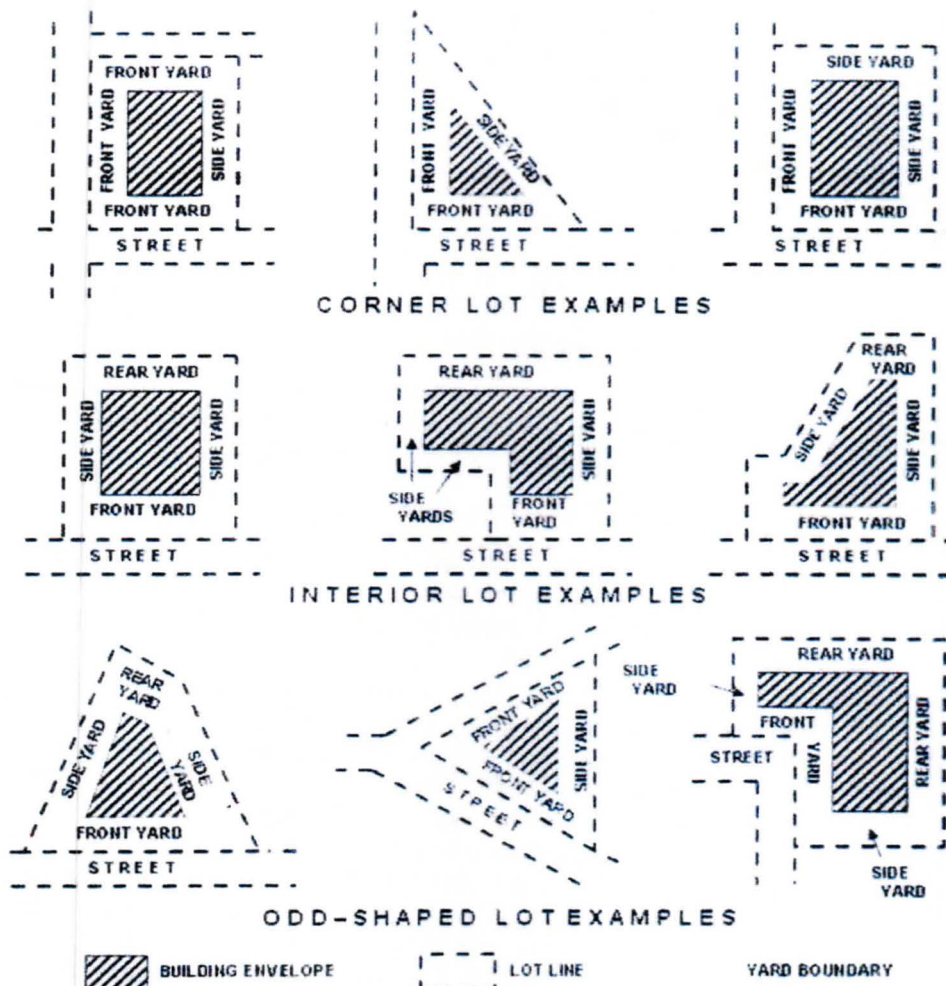
4 **"Zoning District"** means those portions of Saipan that are designated on the Official Saipan Zoning  
 5 Map with a single district designation and for which provisions and requirements are set forth in this  
 6 Law.

7 **"Zoning Map"** means the Official Saipan Zoning Map.

8 **"Zoning Office"** means the office of the Zoning Administrator.

9 **"Zoning Permit"** means a written permit issued by the Zoning Administrator that certifies that the  
 10 proposed development will meet the requirements of this Law.

11 **"Zoo/Aquarium"** means as defined in Section 412.



13  
 14 *Figure 1 Examples for identifying front, rear, and side yards*



## Article 4. Zoning Districts and Allowable Uses

### Section 401 Establishment of Zoning Districts

- (a) The Island of Saipan is hereby divided into zoning districts necessary to achieve compatibility of uses and character within each district, and to achieve the purposes of this Law. The zoning districts are as follows:

~~(1) Adult Business Overlay (ABO)~~

~~(2) Adult Business Park (ABP)~~

~~(3)(1) Agricultural (AG)~~

~~(4)(2) Beach Road (BR)~~

~~(5)(3) Garapan Core (GC)~~

~~(6)(4) Garapan East (GE)~~

~~(7)(5) Industrial (IN)~~

~~(8)(6) Mixed Commercial (MC)~~

~~(9)(7) Public Resource (PR)~~

~~(10)(8) Rural (RU)~~

~~(11)(9) Tourist Resort (TR)~~

~~(12)(10) Village Commercial (VC)~~

~~(13)(11) Village Residential (VR)~~

- (b) Zoning districts are described in Article 5.

### Section 402 Official Saipan Zoning Map

Zoning districts established by this Law are bounded and defined as shown on the current Official Saipan Zoning Map. The attached Official Saipan Zoning Map is and shall be a part of this Law and may be amended from time to time as provided in this Law.

### Section 403 Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary line shown on the Official Saipan Zoning Map:

- (a) Boundaries shown as following, or approximately following, streets shall be construed as following the centerlines of such streets.
- (b) Boundary lines shown as following, or approximately following, platted lot lines, public land surveys, or other property lines shall be construed as following such lines.
- (c) Boundaries shown as separated from, and parallel or approximately parallel to roads, beaches, or lot lines shall be construed to be parallel to such features and at such distances from them as are shown on the Official Saipan Zoning Map.
- (d) It is the intent in establishing the zoning district boundaries that no parcel smaller than 5,000 sm have split boundaries. If such a parcel is found to be mistakenly mapped in two districts, the owner may determine into which of these districts s/he wishes the parcel to be located. The owner may then follow the procedures in Section 1309 for amendments to the zoning map. Split parcels larger than 5,000 sm shall also follow the requirements of Section 1309.

## Section 404 Allowable Uses in Zoning Districts

- (a) Table 1 determines whether a specific use is allowed in a zoning district. The zoning districts are indicated in the vertical columns and the uses are indicated in the horizontal rows.
- (1) The letter "P" at the intersection of a column and row means the use is a permitted use and allowed by right in the zoning district subject to meeting all applicable requirements of this Law.
  - (2) The letter "C" at the intersection of a column and row means the use is a conditional use and is only allowed in the zoning district after receiving approval for a conditional use permit.
  - (3) The letter "T" at the intersection of a column and row means the use is a temporary use and is only allowed in the zoning district after receiving approval for a temporary use permit.
  - (4) If no symbol appears at the intersection of a column and row, the use is not allowed in the zoning district.
  - (5) If a number accompanies a letter, the use is allowed in that zone subject to different development limitations or conditions. The development condition with the corresponding number immediately follows the table.
- (b) A use that is not a permitted, conditional or temporary use in Table 1 is prohibited ~~except that an adult business may be allowed in an adult business overlay zoning district provided it meets the requirements of Section 513 and all other requirements of this Law.~~
- (c) The use classifications in Table 1 are intended to classify uses on the basis of common functional characteristics and land use compatibility. If a use is not specifically listed in Table 1, the Administrator shall assign the use to a listed use category that exhibits the most similar functional characteristics and land use compatibility.
- (d) The definitions of uses in Article 1 and in this Article shall control.

**Table 1. Table of Permitted, Conditional and Temporary Uses**

Uses	Agricultural	Rural	Village Residential	Village Commercial	Mixed Commercial	Industrial	Garapan Core	Garapan East	Beach Road	Tourist Resort	Public Resource
<b>Agricultural Uses</b>											
Agriculture, intensive	<u>PC</u>	C <sup>1</sup>				C					
Aquaculture ( Commercial )	p <sup>2</sup>	C <sup>1&amp;2</sup>			C <sup>2</sup>						

<sup>1</sup> This use is prohibited within a Rural District that is north of Tanko Drive/ Rakka Drive/Chalan Matuis Drive ( Map Sheets 5 & 7 ). This is due to the sensitivity of the Marpi area as a sanctuary and its importance as a tourist attraction.

<sup>2</sup> See Section 405(b)(1)



Uses	Agricultural	Rural	Village Residential	Village Commercial	Mixed Commercial	Industrial	Garapan Core	Garapan East	Beach Road	Tourist Resort	Public Resource
Aquaculture ( Small Scale )	P	P <sup>1</sup>	C	C	C						
Farms	P	P	P	P	P	P					
<u>Cannabis Farm</u>	<u>C<sup>5</sup></u>	<u>C<sup>5</sup></u>			<u>C<sup>5</sup></u>	<u>C<sup>5</sup></u>					
Forestry	P	C				P					
Greenhouse or nursery	P	P		P	P	P					
<b>Residential Uses</b>											
Single-family dwelling	P <sup>2</sup>	P	P	P	P	C	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	C <sup>4</sup>
Planned development up to 48 ft		P <sup>1</sup>	P	P	P		C	C	P	P	
Planned development over 48 ft		C <sup>1</sup>		C	C		C	C	C	C	
Mixed uses			C	P	P		P	P	P	P	
Mobile home		P <sup>1</sup>	C	C	P						
Multifamily or apartment up to 48 ft		P <sup>1</sup>	P	P	P		P	P	P	P	
Multifamily or apartment over 48 ft		C <sup>1</sup>		C	C		P	P	C	C	
Residential accessory buildings	P	P	P	P	P		P	P	P	P	P
Accessory apartment		P	P	P	P						
Townhouse, duplex		P <sup>1</sup>	P	P	P		P	P	P	P	
Institutional residential		C <sup>1</sup>	C	C	C		C	C	C	C	
Protected care housing		C <sup>1</sup>			C						
<b>Home-Based Business</b>											
Home business	P	P	P	P	P		P	P	P	P	
Cottage industry	P	C <sup>1</sup>		C	P	P					
<b>Hotels, Restaurants, Adult</b>											
<sup>5</sup> Adult Business						<u>C<sup>5</sup></u>	<u>C<sup>5</sup></u>			<u>C<sup>5</sup></u>	

<sup>1</sup> This use is prohibited within a Rural District that is north of Tanko Drive, Rakka Drive/Chalan Matuis Drive ( Map Sheets 5 & 7 ). This is due to the sensitivity of the Marpi area as a sanctuary and its importance as a tourist attraction.

<sup>2</sup> Housing shall only be permitted that is accessory to an agricultural use.

<sup>3</sup> See Sections 503, 504, 505, and 510 for residential restrictions.

<sup>4</sup> Only caretaker housing is allowed.

<sup>5</sup> An adult business is a permitted use "P" in an Adult Business Overlay Zoning District.

Uses	Agricultural	Rural	Village Residential	Village Commercial	Mixed Commercial	Industrial	Garapan Core	Garapan East	Beach Road	Tourist Resort	Public Resource
Adult viewing booth											
Bed and breakfast		P	C	P	P		P	P	P	P	
Cannabis Lounge				C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	
Evening entertainment				P	P	P	P	P	P	P	
Hotel/motel/guest house		C		C	P		CP	CP	CP	C	
Condominium		C		C	P		C	C	C	C	
Adult gambling machine business					P <sup>1</sup>		P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	
Restaurant, drive-through				C	P	P		P	P	P	
Restaurant, general		C <sup>2</sup>	C	P	P	P	P	P	P	P	C <sup>2</sup>
<b>Office Uses</b>		CP <sup>2</sup>	C	P	P	P	P	P	P	P	
<b>Retail Sales and Services</b>											
Art Studio		C <sup>2</sup>	C	P	P	P	P	P	P	C	
Auto rental office				PC	P	P	P <sup>1</sup>	P <sup>1</sup>	PC	P <sup>1</sup>	
Auto rental office with storage, staging, and service on site including service for rental vehicles				C	P	P					
Automobile Sales & Service					P	P					
Automotive audio and electronic service				P	P	P					
Book Store, magazines, newspapers, periodicals		P <sup>2</sup>	P	P	P		P	P	P	P	
Building Material Sales					P	P					

<sup>5</sup> Include planting of crops and vegetables within an area of 900 sq ft for subsistence farming; this use does not include retail sales of products from the site.

<sup>6</sup> This use is prohibited within 300ft from a school, playground, daycare, church, adult gambling establishments, and ports of entry (airport and seaport). It shall not be allowed as a home business.

