

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
ABO	Adult Business Overlay Zoning District
ABP	Adult Business Park Zoning District
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
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
CRMO	Coastal Resource Management Office
CUC	Commonwealth Utilities Corporation
DEQ	Division of Environmental Quality
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
VC	Village Commercial Zoning District
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.

“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:

- (a) That is primarily established or functioning to operate one or more video or mechanical games or pay devices:
 - (1) For which a charge in money or some other valuable, is made either directly or indirectly; and
 - (2) From which payment or reward is made other than in food, drink, or extra plays; or

- 1 (b) That contains a room, enclosure or area in which is operated one or more video or
2 mechanical 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 (c) That has on its premises in any given area or part one or more video or mechanical games or
7 pay devices:
8 (1) For which charge is made in money or some other valuable, 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 (d) That provides to its customers machines, screens and other electronic devices that are
12 classified by the Department of Finance or its successor in relevant function as amusement
13 machines whose major element is chance; or
14 (e) That advertises itself by means of signage as “poker” or as providing “poker”, or the
15 equivalent term in a non-English language.

16 **“Adult Media”** means media that depict or describe specified sexual activities or specified anatomical
17 areas.

18 **“Adult Motel”** means a hotel, motel or similar commercial establishment that principally offers short
19 term sleeping rooms, typically for fewer than 24 hours, and that:

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

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

32 **“Adult Novelties”** means instruments, devices, or paraphernalia, either designed as representations of
33 human genital organs or female breasts, or designed or marketed primarily for use to stimulate human
34 genital organs, or that are designed or marketed for use in connection with specified sexual activities.

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

39 **“Adult Viewing Booth”** does not mean an Adult Motion Picture Theater, Adult Theater, or other
40 theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600
41 square feet. Adult viewing booth means:

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

1 **“Agricultural Zoning District”** means as described in Section 502.
2 **“Airport”** means as defined in Section 413(a).
3 **“Alteration”** means to modify or change the appearance of an existing building or structure. For
4 example, a building is altered if a new room is added (also see "Addition").
5 **“Agriculture, Intensive”** means as defined in Section 405.
6 **“Amenity”** means a characteristic of a development that improves the development's desirability,
7 attractiveness, or marketability. Amenities may include: a consistent building design; recreational
8 facilities, such as swimming pools or playgrounds; security alarm systems; garbage pickups; 24 hour
9 water services, piped in drinking water.
10 **“Amortization”** means the process by which buildings, structures, and uses of land not meeting the
11 requirements of this Law are required to be discontinued or made to meet the requirements within a
12 specified period of time.
13 **“Amusement, Indoor”** means as defined in Section 412.
14 **“Amusement, Outdoor”** means as defined in Section 412.
15 **“Amusement, Outdoor Intensive”** means as defined in Section 412.
16 **“Apartment”** means a multifamily dwelling unit contained in a building comprised of 3 or more
17 dwelling units, each having an entrance to a hallway or balcony in common with at least one other
18 dwelling unit.
19 **“APC”** means Area of Particular Concern identified in accordance with the CNMI Coastal Resources
20 Management Act.
21 **“Appeal”** means a way to obtain review of a decision, determination, order, or failure to act pursuant
22 to the terms of this Law.
23 **“Aquaculture”** means as defined in Section 405.
24 **“Arena, Auditorium, Stadium”** means as defined in Section 412.
25 **“Articulation”** means design emphasis placed on a particular architectural feature by special details,
26 materials, change in building plane (recessed or extended from building surface), contrast in materials,
27 or decorative artwork.
28 **“Art Studio”** means an artist's workroom (with or without employees). This can be for the purposes
29 of painting, pottery (ceramics), sculpture, scapbooking, photography, graphic design, cinematography,
30 animation, or the creation of music or the practice of dance.
31 **“Artwork”** means a device, element, or feature whose primary purpose is to express, enhance, or
32 illustrate aesthetic quality, feeling, physical entity, idea, local condition, historical or mythical
33 happening, or cultural or social value. Examples of artwork include sculpture, bas relief sculpture,
34 murals, or unique specially crafted lighting, furniture, pavement, landscaping, or architectural
35 treatment that is intended primarily, but not necessarily exclusively, for aesthetic purposes. A sign is
36 not considered artwork.
37 **“Asphalt or Concrete Plant”** means as defined in Section 413.
38 **“Assembly Hall”** means as defined in Section 411.
39 **“Beach Road Zoning District”** means as described in 503.
40 **“Bed and Breakfast”** means as defined in Section 408.
41 **“Beneficial Use”** means a use that provides the property owner with an economic benefit or product.
42 **“Board”** means Zoning Board.
43 **“Building”** means a structure having a roof that is built permanently on a lot and intended to shelter
44 people, animals, property, or business activity, or a structure used or intended to be used for supporting
45 or sheltering any use or occupancy. The word "building" shall be construed as if followed by the words
46 "or part or parts thereof and all equipment therein."
47 **“Building Front”** means that exterior wall of a building that faces the front lot line.
48 **“Building Height”** means the maximum height of a building permitted to be built on a lot. Building
49 height is determined from the vertical distance as measured from the ground elevation to the highest
50 point on the building. An elevator shaft shall be considered part of a building. If the elevator shaft is
51 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.