<sup>1</sup> See Section 612 for location restrictions in this zoning district.

<sup>1</sup> See Section 612 for location restrictions in this zoning district.

<sup>2</sup> This use is prohibited within the Rural and Public Resource Districts that are north of Tanko Drive/ Rakka Drive/Chalan Matuis Drive ( Map Sheets 5 & 7 ). This is due to the sensitivity of the Marpi area as a sanctuary and its importance as a tourist attraction.

<sup>3</sup> A Dry Cleaning Outlet serves as a collection point for clothes that are being taken to a Dry Cleaning.

<sup>4</sup> Use is permitted without any rental vehicle storage, staging, and service on site.

<sup>5</sup> This use is prohibited within 300ft from a school, playground, daycare, church, adult gambling establishments, and ports of entry (airport and seaport). It shall not be allowed as a home business.



Uses	Agricultural	Rural	Village Residential	Village Commercial	Mixed Commercial	Industrial	Garapan Core	Garapan East	Beach Road	Tourist Resort	Public Resource
Catering service, social or Home		C <sup>12</sup>	C	P	P	P	P	P	P	P	
Clothing, jewelry, shoes, sporting goods				P	P		P	P	P	P	
Construction Equipment Sales or Rental					P	P					
Copy centers, small print, and sign shops				C	P	P			P		
<u>Cannabis Retail</u>		C <sup>1</sup>			C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	
Dive shop			C	P	P		P	P	P	P	
Dry cleaning					P	P					
Dry cleaning outlet <sup>3</sup>		P <sup>2</sup>		P	P	P					
Farm Equipment Sales or Rental					P	P					
<u>Canopy Rental</u>					P	P					
Flower and floral shop		P <sup>21</sup>	C	P	P		P	P	P	P	
Funeral home				C	P	P					
Gas station, light repair		C <sup>2</sup>		C	P	P					
Gifts, toys, novelties, greeting cards				P	P		P	P	P	P	
Grocery / Convenience store		P <sup>21</sup>		P	P		P	P	P	P	
Hardware, appliances, audio, computers, & electronic sales				P	P	P	P	P			
Laundromats		P <sup>21</sup>		P	P	P					
Mom and Pop Grocery Store		P <sup>21</sup>	C	P	P						
Parking, commercial					P	P	P <sub>C</sub>	P	P <sub>C</sub>	P	

<sup>1</sup> This use is prohibited within 300ft from a school, playground, daycare, church, adult gambling establishments, and ports of entry (airport and seaport). It shall not be allowed as a home business.

<sup>2</sup> This use is prohibited within the Rural and Public Resource Districts that are north of Tanko Drive/ Rakka Drive/Chalan Matuis Drive ( Map Sheets 5 & 7 ). This is due to the sensitivity of the Marpi area as a sanctuary and its importance as a tourist attraction.

<sup>21</sup> This use is prohibited within a Rural District that is north of Tanko Drive/ Rakka Drive/ Chalan Matuis Drive (Map sheets 5 & 7). This is due to the sensitivity of the Marpi Area as a sanctuary and its importance as a tourist attraction

Uses	Agricultural	Rural	Village Residential	Village Commercial	Mixed Commercial	Industrial	Garapan Core	Garapan East	Beach Road	Tourist Resort	Public Resource
Pawn shops					P	C					
Personal service			C	P	P		P	P	P	P	
Medical Supplies			C	P	P			P	P		
Pharmaceutical store			C	P	P		P	P	P	P	
Repair of air conditioners, small electronics appliances				CP	P	P		C	C	C	
Self-service storage				C	P	P					
Truck, Van, Trailer, Honey Wagon-Rental					P	P					
Vehicle repair, general					C	P					
Gun shops					C	P					
<b>Public and Civic Uses</b>											
Assembly hall		C	C	P	P		P	P	P	P	P
Cemetery		P		P	P						P
Church or place of worship		P	C	P	P		P	P	P	P	
Day care facility		P <sup>1</sup>	P	P	P		P	P	P	P	
Government service		P	C	P	P	P	P	P	P	P	
Hospital		P <sup>1</sup>			P						
Medical Clinic		P <sup>1</sup>	C	P	P		P	P	P	P	
School, public		P	C	P	P			P	P	CP	
School, private		P <sup>1</sup>	C	P	P	P		P	P	C	
Veterinary clinic or hospital		C <sup>1</sup>		P	P						
<b>Recreational Uses</b>											
Amusement, indoor		C <sup>1</sup>		P	P		P	P	P	P	
Amusement, outdoor		C			C		C	C	C	C	C
Amusement, outdoor intensive		C <sup>2</sup>								C	
Arena, auditorium, stadium		C <sup>1</sup>			C		C	C	C	C	C
Golf course		C			P					P	

<sup>2</sup> This use is prohibited within a Rural District that is north of Tanko Drive/ Rakka Drive/Chalan Matuis Drive (Map Sheets 5 & 7). This is due to the sensitivity of the Marpi area as a sanctuary and its importance as a tourist attraction. The use shall comply with all provisions under section 611.



Uses	Agricultural	Rural	Village Residential	Village Commercial	Mixed Commercial	Industrial	Garapan Core	Garapan East	Beach Road	Tourist Resort	Public Resource
Park, active		P	P	P	P		P	P	P	P	P
Park, passive		P	P	P	P				P	P	P
Zoo/aquarium		C									
<b>Industrial Uses</b>											
Airport						P					
Asphalt or concrete plant		C <sup>1</sup>				P					
Contractor's office and storage		C <sup>1</sup>		C	P	P			C		
Mining		C <sup>1</sup>				C					
Gas and fuel, wholesale		C <sup>1</sup>		C	C	P					
Heliport or helipad		C <sup>1</sup>			C	C					
Junkyard						P					
Manufacturing and processing		C <sup>1</sup>		C	C	P			C		
Microbrewery		C <sup>1</sup>		C	C	P	C	C	C	C	
Seaport						P					
Warehousing and general wholesaling				C	P	P			C		
Crematoriums		C <sup>1</sup>				P					
<b>Utility Uses</b>											
Communication tower, standard		C <sup>1</sup>			C	C					C
Communication tower, stealth		P	P	P	P	P	P	P	P	P	P
Energy facility, nonrenewable		C <sup>3</sup>				C					
Energy facility, renewable	C	C	C	C	P	P	C	C	C	C	C
Sanitary landfill		C				P					
Transfer station		C <sup>1</sup>		C	C	P					
Utility, minor	P	P	P	P	P	P	P	P	P	P	P

<sup>3</sup> This use is prohibited within a Rural District that is north of Tanko Drive/ Rakka Drive/Chalan Matuis Drive (Map Sheets 5 & 7). This is due to the sensitivity of the Marpi area as a sanctuary and its importance as a tourist attraction. The use shall comply with all provisions under section 611.

<sup>2</sup> Permitted only on lots abutting an arterial or collector road.

Uses	Agricultural	Rural	Village Residential	Village Commercial	Mixed Commercial	Industrial	Garapan Core	Garapan East	Beach Road	Tourist Resort	Public Resource
Water or wastewater plant	C	C			C	P					
<b>Temporary Uses</b>											
Special event	T	T		T	T	T	T	T	T	T	T
Roadside merchandise stand	T	T	T	T	T				T	T	T
Video or movie production	T	T		T	T	T	T	T	T	T	T
Temporary Batch Plant	T	T			T	T	T	T	T	T	T
Construction materials yard/ Construction staging areas	T	T		T	T	T	T	T	T	T	T



## Section 405 Agricultural Uses

Agricultural uses include:

- (a) **Agriculture, Intensive.** These uses include: any agricultural uses such as feed lots, hog farms, cow pastures, and poultry operations where animals are tightly confined in buildings or outdoor pens or pastures with more than one animal unit per 1,000 sm. One animal unit is equal to: one horse; two cattle; four calves (under one year); 5 pigs; 7 goats; ~~14 kids~~; or 200 chickens or other poultry.
- (b) **Aquaculture.** Raising and collection of fish, shellfish, and algae for food. This use may include retail sale of produce raised at the site.
  - (1) Commercial Aquaculture – The areas most suitable for commercial aquaculture in Saipan are Obyan/Ladder Beach and the Lalau/Tururam area.
  - (2) Small Scale Aquaculture – Allowed as a backyard operation in residential areas subject to the following conditions:
    - (A) The operation shall be designed as a Recirculating Aquaculture System (RAS);
    - (B) No more than four (4), 5,000 gallon production tanks shall be used;
    - (C) Production tanks shall employ a filtration system that minimizes the discharge of effluent;
    - (D) Saltwater aquaculture shall be prohibited in “Groundwater Zone 1” as determined by regulation by the CNMI Division of Environmental Quality;
    - (E) The area covered by a retail sales stand shall not exceed 400 s.f.; and
    - (F) The area is located outside of the area designated as “Groundwater Zone 1” by the CNMI Division of Environmental Quality.
- (c) **Farms** (with and without farm residences) that include commercial orchards, raising of crops, livestock, cattle, horses, or poultry except Intensive Agriculture. This use may include retail sale of products from the farm site. Subsistence farming for personal use shall be excluded from this definition.
- ~~(e)(d)~~ **Cannabis Farm:** means as defined in Section 103.e.
- ~~(d)(e)~~ **Forestry.** Management, harvesting, and use of a forest or woodland area so that 80 % of the land is at all times in forest or woodland cover.
- ~~(e)(f)~~ **Greenhouse or Nursery.** The cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes. This use may include retail sale of plants grown on-site.

## Section 406 Residential Uses

Residential uses include:

- (a) **Accessory Apartment.** A complete, independent living facility either inside of or added to an existing single-family dwelling, or in an accessory building.
- (b) **Duplex.** A structure on a single lot containing two dwelling units. No more than one structure on a single lot measuring at least 400 square meters is permitted.
- (c) **Institutional Residential.** These uses include convents, monasteries, school dormitories, nursing homes, barracks, employee housing, sheltered care facilities, group homes, and rooming houses.
- (d) **Mixed Use.** This is a development that has a mix of residential and nonresidential uses and that is not a planned development.
- (e) **Mobile Home.** A mobile home includes a dwelling structure that is transportable in one or more sections; a structure, such as a shipping container, that was transportable at one time; and a recreational vehicle used as a dwelling unit.

- (f) **Multifamily or Apartment.** A structure containing more than one dwelling unit, each with toilet and cooking facilities, that is not a duplex or townhouse. More than one structure on a single lot is permitted.
- (g) **Planned Development.** This is a residential development that is planned as a unit with common open space and:
- (1) has more than 5 dwelling units/ or rooms;
  - (2) has multiple buildings (not including shelters, storage, or palapalas); and
  - (3) has a mix of single family and multifamily dwelling units or a mix of residential and nonresidential development.
- (3) (4) complies with requirements of section 605 (Multiple Buildings/ Large Lot developments).
- (h) **Protected Care Housing.** This is housing where the residents are assigned to the facility and are under the protective care of the CNMI government. It includes a jail, prison, or work release facility but does not include an emergency shelter.
- (i) **Residential Accessory Building.** This is a building or use that contributes to, and is secondary to, the comfort, convenience, and necessities of the residents of the principal residential building or use.
- (j) **Single-Family Dwelling.** The use of a single lot with minimum lot area of 400sm for one single-family detached dwelling unit with open yards on all sides, excluding a mobile home.
- (k) **Townhouse/ Condominium.** A structure located on a single lot with two or more dwelling units that are have two stories or more floors and attached by a party wall to one or more other dwelling units, each on its own lot. For the avoidance of doubt, condominiums are considered townhouses for the purposes of this law.

## Section 407 Home Based Business Uses

Home based business uses include:

- (a) **Home Business.** This refers to a business that:
- (1) Is conducted within a dwelling by members of the immediate family that reside in the dwelling
  - (2) Has no more than one outside employee;
  - (3) The primary use of the home shall be as a residence;
  - (4) Involves no alteration of the exterior of the structure except play equipment or fencing;
  - (5) Has no effect on the general character of the neighborhood;
  - (6) Offers no specialized service to groups of more than 5 persons except a home day care may serve up to 6 children; and
  - (7) Offers no goods bought for the express purpose of resale.

Typical home business uses are music or dance lessons, hair care, day care, art studio, professional office, and making baked goods, but not outdoor shows. Where there are no external changes to the home and no sales or customers at the home, no zoning approval shall be required. A home in a village residential neighborhood shall not be used as a commercial warehouse or solely for storage.

- (b) **Cottage Industry.** This refers to an office, commercial, industrial or intensive use that: is conducted on a lot with a residential dwelling unit; employs up to six in addition to family members; involves no outdoor storage; involves no more than one vehicle that may be a light truck. Typical uses are agriculture, light automotive repair, septic system service, well service, carpentry, upholstery, woodworking, and other similar uses.



## Section 408 Hotels, Restaurants, Adult Uses

(a) **Adult Business** means as defined in Section 103.

(b) **Adult Viewing Booth** means as defined in Section 103.

(c) **Bed and Breakfast.** A transient lodging establishment in a single-family dwelling or up to 10 detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and serves breakfast at no extra charge to these guests.

~~(e)~~(d) **Cannabis Lounge** means as defined in Section 103.

~~(d)~~(e) **Evening Entertainment.** A bar or nightclub except an Adult Business. An establishment primarily engaged in the sale of alcoholic beverages in a ready-to-consume state. Bars and nightclubs may include live bands, other music, and dancing as well as games of skill such as pool or darts for use by the patrons of the establishment.

~~(e)~~(f) **Adult Gambling Machine Business.** means as defined in Article 1.

~~(f)~~(g) **Hotel/ Motel.** An establishment providing guest rooms for lodging, typically on a less than weekly basis, with no or minimal kitchen facilities in the guest units. Guest units may be reached either from a common entrance or directly from the outside of the building. Accessory uses may include, but are not limited to, utility uses, restaurants, retail sales and service, offices, public and civic uses, and recreational uses. For the avoidance of doubt, guest houses not meeting the definition of Bed & Breakfast in subsection (c) are considered "Hotel/ Motel" uses under this law.

~~(g)~~(h) **Restaurant, Drive-Through.** An establishment where the principal business is the sale of food and beverages to the customer in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-through restaurant.

~~(h)~~(i) **Restaurant, General.** An establishment where the principal business is the sale of food and beverages in a ready-to-consume state or to cook on the premises. This use includes restaurants, cafeterias, delicatessens, retail bakeries, snack bars, coffee shops, donut shops, and ice cream parlors. This use may include the consumption of alcoholic beverages as a secondary use, but excludes a drive-through restaurant.

## Section 409 Office Uses

Office uses include executive, management, administrative, financial, document handling, insurance, real estate sales or rental, or other professional services, and dispatching offices. Offices may include incidental retail sales.

## Section 410 Retail Sales and Service Use

Retail sales and service uses include:

(a) **Catering Service, Commercial, Social or Home.** A business, other than a home business, that provides food and incidental service for an event, social affair or private dwelling. This use also includes small-scale preparation of food for transport and sale at other locations, such as retail stores or food stalls.

(b) **Funeral Home.** An establishment engaged in preparing the human deceased for burial, and arranging and managing funerals. Funeral homes may include crematories.

(c) **Mom and Pop Grocery Store.** A business that is independently owned and operated in a single location. Rather than being part of a national chain, the mom and pop store offers a shopping alternative to consumers who wish to deal with businesses established by members of the community. Mom and Pop stores are also characterized by having few employees, doing a relatively small amount of business, and not being predominant in their "area of operation." A Mom and Pop grocery store shall not contain more than 900 square feet of floor space.

(d) **Medical Supplies.** Items necessary for the treatment of an illness or injury. These

1 include non-durable disposable health care materials ordered or prescribed by a physician,  
 2 which is primarily used to serve a medical purpose.

3 ~~(d)~~(e)**Parking, Commercial.** This use includes buildings or other structures and paved  
 4 areas that provide temporary parking for motor vehicles for profit, where some or all of the  
 5 spaces are not accessory to another principal use.

6 ~~(e)~~(f)**Personal Service.** An establishment primarily engaged in the provision of frequently  
 7 or recurrently needed services of a personal nature; or the provision of informational,  
 8 instructional, personal improvement or similar services, which may involve the limited  
 9 accessory sale of retail products. Typical uses include:

- 10 (1) Barber, beauty shops
- 11 (2) Art, dance, music schools
- 12 (3) Health/fitness centers/spas that are not adult businesses
- 13 (4) Driving schools
- 14 (5) Licensed therapeutic massage studios
- 15 (6) Internet Cafes

16 ~~(f)~~(g)**Other Retail Sales.** Typical uses include:

- 17 (1) Automobile sales with or without repair service
- 18 (2) Dry cleaning, Laundromats
- 19 (3) Auto rental including service for rental vehicles that would be allowed under "gas  
 20 station, light repair".
- 21 (4) Copy centers, small print and sign shops
- 22 (5) Pawn shops
- 23 (6) Sale of lumber, construction, or building materials
- 24 (7) Construction equipment sales, rental
- 25 (8) Moving truck, van and trailer sales, rental
- 26 (9) Farm equipment and machinery sales, rental
- 27 (10) Repair of air conditioners, small electronics and appliances.
- 28 (11) Clothing, jewelry, shoes, sporting goods
- 29 (12) Hardware, appliances, computers, audio and electronic equipment
- 30 (13) Grocery or convenience items
- 31 (14) Books, magazines, newspapers, periodicals
- 32 (15) Gifts, toys, novelties, greeting cards
- 33 (16) Flowers and floral arrangements
- 34 (17) Pharmaceuticals
- 35 (18) Sale and installation of automobile audio and electronic equipment
- 36 (19) Dive shop
- 37 (20) Auto rental office without garage services for rental vehicles.

38 (21) Cannabis retail

39 ~~(g)~~(h)**Self-Service Storage.** An enclosed storage facility of a commercial nature containing  
 40 independent, fully enclosed bays that are leased to persons exclusively for storage of their  
 41 household goods or personal property.

42 ~~(h)~~(i)**Gas Station, Light Repair**

- 43 (1) An establishment primarily engaged in the retail sale of gasoline or other  
 44 motor fuels that may include the sale of convenience retail items, and/or
- 45 (2) An establishment engaged in maintenance operations such as: changing  
 46 oil/filter or other fluid, vehicle inspection, light engine tune-up or repair;  
 47 steering or suspension repair; tire service; brake service; air conditioning  
 48 service; electrical repair; or "trim" work (for example: the changing of lights,  
 49 lens, door handles, window regulators and glass) that also meets the following  
 50 requirements:

- 51 (A) The lot size is at least 1,000 sm;



- (B) All work is completed in fully enclosed bays;
- (C) No body repairs, painting, rust proofing or undercoating;
- (D) No storage of vehicles that not being actively repaired;
- (E) All vehicles have current registration with the Department of Motor Vehicles; and
- (F) No overnight storage of more than 8 vehicles

(3) Gas Stations and Automotive Light Repair operations shall be screened from adjoining properties zoned Village Residential or Rural. Screening shall consist of appropriate vegetation or fencing.

(4) Light Carwashing – minor carwash activities which include handwashing.

**(4)(j) Vehicle Repair, General.** An establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles and trucks, paint and body work. Typical uses include automobile repair garages, vehicle inspection centers, paint and body shops, automobile tune-up stations, automotive glass shops, quick lubes, automotive car washing and detailing, and muffler shops. This use does not include overnight storage of a vehicle that is not being actively repaired or that is not currently registered with the Department of Motor Vehicles. General Vehicle Repair businesses shall be screened from adjoining properties zoned as Village Residential, Village Commercial, Rural, or Mixed Commercial. Screening shall consist of appropriate vegetation or fencing.

## Section 411 Public and Civic Uses

Public and civic uses include:

- (a) **Assembly Hall.** The principal use of a site or facility owned and/or operated for social, educational, or recreational purposes. Typical uses include but are not limited to nonprofit fraternal organizations and union halls and for-profit facilities for weddings, receptions, private parties, conventions, educational/informational workshops, and classes.
- (b) **Cemetery.** Land used or intended to be used for nonprofit or commercial burial, whether human or animal, including a mausoleum, or columbarium.
- (c) **Church or Place of Worship.** A site and its buildings used primarily for religious worship and related religious services by a tax-exempt religious group. Churches may include staff housing and cemeteries belonging to and operated by the church. Churches shall not include day care facilities, pre-schools, schools or homeless shelters, unless they are approved as a separate use.
- (d) **Day Care Facility.** An establishment that provides non-medical daytime care or services for three or more persons on a daily or regular basis for less than 24 hours a day, but not overnight. Day care facility includes a child care facility and a day care facility for adults but not a day care that is a home business.
- (e) **Government Service.** A buildings or facility owned or operated by a government entity that provide a service for the public, excluding utility and recreational service. Typical uses include administrative offices of government agencies, post offices, public libraries, and police and fire stations.
- (f) **Hospital.** A facility that maintains and operates organized facilities for medical or surgical diagnosis or procedures; care, including emergency overnight and outpatient care; and treatment of human illness which meets the minimum standards of hospital certification regulations promulgated pursuant to title XVIII of the Social Security Act, United States Code, title 42, section 1861, et seq. A helipad shall be considered an accessory use for a hospital.



- (g) **Medical Clinic.** A small private or public health facility that is devoted to the care of persons residing at the facility for periods less than 24 hours. Medical clinics typically occur in more of a community setting than larger hospitals, which treat persons who reside at the facility for periods longer than 24 hours. Medical clinic usually contain offices for medical professionals.
- (h) **School, Private.** A private for-profit or nonprofit institution of learning that conducts regular classes and courses of study required for accreditation by the CNMI as an elementary, secondary, or post-secondary school or that offers regularly scheduled vocational instruction in technical, commercial, or trade skills.
- (i) **School, Public.** A public institution of learning that conducts regular classes and courses of study.
- (j) **Veterinary Clinic or Hospital.** An establishment primarily engaged in providing medical care and treatment for animals.

## Section 412 Recreational Uses

Recreational uses include:

- (a) **Amusement, Indoor.** An establishment offering entertainment or games of skill to the general public for a fee or charge where the activity takes place indoors. Typical uses include bowling alleys, indoor sports arenas, movie theaters, cockfighting, video arcades, pool halls, shooting arcades, indoor swimming pools and racquet clubs but not Adult Businesses.
- (b) **Amusement, Outdoor.** An establishment offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, excluding golf courses and public parks. Typical uses include archery ranges, athletic fields, batting cages, cultural shows, golf driving ranges, swimming pools, tennis courts, shooting ranges, and music arenas.
- (c) **Amusement, Outdoor Intensive.** An establishment that offers more "intense" outdoor activities than those listed in the Amusement, Outdoor category. Typical uses include rental of all terrain vehicles or motorcycles, miniature golf courses, water slides, racing facilities, carnivals, and amusement parks, shooting ranges.
- (d) **Arena, Auditorium, or Stadium.** An open, partially enclosed or fully enclosed facility primarily used or intended for commercial spectator sports or entertainment. Typical uses include convention or exhibition halls, sports arenas, and amphitheaters.
- (e) **Golf Course.** A facility providing a private or public golf recreation area designed for executive or regulation play along with a golf support facility. Golf course does not include a miniature golf facility.
- (f) **Park, Active.** A park that provides opportunities for active recreational activities to the general public. Typical uses include ball fields, boat launching ramps, recreational marinas, jogging trails, exercise areas, or playgrounds.
- (g) **Park, Passive.** A public or private outdoor recreational use relying on a natural or man-made resource base that is developed with a low intensity of impact on the land. Typical uses include beaches, trail systems, botanical gardens, museums, interpretive centers, cultural centers, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relates to the natural qualities of the area, and support facilities for such activities. Support facilities may include pavilions and caretakers' quarters.
- (h) **Zoo/Aquarium.** A public park or large enclosure where live terrestrial or aquatic animals are kept for display to the public.

## Section 413 Industrial Uses



Industrial uses include:

- (a) **Airport.** Any public or privately owned or operated ground facility designed to accommodate landing and take-off operations of general aircraft including helicopters.
- (b) **Asphalt or Concrete Plant.** An establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic cement, cement or concrete products.
- (c) **Contractor's Office and Storage Yard.** A permanent office and accessory storage facility used by building trade and service contractors on land other than construction sites.
- (d) **Mining.** This use includes extracting or obtaining coral, minerals, sand, gravel, rock, aggregate, clay, or similar materials from an excavation in the earth for financial gain including selling extracted materials or using them for the benefit of a construction business. This includes uses customarily incidental, appropriate, and subordinate to mining and located on the same site, such as: stockpiling, sorting, screening, washing, crushing, batching, recycling of concrete, asphalt, and related construction materials; maintenance facilities, and contractors' service and storage yards; and concrete products manufacturing that make use of the products produced from the subject mining site. The following uses or activities are not considered to be mining.
  - (1) Excavation for a swimming pool.
  - (2) Maintenance dredging or reconstruction of an existing channel or intake and discharge structure.
  - (3) Small lily ponds, goldfish ponds, reflecting ponds, and other small ornamental water features with a maximum depth of 6 ft and lined with impervious material.
  - (4) Excavation for the placement of a septic tank and leaching field.
  - (5) Extraction and removal of material from a construction site.
  - (6) Restoration of land to its prior condition following a flood, landslide or natural disaster.
- (e) **Gas and Fuel, Wholesale.** The use of land for bulk storage and wholesale distribution of 2,500 or more gallons of flammable liquid, or 2,000 or more gallons (water capacity) of flammable gas. This use excludes below-ground storage that is clearly accessory to the principal use on the site.
- (f) **Helipad or Helipad.** An area used for landing or take-off of helicopters, including all of the area or buildings that are appropriate to accomplish these functions, including refueling.
- (g) **Junkyard.** This use includes commercial storage (except in a fully-enclosed building with an impervious floor) of: a vehicle, equipment or machinery that is not actively being repaired (including an automobile, motorcycle, boat, truck, or tractor); part of a vehicle; or scrap metal not being prepared for recycling.
- (h) **Manufacturing and Processing.**

Manufacturing and processing include uses described in this Section.

  - (1) An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including: processing, fabrication, assembly, treatment, and packaging of such products; and incidental storage, sales and distribution of such products. Typical uses include:

- (A) Garment manufacture
- (B) Food processing and beverage bottling
- (C) Large-scale baking
- (D) Woodworking and cabinetmaking
- (E) Machining, sheet metal work, welding
- (F) Dry cleaning and laundry services for customers who drop-off and pick-up at a different location
- (G) Electronics assembly
- (H) Pharmaceuticals
- (I) Printing and publishing
- (2) A facility designed and used for receiving, separating, storing, converting, baling or processing non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as chipping and mulching.
- (i) **Microbrewery.** A facility for the production and packaging of malt beverages of low alcoholic content for retail or wholesale distribution and with a capacity of not more than 6,000,000 12-ounce bottles per year. The development may include other uses such as a general restaurant or evening entertainment as otherwise permitted in the zoning district.
- (j) **Seaport.** Marine terminals and cargo handling facilities, including bulk fuel storage at the port area, ferry terminals, commercial moorage facilities, and commercial passenger terminals.
- (k) **Warehousing and General Wholesaling.**
  - (1) An establishment primarily engaged in the storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include
    - (A) Motor freight transportation
    - (B) Moving and storage facilities
    - (C) Cold storage
    - (D) Warehousing or dead storage facilities
  - (2) An establishment primarily engaged in the display, storage, distribution and sale of goods to other firms for resale, but excluding gas and fuel.
  - (3) This use does not include self-service storage facilities, office-warehouse combinations or wholesaling outlets whose appearance resembles a retail or office use.

## Section 414 Utility Uses

Utility uses include:

- (a) **Communication Tower, Standard.** AM/FM radio, television, microwave, digital or cellular telephone transmission or reception towers, and accessory equipment and buildings, that are not designed to be stealth towers. The height requirement for each Zoning District shall be applied.
- (b) **Communication Tower, Stealth.** Commercial transmission and reception towers and accessory equipment and buildings designed to appear like trees, flag poles, or similar uses, or those that are designed to be an integral part of another permitted structure such as an existing building, water tower, church steeple. These towers shall not be situated on building rooftops unless screened from public view using decorative materials approved by the Administrator. The distance between each towers shall be a minimum of 250ft. The total height of the tower from ground level shall not exceed 40ft or the height requirement for the zoning district, whichever is less.



- (c) **Energy Facility, Nonrenewable.** The use of land for generation of power for commercial purposes from a nonrenewable energy resource. This shall not include on-site power generation for a specific business which shall be classified as an accessory use and meet any requirements related to the principal use.
- (d) **Energy Facility, Renewable.** The use of land for generation of power for commercial purposes from a renewable energy resource. This use shall not include a small wind energy system which shall be treated as an accessory use and meet any requirements related to the principal use.
- (e) **Sanitary Landfill.** A disposal facility employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards.
- (f) **Transfer station.** A publicly owned or franchised facility designed and used for collecting and temporarily storing organic or recyclable material and/or household solid, non-hazardous waste.
- (g) **Utility, Minor.** Elements of utility distribution, collection, or transmission networks that are required by their nature to be relatively dispersed throughout the service area. Typical uses include: substations; transformers, water towers and tanks; and sewage lift stations.
- (h) **Water or Wastewater Plant.** Central treatment system for drinking water or wastewater.

## Section 415 Temporary Uses

- (a) **Temporary use** means a use:
- (1) Established for a fixed period of time;
  - (2) With the intent to discontinue such use upon the expiration of such time and;
  - (3) That does not involve the construction or alteration of a permanent structure.
- (b) **A temporary use does not include:**
- (1) A garage or rummage sale not exceeding 14 days (2 weeks) per event
  - (2) A contractor's office, equipment storage shed, or portable lavatory on the site of a permitted active construction project
  - (3) A special event for a period not exceeding 28 days (4 weeks)
- (c) **Temporary uses include:**
- (1) **Special Event** for a period exceeding 28 days (4 weeks). This event may include, but is not limited to, outdoor concert, auction, fiesta, carnival, outdoor religious meeting, rodeo, special entertainment at a commercial property, and bake sale. Included is a profit or nonprofit group that travels around with the event to different communities, and a commercial operation that provide additional outdoor entertainment for their patrons.
  - (2) **Roadside Merchandise Stand.** A temporary structure or vehicle used for the sale of locally grown produce, locally caught fish, souvenirs, beverages, snacks, or locally made handicrafts.
  - (3) **Video or Movie Production.** This is a temporary structure or vehicle used in the production of either commercial video or motion picture films.
  - (4) **Construction Materials Yard/ Staging areas.** This is an area for the temporary off-site storage of construction materials for a permitted building development or public facility.
  - (5) **Temporary Batch Plant.** This is a batch plant for asphalt or concrete for a public or private construction project. A temporary batch plant shall only be permitted to operate for 45 days. An applicant may seek an extension of the 45 day time limit from the Zoning Administrator for good cause shown.

The Zoning Administrator shall:

- (i) minimize noise nuisance by limiting the hours of operation, as appropriate;
- (ii) Locate the plant as far from residential areas as is feasible;
- (iii) limit the height of any structure to the minimum height necessary for effective operation;
- (iv) limit ground visibility of stored equipment and materials; and
- (v) minimize dust and debris at the site.



**SAIPAN  
ZONING DISTRICTS:**

- 1) Agricultural
- 2) Rural
- 3) Village Residential
- 4) Village Commercial
- 5) Mixed Commercial
- 6) Industrial
- 7) Garapan Core
- 8) Garapan East
- 9) Beach Road
- 10) Tourist Resort
- 11) Public Resource
- 12) Adult Business Park

## Article 5. Zoning District Purposes and Requirements

### Section 501 Purpose and Applicability

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

### Section 502 Agricultural (AG) Zoning District

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

### Section 503 Beach Road (BR) Zoning District

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



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

- (1) Lot area (min): 500 sm.
- (2) Lot width (min): 50 ft.
- (3) Front yard setback: Buildings shall be set back sufficiently to allow a 6-foot-wide sidewalk with a 6-foot-wide planting strip. If possible, the sidewalk and landscaped strip will be located on public ROW (see Figure 1).
- (4) Rear yard setback (min): 15 ft.
- (5) Side yard setback (min): 5 ft.
- (6) Height. The maximum height of a structure in the district shall be 35 25 ft, with the following exception. The maximum height may be increased to six stories (70 ft max) if at least one third of the street frontage facing Beach Road and the side yard are left vacant (see Figure 2).

(e) Site Design

(1) **Intent**

- (A) To upgrade the quality of the western beach area.
- (B) To enhance the streetscape by minimizing the amount of driveway and parking areas visible from the street and sidewalk.
- (C) To enhance the appearance of highly visible sites.

(2) **Requirements**

- (A) Article 9 parking and road access requirements shall apply except that accessing more than one stall per property directly from Beach Road is prohibited (no head-in parking directly from Beach Road).
- (B) A project fronting on Beach Road shall include the construction of a sidewalk at least 6 ft wide and Type B landscaping (see Section 804) between the sidewalk and a street. The project shall also include the installation of street lights. The walk, lights and plantings shall meet the Board's and Department of Public Works' specifications.

(f) **Building Design Requirements**

(1) **Intent**

- (A) To create an attractive visual experience in traveling on Beach Road and the beach walk.
- (B) To make businesses inviting.
- (C) To upgrade the area's visual image and make it attractive for higher quality residential and commercial development

(2) **Requirements**

- (A) A building fronting Beach Road shall feature either a pedestrian-oriented facade (see definition in Article 1 and example in Figure 3) or Type B landscaping (see Section 804) between the sidewalk and building.
- (B) A residential unit located on the ground floor shall be elevated at least 3 ft above the sidewalk or set back from the public ROW at least 10 ft in order

to protect the privacy of the residents.

(g) **Landscaping Design**

(1) **Intent.** To mitigate the appearance of parking lots on the streetscape.

(2) **Requirements**

Type B landscaping (see Section 804) at least 440 ft wide shall be provided between a public right-of-way and a parking area or outdoor storage or sales (see Figure 4)

(h) **Residential Requirements**

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

(2) **Requirements**

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

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

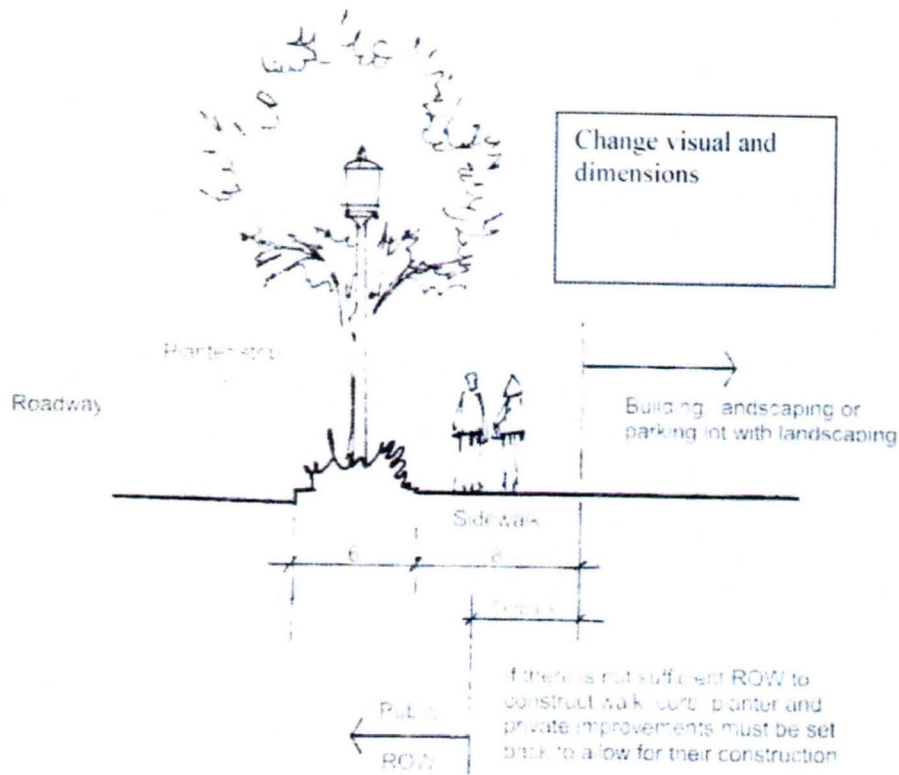
(C) Fences within view of the public may not be constructed of chain link.

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

(i) **Other Requirements.** Meet all other requirements of this Law, except as they contradict



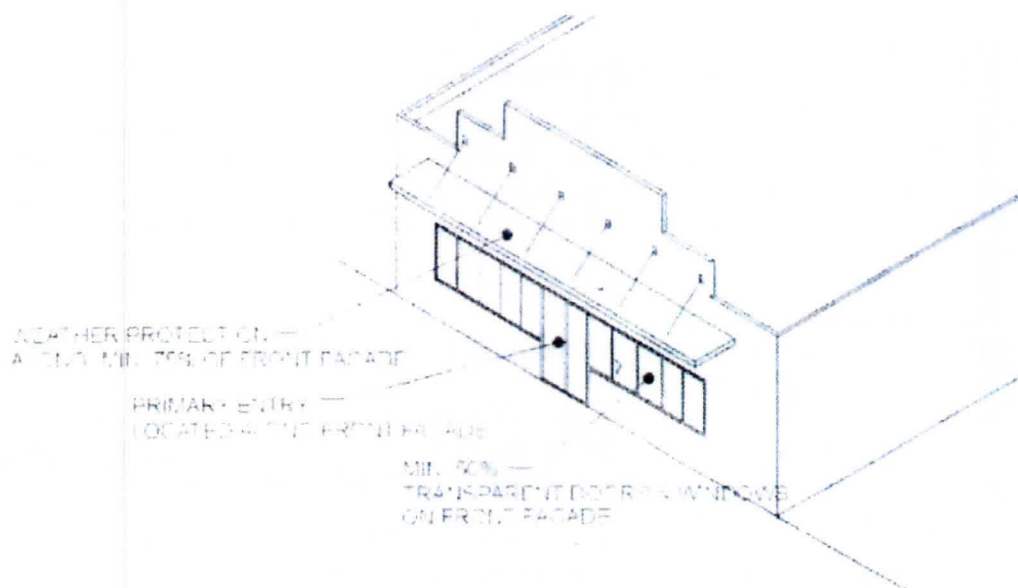
the provisions of this Section.



**Figure 1. Illustration of setback to allow construction of a sidewalk and planting strip**



**Figure 2. Illustration of building height options for the Beach Road Zoning District**



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



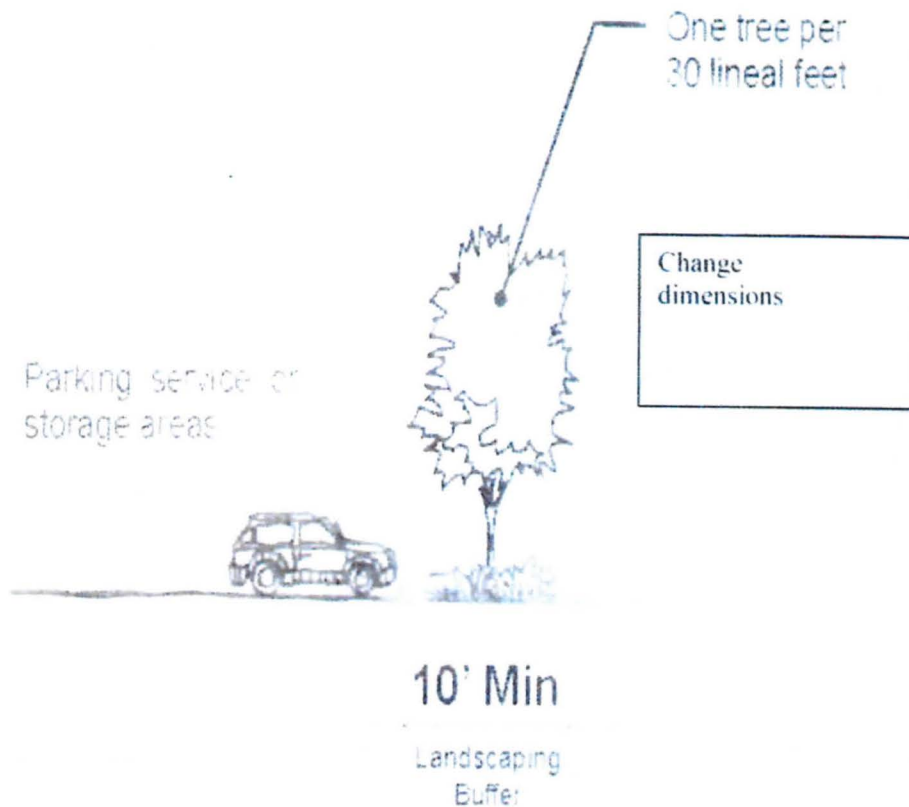


Figure 4. Illustration of requirements for landscaping between a street and parking lot

## Section 504 Garapan East (GE) Zoning District

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

frontage facing the public street are left vacant (see Figure 2).

(c) **Site Design Requirements**

(1) **Intent**

- (A) To allow larger scale mixed use development in which the scale is compatible with the Garapan Core and with surrounding neighborhoods.
- (B) To enhance the streetscape by minimizing the amount of driveway and parking areas visible from the street.
- (C) To enhance the appearance of highly visible sites.
- (D) To ensure that proximate uses are visually and functionally compatible.
- (E) To create a physical attraction that provides a unique setting for the community and supports visitor based activities in Garapan's core.

(2) **Requirements for Pedestrian-Oriented Street Frontage**

- (A) No more than 50% of the linear street frontage for any development shall be occupied by driveways and/or parking areas facing pedestrian-oriented streets (see definitions in Article 1).
- (B) The ground floor of a building shall be set back sufficiently to allow a 6 ft-wide walkway. The walkway shall be constructed by the applicant.

(f) **Parking.** The requirements of Article 9, shall apply except that parking lots shall not front on or access from pedestrian-oriented streets unless the Board finds there is no feasible alternative.

(g) **Large Site Development Requirements.** The provisions of Section 605 shall apply to all lots and developments of 5,000 sm or more in the Garapan East Zoning District.

(h) **Building Design Requirements**

(1) **Intent**

- (A) To encourage pedestrian activity.
- (B) To make businesses inviting.
- (C) To add comfort and interest to the pedestrian along the street front.

(2) A nonresidential building abutting a pedestrian-oriented street shall feature a pedestrian-oriented facade (see definition in Article 1) or Type B landscaping (see Section 804) between the sidewalk and building. The Board may waive this requirement if it finds that objectives of this Section would be better achieved if the primary entry and facade of the building faces an open space, public pathway system or other portion of the development.

(i) **Landscaping Design Requirements**

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

(2) **Requirements**

- (A) Type B landscaping (see Section 804) at least 46 ft wide shall be provided between a public ROW and a parking area (see Figure 5).
- (B) A new building shall provide landscaping to enhance the development and add greenery to Garapan. At least 2% of the property shall be landscaped or at least 1 square foot of building planter area or planting for vines provided for each linear foot of street frontage. The landscaping shall include street trees no more than 30 ft on center with a planting strip or tree wells as needed to maintain the trees. The trees shall be at least 2" caliper



(diameter, as measured 3' above grade).

(j) **Residential Requirements**

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

(2) **Requirements**

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

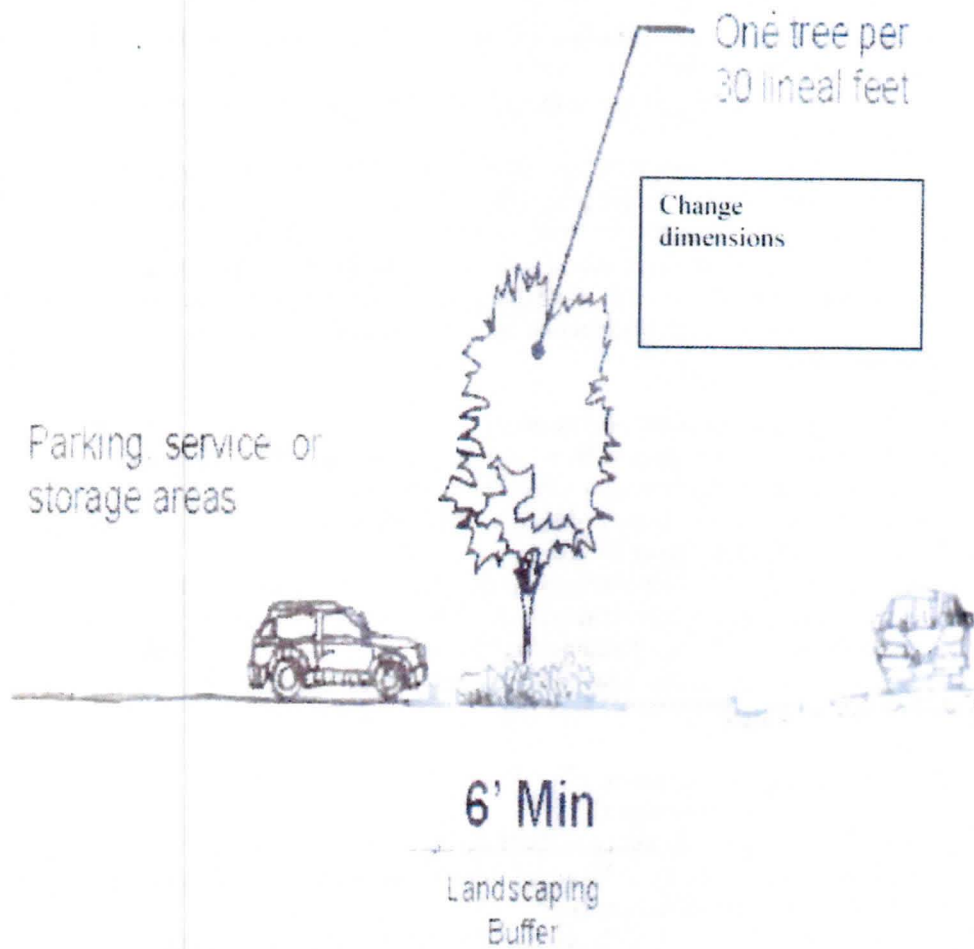
(B) Fences in front yards shall be limited to a height of four (4) feet.

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

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

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

the provisions of this Section.



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

### Section 505 Garapan Core (GC) Zoning District

- (a) **Purpose.** The primary purpose of the Garapan Core Zoning District (GC) is to combine business, cultural and civic activities into a cohesive community focal point that promotes pedestrian usage.
- (b) **Allowed Uses.** Uses allowed in the Garapan Core Zoning District (GC) are indicated in Section 404.
- (c) **Bulk and Dimensional Requirements** (residential and nonresidential)
  - (1) **Lot area and width:** None
  - (2) **Setbacks.** No setbacks are required in the district except to allow for a sidewalk



as described in Article 5 Section 505(d). However, the applicant shall demonstrate there is sufficient space for trade and service areas, parking, and other outdoor activities necessary on the site. Note that building safety code setbacks shall still apply.

- (3) **Height.** The maximum height of structures in the district shall be 55 35 ft with the following exceptions:
- (A) The maximum height may be increased by 10 ft for every story of structured parking.
  - (B) A permanent or semi-permanent canopy or shelter may be constructed above the allowable height (see Figure 6) if approved by the Administrator or the Board. The applicant shall present engineering drawings demonstrating that the structure will be safe and not pose a maintenance problem. The intent of this provision is to encourage outdoor uses of building roofs and to shade roofs, thereby reducing thermal gain.

(d) **Site Design Requirements**

(1) **Intent**

- (A) To upgrade the identity of downtown Garapan.
- (B) To enhance the streetscape by minimizing the amount of driveway and parking area visible from the street in downtown.
- (C) To enhance the appearance of highly visible sites.

(2) **Pedestrian-Oriented Street Frontage**

- (A) The ground floor of a building on pedestrian-oriented streets shall be set back sufficiently to allow the construction of a 4 ft-wide walkway.
- (B) Development of a new building shall include the construction of sidewalks with street trees and/or lights to the Board's specifications.

(e) **Building Design Requirements**

(1) **Intent**

- (A) To encourage pedestrian activity downtown.
- (B) To make businesses inviting.
- (C) To add comfort and interest to the pedestrian along the street front.

(2) **A building fronting on a public street** shall feature a pedestrian-oriented facade (see definition in Article 1).

(3) **A residential unit** located on the ground floor shall be elevated at least 3 ft above the sidewalk or set back from the public ROW at least 10 ft in order to protect the privacy of the residents.

(4) **Entry Locations.** Within the Garapan Core District, certain locations serve as entry points into the district. Development of a property at an "Entry Location" should include elements suggesting an entry or gateway. Examples include a clock tower, turret, or other architectural feature, a kiosk, a corner entry, signage, landscaping, public art, or other feature that contributes to the demarcation of the area. The Entry Locations are the intersections of:

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

(f) **Landscaping Design Requirements**

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

(2) **Requirements**

- (A) Type B landscaping (see Section 804) at least 4 ft wide shall be provided

1 between a street and a parking lot (see Figure 8).

- 2 (B) A new building shall provide landscaping to enhance the development and  
3 add greenery to Garapan. At least 2% of the property shall be landscaped  
4 or at least 1 sf of building planter area or planting for vines provided for  
5 each linear foot of street frontage. The landscaping shall include street  
6 trees no more than 30 ft on center with a planting strip or tree wells as  
7 needed to maintain the trees. The trees shall be at least 2 inches caliper  
8 (diameter, as measured 3 ft above grade).

9 (g) **Residential Requirements**

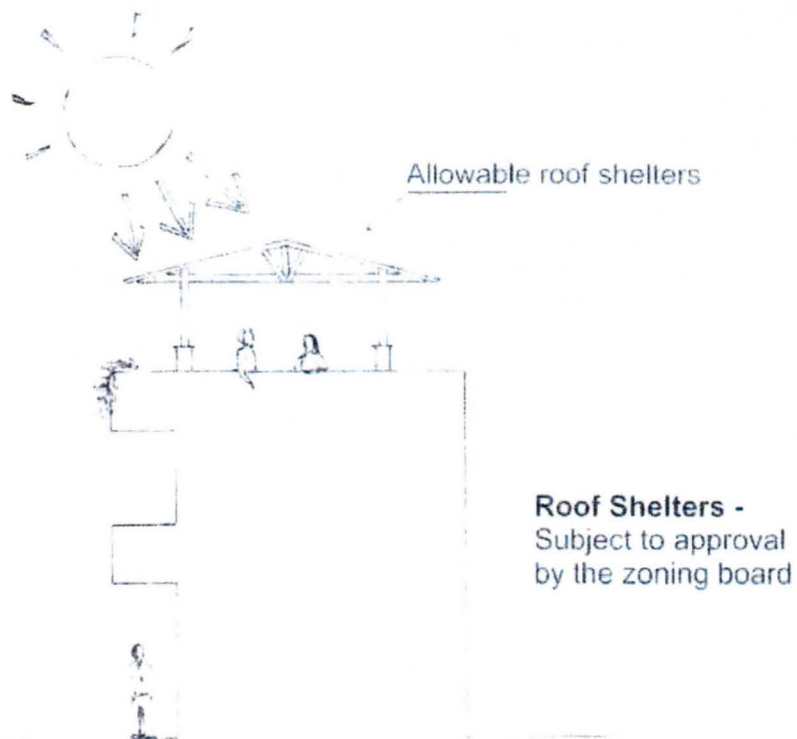
- 10 (1) **Intent.** To ensure that zoning districts located primarily in tourist-concentrated  
11 areas provide a neat and inviting appearance to those guests who support the  
12 tourism industry in the Commonwealth. These requirements shall be in addition to  
13 all other requirements for residential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

14 (2) **Requirements**

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



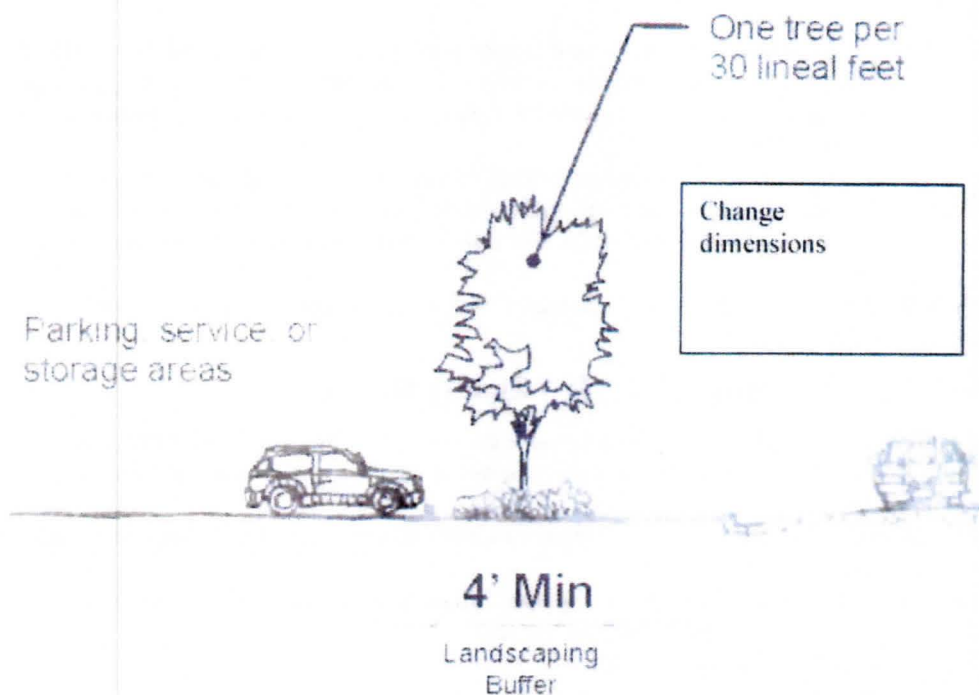
- out of view from the general public.
- (h) **Other Requirements.** Meet all requirements of this Law, except as they contradict the provisions of this Section.



*Figure 6. Allowable roof structure to shade a roof*



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



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

## Section 506 Industrial (IN) Zoning District

- (a) **Purpose.** This district protects and promotes economic development by reserving and protecting areas that have particular suitability for industry while controlling effects on



adjoining communities.

(b) **Allowed Uses.** Uses allowed in the Industrial Zoning District are indicated in Section 404.

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

(d) **Bulk and Dimensional Requirements.**

(1) Front yard setback: Three (3) feet.

(2) Side yard setbacks: Three (3) feet.

(3) Rear yard setback: Three (3) feet.

(4) Height: (max) 50 feet. It may be increased up to 90ft if adjoining lot is an Industrial zone.

Any building safety code setbacks, that are greater than three (3) feet, shall take precedent.

(e) **Site Design Requirements.** Site design requirements of Section 605 to Section 606 do not apply unless the Board determines that the proposed development would create significant adverse impacts.

(f) **Building Design Requirements.** Building design requirements of Section 604 do not apply.

(g) **Landscaping Requirements**

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

(2) Land shall not be paved unless there is a demonstrated need or identified use for such a pavement.

(3) An industrial use, including a storage yard, parking, or chain link fence shall be screened from an arterial street with a strip, at least 40-5 ft wide, of Type A B landscaping or a strip, at least 20 ft wide, of Type C landscaping as described in Section 804.

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

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

### Section 507 Mixed Commercial (MC) Zoning District

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

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

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

(d) **Bulk and Dimensional Requirements**

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

(2) **Nonresidential:**

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

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

(C) Front and side yard setback: A three (3) foot building setback shall apply for front and side yards. Additional setback may be required for the construction of a sidewalk as described in Article 5, Section 507(e)(2).

The applicant shall demonstrate there is sufficient space for trade and service areas, parking, and other outdoor activities necessary on the site. Note that any building safety code setbacks, that are greater than three (3) feet, shall take precedent.

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

(E) Height (max): ~~48 ft except heights up to 60 ft may be allowed with a front, side, and rear yard setback of 30 ft.~~ The maximum height of structures in the district shall be 55 ft, with the following exception: The maximum building height may be raised to 70 ft if the building includes structured parking and if at least one third of the street frontage facing the public street are left vacant (see Figure 2).

**(e) Landscaping Requirements**

- (1) The landscaping requirements of Article 8 apply unless they conflict with provisions of this Section.
- (2) Construct a sidewalk at least 6 ft wide and a curb with street trees spaced no more than 30 ft on center and a planting strip or tree wells as needed to maintain the trees. The trees shall be at least 2" caliper (diameter, as measured 3' above grade). The walk, curb, and plantings shall be according to the Zoning Board's and Department of Public Works' specifications.
- (3) Type A or B landscaping (Section 804) at least 46 ft wide shall be provided between a public right-of way and a parking area.

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

**Section 508 Public Resource (PR) Zoning District**

- (a) **Purpose.** This district is intended to protect government-owned lands, or private lands on request, that need special management due to their unique historic, health and safety, cultural, or ecological value or sensitivity, including:
  - (1) National parks
  - (2) CNMI parks
  - (3) Trails
  - (4) Beaches
  - (5) Public museums and cultural centers
  - (6) Major public tourist destination sites
  - (7) Public war memorials
  - (8) Public land areas of exceptional archaeological, historic or cultural value
  - (9) Ecologic resources such as habitat and wetlands
  - (10) Health and safety resources such as stormwater conveyances and water supplies
- (b) **Allowed uses** are indicated in Section 404. These areas should be developed in accordance with adopted management plans. Where no such plan is available, development should not have significant adverse impacts to the public resources in question.
- (c) **Accessory uses.** Uses necessary for the maintenance and enhancement of the public



resources including caretaker residences, maintenance and security facilities, etc.

(d) **Bulk and Dimensional Requirements:**

(1) Front yard setback: Three (3) feet.

(2) Side yard setbacks: Three (3) feet.

(3) Rear yard setback: Three (3) feet.

(4) Height: (max) 48 feet.

Any building safety code setbacks, that are greater than three (3) feet, shall take precedent.

(e) **Site Design Requirements**

(1) Site design requirements of Section 605 and Section 606 apply unless they conflict with provisions of this Section.

(2) The Board shall review all proposals with respect to their short and long term impact on the specific resources on the site. The Board may place additional conditions on any project to ensure that the public resources are conserved.

(f) **Marpi Area – Greater Planning Review.** Some permitted uses within the Public Resources Zoning District are directly prohibited north of Tanko Drive/Rakka Drive/Chalan Matuis Drive ( Map Sheets 5 & 7 ) due to the sensitivity of the Marpi area as a sanctuary and its importance as a tourist attraction ( See Section 404, Table 1 ).

(g) **Building Design Requirements**

(1) Building design requirements of Section 604 apply unless they conflict with provisions of this Section.

(2) The Board will review all proposals with respect to the design and construction quality of all buildings in the PR zoning district to ensure that the quality and character of the development is consistent with the nature of the public resource.

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

## Section 509 Rural (RU) Zoning District

(a) **Purpose.** This district is intended to:

(1) Maintain rural character and control development sprawl;

(2) Minimize the economic burden on the public of providing remote areas with public services, such as fire suppression, law enforcement, utilities, and recreation;

(3) Avoid danger to human health and safety in areas of extreme slopes, flood-prone areas, landslide, land movement or subsidence, or the effects of flooding or siltation on downhill properties;

(4) Preserve scenic views;

(5) Preserve areas for alternative energy development, such as wind farms;

(6) Prevent pollution of critical groundwater resources; and

(7) Prevent the loss of threatened or endangered species or their essential habitat.

(b) **Allowed Uses.** Uses allowed in the Rural (RU) Zoning District are indicated in Section 404 Table 1.

(c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar in

character, function and impact to the primary uses.

(d) **Bulk and Dimensional Requirements**

(1) **Residential** requirements are listed in Section 602.

(2) **Nonresidential** requirements are as follows:

(A) Lot area (min) 4,000 sm.

(B) Lot width (min) 200 ft.

(C) Front yard setback (min) 50 ft.

(D) Side yard setback (min) 50 ft.

(E) Rear yard setback (min) 50 ft.

(F) Height (max): 48 55 ft: The maximum building height may be raised to 80 ft if the building includes structured parking and employs 2 or more view corridors measuring at least 20% of the property's front yard width.

(e) **Landscaping.** The landscaping requirements of Article 8 apply except that healthy trees with a trunk diameter greater than 12 inches measured 4 ft above grade shall not be removed unless necessary for development of the proposed structure and site improvements. The Board shall allow removal of unhealthy trees or trees that demonstrably present a hazard. All reasonable measures should be taken to retain existing native vegetation unless there is a compelling reason to the contrary.

(f) **Marpi Area – Greater Planning Review.** Some permitted uses within the Rural Zoning District are directly prohibited north of Tanko Drive/Rakka Drive/Chalan Matuis Drive ( Map Sheets 5 & 7 ) due to the sensitivity of the Marpi area as a sanctuary and its importance as a tourist attraction ( See Section 404, Table 1 ).

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

## Section 510 Tourist Resort (TR) Zoning District

(a) **Purpose.** This district provides for tourist and resort uses and services and a full range of services and housing for employees.

(b) **Allowed Uses.** Uses allowed in the Tourist Resort Zoning District (TR) are indicated in Section 404.

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

(d) **Bulk and Dimensional Requirements**

(1) **Residential:** requirements are listed in Section 602.

(2) **Nonresidential** requirements are as follows:

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

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

(C) Front, side and rear yard setback (min): Same as for Beach Road zoning district except that buildings over 48 ft high shall be set back from the boundary of a VR zoning district by a distance at least equal to their height.

(D) Rear yard setback (min): 15 ft.

(E) Height (max): 160 ft.

(e) **Site Design Requirements**

(1) **Public Shoreline Access**

(A) Development of properties fronting directly on a shoreline shall leave a view corridor of open land with a width of at least 20% of the property width parallel to the shoreline or 30 ft wide, whichever is less, where the



shoreline will be visible from a public right of way.

(B) The developer shall include a publicly accessible trail at least 6 ft wide from a public ROW to the shoreline.

(C) The Board may consider and approve alternate means of providing physical and visual public access to the shoreline, such as a collective access trail between two properties, enhancing a neighboring street end, etc; provided that the public access measures provide comparable public shoreline access, as determined by the Board.

(2) **Parking.** A parking lot or driveway access point shall not be located adjacent to a street intersection unless the Board determines there is no feasible alternative.

(3) **Large Site Development Requirements.** The provisions of Section 605 shall apply to all lots and developments of 5,000 sm or more in the Tourist Resort zoning district.

(f) **Landscaping Requirements**

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

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

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

(g) **Residential Requirements**

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

(2) **Requirements**

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

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

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

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

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

## Section 511 Village Commercial (VC) Zoning District

(a) **Purpose.** This district provides basic commercial services to adjoining residential communities and accommodates low to medium density residential development. Development in this district is intended to be compatible with the pedestrian and family-friendly character of nearby residential neighborhoods.

(b) **Allowed Uses.** Uses allowed in the Village Commercial Zoning District (VC) are indicated in Section 404.

(c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar in

character, function and impact to the primary uses.

(d) **Bulk and Dimensional Requirements**

(1) **Residential requirements:** see Section 602.

(2) **Nonresidential requirements:**

(A) Lot area (min): 500 sm

(B) Lot width (min): 50 ft

(C) Front yard setback (min): 10 ft

(D) Side yard setback (min): None, except 15 ft is required if the side yard adjoins a VR zoning district.

(E) Rear yard setback (min): None, except 25 ft is required if the rear yard adjoins a VR zoning district.

(F) Height (max): ~~48~~35 ft, plus an additional 10 ft for structured parking.

(e) **Site Design Requirements**

(1) Site design requirements of Article 6 apply unless they conflict with provisions of this Section.

(2) The ground floor of buildings shall be set back sufficiently to allow an 8 ft-wide sidewalk to be constructed by the developer.

(f) **Landscaping Requirements**

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

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

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

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

## Section 512 Village Residential (VR) Zoning District

(a) **Purpose.** The purpose of this district is to promote a residential community environment that is quiet, safe, and family and pedestrian-friendly.

(b) **Allowed Uses.** Uses allowed in the Village Residential Zoning District (VR) are indicated in Section 404.

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

(d) **Bulk and Dimensional Requirements.**

(1) Residential requirements. See Section 602.

(2) Nonresidential requirements. Same as for the Village Commercial Zoning District.

(e) **Sign and Lighting Requirements.** Adhere to requirements of Article 10 except that commercial signs are not permitted in the VR zoning district. Provided, that a home business is permitted one non-electric sign no larger than 6 sq ft.

(f) **Landscaping Requirements.**

(1) Single family dwelling, townhouse, duplex, mobile home, Provide street trees spaced no more than 30 ft on center. The trees shall be at least 2 inch caliper



(diameter, as measured 3 ft above grade).

- (2) Residential uses not included in subsection (f)(1) of this section and all nonresidential uses. Same as for Village Commercial Zoning District.

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

### **~~Section 513 Adult Business Overlay (ABO) Zoning District~~**

- (a) **~~Purpose.~~** ~~This zoning district provides for the appropriate location of adult businesses. This Section provides requirements for adult businesses that locate within this district that are in addition to the requirements of the underlying district. If there is a conflict between the requirements of this Section and the requirements of the underlying zoning district, the requirements of this Section shall apply.~~
- (b) **~~Allowed Location.~~** ~~Adult businesses shall not be allowed anywhere except within an Adult Business Overlay Zoning District or within an Adult Business Park Zoning District.~~
- (c) **~~Establishment of ABO Districts.~~** ~~The Board shall recommend establishment of one or more ABO Districts.~~
- (d) **~~Placement of ABO Districts~~**
- (1) ~~ABO districts may cover all or part of one or more underlying zoning districts.~~
  - (2) ~~ABO districts shall:~~
    - (A) ~~Not be in tourism sensitive areas~~
    - (B) ~~Not be in close proximity to concentrated residential development;~~
    - (C) ~~Be in areas suited to commercial uses;~~
    - (D) ~~Blend into the existing character of development;~~
    - (E) ~~Provide easy access for law enforcement and fire control;~~
    - (F) ~~Be in areas with sufficient infrastructure; and~~
    - (G) ~~Not increase traffic beyond the capacity of the road system.~~
- (e) **~~Site Design Requirements~~**
- (1) ~~Site design requirements of Section 605 and Section 606 apply except the requested use at the proposed location shall be at least 500 ft (doorway to doorway) from any of the following that may exist as of the date of application for a permit:~~
    - (A) ~~Licensed day care centers;~~
    - (B) ~~Primary or secondary schools;~~
    - (C) ~~Churches or other places of worship;~~
    - (D) ~~Public parks, playgrounds, pools, recreational centers; and~~
    - (E) ~~Adult businesses.~~
  - (2) ~~Provided, that legally established Adult Businesses existing in an ABO Zoning District as of February 1, 2008 shall not be required to meet the above separation requirements.~~
- (f) **~~Building Design Requirements~~**
- (1) ~~Building design requirements of Section 604 apply except as they conflict with the requirements of this Subsection.~~
  - (2) ~~Advertisements, displays or other promotional materials depicting or describing specified anatomical areas, or specified sexual activities, or displaying instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities shall not be shown or exhibited so as to be visible from other areas open to the general public.~~
  - (3) ~~Except for a massage parlor, a building opening, entry and window for an adult~~

business shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult business from any area open to the general public.

- (4) Except for a massage parlor, an entrance to an adult business shall be clearly and legibly posted with a notice indicating that minors are prohibited from entering the premises.
- (5) A loudspeaker or sound equipment shall not be used by an adult business for the amplification of sound to a level discernable by the public beyond the walls of the building in which the adult business is conducted.
- (6) An off street parking area, walkway or building entry serving the adult business shall be illuminated during all business hours with a lighting system designed to provide a minimum maintained horizontal illumination of greater than one foot-candle of light on the parking surface and/or walkway. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the adult business for personal safety of its patrons. However, no uplighting shall be permitted.

**(g) Sign Design Requirements**

Signs for adult businesses shall meet all requirements of Article 10 except as they conflict with the requirements of this section.

~~(h) Other Requirements.~~ Meet all requirements of this Law, except as they contradict provisions of this Section

**~~Section 514 Adult Business Park (ABP) Zoning District~~**

- (a) **~~Purpose.~~** This zoning district provides for clustering of Adult Businesses in a manner that protects public health and safety and is compatible with the adjoining land uses.
- (b) **~~Establishment of ABP Zoning Districts.~~** The Board may recommend establishment of one or more Adult Business Park (ABP) Zoning Districts, consistent with the following requirements.
- (c) **~~Siting of ABP Zoning Districts.~~** ABP districts shall be sited so as to:
  - (1) Provide easy access to major roads and avoid routing additional traffic through neighborhoods;
  - (2) Be located so as not to interfere with the health, safety, or welfare of adjacent land uses; and
  - (3) Provide a high level of maintenance and security.
- (d) **~~Building and Sign Design Requirements.~~** Signs for adult businesses shall meet all requirements of Article 10 except as they conflict with the requirements of this section.
- (e) **~~Other Requirements.~~** Meet all requirements of this Law, except as they contradict the



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

*This page left blank.*

## Article 12. Nonconformities and Public Nuisances

### Section 1201 Purpose

- (a) Existing uses were established on Saipan before this Law was adopted or amended that now do not meet the requirements of this Law. There are four kinds of nonconformities: uses, structures, lots, and signs. The purpose and intent of this article is to regulate and limit the continued existence of the nonconforming uses.
- (b) It is the intent of this Law to permit these nonconformities to continue, until they are removed, but not to encourage their survival, except under the limited circumstances established in this Article. It is further the intent of this Law that improvements in nonconformities shall not be permitted. To preserve the integrity of this Law, the provisions of this Article are designed to discourage substantial investment in nonconformities.
- (c) This Article also eliminates public nuisance uses that are inconsistent with the character of the area and that may offer varying degrees of public nuisance or hazard to the surrounding community.

### Section 1202 Registration of Nonconformities.

- (a) As soon as reasonably possible after the effective date of this Law, the Administrator shall develop a register of all nonconforming uses, structures, and signs.
- (b) The burden of establishing that a nonconforming use, structure, or sign is permissible, as defined by this Law, shall be on the owner of the nonconforming use, structure, or sign and not on the Commonwealth.

### Section 1203 Nonconforming Uses

- (a) **Continuance of Nonconforming Uses.** Nonconforming uses are declared generally incompatible with this Law. Existing nonconforming uses may continue only in accordance with the provisions of this Section. The Board shall determine whether eliminating, or expediting elimination of, a nonconforming use is reasonable and may provide for amortization schedules for elimination.
- (b) **Enlargement or Expansion.** A nonconforming use shall not be enlarged or expanded in area occupied or in the volume of the structure except pursuant to this Section. Except, a nonconforming use may be enlarged in an area of the same structure which was built for such use prior to the date the use became nonconforming.
- (c) **Discontinuance or Abandonment.** If a nonconforming use is discontinued or abandoned for a period of more than 6 consecutive months, then such use may not be re-established or resumed. Government delay that caused discontinuance or abandonment shall toll the running of this period.

### Section 1204 Nonconforming Structures and Conforming Structures with Nonconforming Uses

- (a) **Continuance of Nonconforming Structures.** A nonconforming structure devoted to a use permitted in the zoning district in which it was located at the time of its construction may be continued only in accordance with this Section. The Board shall determine whether eliminating, or expediting elimination of, a nonconforming structure is reasonable and may provide for amortization schedules for elimination.



- (b) **Maintenance or Repair of Nonconforming Structures.** Normal maintenance or repair to permit continuation of a nonconforming structure may be performed. The volume of the structure existing as of the date it became nonconforming shall not be increased.
- (c) **Maintenance or Repair of Structures with Nonconforming Uses.** Normal maintenance or repair of structures where nonconforming uses are located may be performed.
- (d) **Relocation.** A conforming structure housing a nonconforming use shall not be moved in whole or in part unless the relocation of the nonconforming use decreases the nonconformity. A nonconforming structure shall not be moved except to a location where it will meet all the requirements of this Law.
- (e) **Enlargement or Expansion.** A nonconforming structure shall not be enlarged or expanded, except with a permit and in conformity with the Law.
- (f) **Damage and Restoration of a Nonconforming Structure**
- (1) When a nonconforming structure is damaged, it may be reconstructed provided:
    - (A) It is reconstructed within 6 months of the damage;
    - (B) The scope of the use is not increased; and
    - (C) The cost does not exceed 60% of the cost of reproducing the structure.
  - (2) If a nonconforming structure is damaged and the cost of repair exceeds 60% of the cost of reproducing the structure, the building shall be demolished unless it can be rebuilt as a conforming structure.
- (g) **Damage and Restoration of a Structure Housing a Nonconforming Use**
- (1) When a conforming structure that houses a nonconforming use is damaged, the nonconforming use may continue provided:
    - (A) The structure is reconstructed and used as before within 6 consecutive months of the damage; and
    - (B) The cost of repairs does not exceed 60% of the cost of reproducing the structure.
  - (2) If a conforming structure that houses a nonconforming use is damaged and the cost of repairs exceeds 60% of the cost of reproducing the structure, then such use may not be continued, re-established, or resumed.
  - (3) Continuation of the nonconforming use after damage shall otherwise be prohibited.
- (h) **Unsafe Because of maintenance – Nonconforming Structure.** If a nonconforming structure is declared to be physically unsafe or unlawful due to the lack of repairs or maintenance, it shall be demolished and subsequent development and use shall meet the requirements of this Law. This requirement shall apply to all or part of any nonconforming structure and to all or part of any conforming structure containing a nonconforming use.
- (i) **Unsafe Because of Maintenance – Conforming Structure with a Nonconforming Use.** If a nonconforming structure or portion containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs or maintenance, the use shall be terminated.

## Section 1205 Nonconforming Lots

- (a) Development on a nonconforming lot shall not be permitted unless it meets the requirements of this Section.
- (b) **Homestead Lot.** A homestead nonconforming lot that was a lot of record (see Article 1) as of the effective date of this Law may be developed only if:
- (1) It meets the current requirements for sewage disposal and water supply, including those of CUC, DEQ, and BEH;
  - (2) It meets the requirements of the Department of Public Lands; and

- (3) It meets the front, side, and rear yard requirements listed in Section 602 and Section 603 or a variance is approved.

- (c) **Private Lot.** A non-homestead nonconforming lot that was a lot of record (see Article 1) as of the effective date of this Law may only be developed if it meets the front, side, and rear yard requirements listed in Section 602 and Section 603 or a variance is approved.

## Section 1206 Nonconforming Signs

- (a) **Continuance of a Nonconforming Sign.**

A nonconforming sign, except a banner sign, that was otherwise lawful on the effective date of this Law may be continued. The Board shall determine whether eliminating, or expediting elimination of, a nonconforming sign is reasonable and may provide for amortization schedules for elimination.

- (b) **Nonconforming Sign Not Altered.** No person may cause an increase in the extent of nonconformity of a nonconforming sign. Illumination shall not be added to a nonconforming sign.

- (c) **Moving or Replacing a Nonconforming Sign.** A nonconforming sign may not be moved or replaced, except to bring the sign into conformity with this Law.

- (d) **Damage to a Nonconforming Sign.** If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced. A nonconforming sign is "destroyed" if the cost of repairing the sign to its former condition is greater than 25% of the cost of replacing it.

- (e) **Changing Message of a Nonconforming Sign.** The message of a nonconforming sign may be changed so long as this does not create a new nonconformity (for example, by creating an off-premise sign).

- (f) **Repair and Renovation of a Nonconforming Sign.**

- (1) Subject to the other provisions of this Section, a nonconforming sign may be repaired and renovated so long as the cost of such work does not exceed, within a 12 month period, 50% of the value of such sign. A permit shall be required for repair or renovation. Proof of value shall be required as a condition to receive the permit.

- (2) A nonconforming can sign shall only be repaired or replaced with a display that has lit letters or graphics and an opaque background (instead of a white background with dark letters or graphics).

- (g) **Abandonment of a Sign**

- (1) If a nonconforming sign, other than a billboard, advertises a use that is no longer operating, that sign shall be considered abandoned and shall be removed immediately.

- (2) If a nonconforming billboard remains blank for a continuous period of 90 days, that billboard shall be deemed abandoned and shall be immediately removed. For purposes of this Section, a billboard is "blank" if:

- (A) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating;
- (B) The advertising message it displays becomes illegible in whole or substantial part; or
- (C) The advertising copy paid for by a party other than the sign owner or that promotes an interest, other than the rental of the sign, has been removed.



## Section 1207 Nonconforming Adult Businesses

- (a) Any legally established Adult Business that is located anywhere outside of an Adult Business Overlay District or an Adult Business Park District as of the date either such district is first established shall be considered a nonconforming use.
- (b) Any legally established Adult Business that does not conform to the requirements of ~~Section 513 and Section 514 of the law~~ shall be considered a nonconforming use. Within 182 days (26 weeks) of the effective date of this Law, all nonconforming Adult Businesses shall be made to conform to the provisions of the requirements of ~~Article 5 Section 513(f) and Article 5 Section 513(g) the law~~.
- (c) Within 364 days (52 weeks) of establishment of an Adult Business Overlay District or an Adult Business Park District, all nonconforming Adult Businesses shall either be discontinued or made to conform to the provisions of this Law. However, the Board may approve an extension to allow for amortization of the business investment in leaseholds or leasehold improvements. Any request for extension shall be submitted in writing at least 91 days (13 weeks) prior to the expiration of the original 364 day (52 week) period and shall be supported by such information as may be required by the Board. The Board may grant an extension upon finding the following:
- (1) The use, if continued, would not create a public nuisance; and
  - (2) The tenant, subtenant, lessee, sub-lessee, owner or other person that owns or operates such use is obligated under a lease or other binding rental agreement for the premises and the obligation was entered into before the effective date of this Law for a period exceeding 5 years; and
  - (3) The financial details support the claim that the use represents an investment of money in leasehold and leasehold improvements that cannot practically be relocated to such an extent that denial of the requested extension would result in undue financial hardship.

## Section 1208 Conversion or Legalization of a Nonconformity

- (a) **Purpose.** Many nonconforming uses, lots, structures, or signs have been in existence for some time. The classification of nonconformity may be eliminated to remove the stigma and the difficulties typically associated with obtaining business loans.
- (b) **Procedure.** Any person may apply for a conditional use permit for a nonconforming lot, use, structure, or sign.
- (c) **Criteria for Approval.** The Board shall attach any conditions necessary to ensure that the use, lot, structure, or sign will not become a public nuisance and will satisfactorily coexist with other existing or potential uses, lots, structures or signs in the zoning district. In addition to the criteria for approval of a conditional use set forth in Article 7, the application shall meet the following requirements:
- (1) Support shall be demonstrated in writing from 80% of the property owners located within 300 ft of all lot lines;
  - (2) There shall be a demonstrated lack of neighborhood opposition to the continuance of the use; and
  - (3) Conditions shall be eliminated that would tend to create a public nuisance.
- (d) **Effect.** If a conditional use permit is issued according to the procedure and criteria in this Section, continuation of the use, lot, structure, or sign shall be given a rebuttable presumption of reasonableness.

## Section 1209 Public Nuisances

- (a) **Purpose.** It is important for a community to appear clean, well kept, and to be generally clear of public nuisances, eyesores, and unhealthy conditions. The appearance and



conditions of a community weigh heavily in the decisions of prospective residents and businesses in locating to a particular area. A clean, safe, and well-kept community can stabilize or increase property values, provide a healthy environment, and make citizens proud of the area in which they live. It is therefore the purpose and intent of this Section to encourage a clean, healthy, and satisfying environment -- one free of, eyesores, unhealthy, unsafe, or devaluating conditions and other public nuisances. To this end, this Section seeks to regulate and protect the health, safety, welfare, values, and aesthetics of properties.

(b) **Public Nuisance Defined.** "Public nuisance" means as defined in Article 1 of this Law.

(c) **Public Nuisance Prohibited.** It shall be unlawful for a person to cause, permit, maintain, or allow the creation or maintenance of a public nuisance.

(d) **Examples of Public Nuisances.** The following list includes examples of public nuisances.

(1) Any article of clothing hung outside of a balcony, terrace, porch, deck or veranda that is within public view of a major arterial or collector road. This activity is also proscribed within those tourist-related districts that are zoned as Garapan Core, Garapan East, Beach Road, or Tourist Resort.

The Zoning Board is authorized to promulgate rules and regulations, to include penalty provisions, to enforce this provision.

(2) Vegetation that obstructs the safe passage or line-of-sight of motorists or pedestrians at an intersection or driveway connection with a public or private street or alley, or along any street or sidewalk.

(3) The keeping or maintenance of one or more abandoned vehicles in public view or in a manner inconsistent with this Law.

(4) The keeping or maintenance of an abandoned appliance in public view or in a manner inconsistent with this Law, particularly when the appliance would permit a child to become trapped inside.

(5) A carcass of an animal or fowl not disposed of within a reasonable time after death.

(6) A building or other structure which is in such a dilapidated condition that it:

(A) Is unfit for human habitation;

(B) Is kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof; or

(C) Presents a fire hazard.

(7) The pollution of a public well, stream, lake, canal, or body of water by sewage, dead animals, industrial wastes, agricultural wastes, or other substances.

(8) A building, structure, or other place or location where any activity is conducted, performed or maintained in violation of CNMI, or federal law.

(9) A method of disposal for human excrement that does not meet the provisions of CNMI or federal law.

(e) **Notice to Abate**

(1) Whenever a public nuisance is found to exist, the Administrator shall give written notice to abate the public nuisance to the owner or occupant of the property on which such a public nuisance exists or to the person causing or maintaining the public nuisance.

(2) The notice shall identify the public nuisance and the date of the required termination of the use or structure, and the authority for the notice, and shall advise of likely further inspections.

(3) There shall be an opportunity for a hearing. The request for a hearing shall not stay the removal date or termination date.

(4) The Administrator shall inspect the premise as s/he determines inspection is required.



**Section 1210 Nonconforming Adult Gambling Machine Businesses**

- (a) Any legally established adult gambling machine business that is in a location in which such business would not be permitted as a new business under the Law shall be considered a nonconforming use.
- (b) Within four years of the effective date of this Law, at the end of the last full renewal period of its license from the Department of Finance prior to the deadline, all nonconforming adult gambling machine businesses shall be located in the ~~Adult Business Park~~, Tourist Resort, Mixed Commercial, Garapan Core, Garapan East or Beach Road Zoning Districts, in accordance with Section 612(b), so long as the establishment is located 200 feet from any ~~other adult gambling machine business, and any church, laundromat, public and or private school, daycare, park or playground.~~ No restriction set forth in any other Article or Section of this law shall be construed to prevent two or more adult gambling machine businesses from operating out of the same building, unit, or establishment, provided that all other requirements of this law are met and complied with.

**Section 1211 Nonconforming Auto Rental Offices with Vehicles**

- (a) Purpose. It is important for a community to have a clean environment and be generally clear of public nuisances, eyesores, and unhealthy conditions. A number of auto rental establishments have operated in congested areas with rental vehicles stored on site. These have threatened the public safety through traffic congestion, insufficient space for sidewalks, and accumulation of inoperable vehicles. The Board determines that this is a public nuisance. It is therefore the purpose and intent of this Section to encourage a clean, healthy, and safe environment by restricting the staging, storage, and service of vehicles in these areas.
- (b) Any legally established auto rental office that is staging or storing rental vehicles in a location where such business would not be permitted as a new business under the Law shall be considered a nonconforming use, and treated as a public nuisance.
- (c) Within 2 years of the effective date of this Law, all nonconforming auto rental offices shall be required to stage and store all rental vehicles outside of the Garapan Core, Garapan East, and Tourist Resort zoning districts.