“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 effects to adjacent land uses or streets.

“Duplex” means as defined in Section 406.

“Dwelling” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.

“Dwelling Unit” means a room or group of rooms that provide, or are intended to provide, living

1 quarters for not more than one family.

2 **“Emergency Shelter”** means an establishment operated by or under authority or sanction of the
3 government that provides temporary housing for:

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

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

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

8 **“Easement”** means a right or authorization from one property owner to another for a specific and
9 limited use of his property. For an example, a property owner may give or sell a small portion of his
10 property to allow installation of power lines or pipelines or to allow walking or driving access to
11 another property.

12 **“Energy Facility, Renewable”** means as defined in Article 4 Section 414.

13 **“Energy Facility, Nonrenewable”** means as defined in Article 4 Section 414.

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

18 **“Electronic Means”** includes telephone, video-conference, electronic-communications-mediated
19 written, aural and/or video means, including mediated through the internet, and/or email.

20 **“Escort”** means a person who, for consideration, agrees or offers to act as a companion, guide, or date
21 for another person, or who agrees or offers to privately model lingerie or to privately perform a
22 striptease for another person.

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

25 **“Evening Entertainment”** means as defined in Section 408.

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

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

32 **“Farms”** means as defined in Section 405.

33 **“Fascia”** means a band located at the top edge of a building but below the actual roofline and above
34 the building wall. Fascia material is typically of a different type than either the actual roof or the
35 building wall.

36 **“Fence”** means an artificially constructed barrier of any material or combination of materials erected
37 to enclose, screen or separate areas.

38 **“Filling”** means the depositing on land, whether submerged or not, of sand, gravel, earth, or other
39 materials. Biodegradable materials and other materials subject to decomposition or significant settling
40 (such as garbage and other organic matter) are not included.

41 **“Forestry”** means as defined in Section 405.

42 **“Foot candle”** means a unit of illumination produced on a surface, all points of which are one foot
43 from a uniform point source of one candle.

44 **“Frontage”** means the measure of the width of a lot on the property line that abuts and faces its access
45 road.

46 **“Full Cut-Off lighting”** means any outdoor light fixture shielded in such a manner that all light
47 emitted by the fixture is projected below the horizontal as determined by a photometric test or certified
48 by the manufacturer.

49 **“Funeral Home”** means as defined in Section 410.

50 **“Gas Station, Light repair”** means as defined in Section 410.

51 **“Gas and Fuel, Wholesale”** means as defined in Section 413.

1 **“Garapan Core Zoning District”** means as described in Section 505.
2 **“Garapan East Zoning District”** means as described in Section 504.
3 **“Golf Course”** means as defined in Section 412.
4 **“Government Service”** means as defined in Section 411.
5 **“Grade”** means the natural level of the ground adjoining the object whose height is to be measured.
6 For the purpose of determining sign height, grade shall be the elevation of the public street closest to
7 the sign as measured at the street centerline.
8 **“Greenhouse or Nursery”** means as defined in Section 405.
9 **“Ground Cover”** means a meadow or grassland or other type of soil-stabilizing vegetation.
10 **“Hearing Officer”** means the administrative official who presides at a public hearing, including
11 hearings held pursuant to Article 14 of this Law and the Administrative Procedure Act. Such person
12 may be titled “Hearing Officer”, “Administrative Hearing Officer”, or “Administrative Law Judge” or
13 some other title.
14 **“Heliport or Helipad”** means as defined in Section 413.
15 **“Hospital”** means as defined in Section 411.
16 **“Hotel/Motel”** means as defined in Section 408.
17 **“Impervious Surface”** means a building or solid paving (cement or asphalt typically) that covers land
18 to the extent that no surface water can drain into the underlying soil.
19
20 **“Individual Wastewater Disposal System”** means a system designed and installed to treat and
21 dispose of sewage from a single structure or group of structures using a septic tank together with a
22 leaching field or seepage pit.
23 **“Industrial Zoning District”** means as described in Section 506.
24 **“Institutional Residential”** means as defined in Section 406.
25 **“Junkyard”** means as defined in Section 413.
26 **“Land”** means areas landward of the ordinary high water mark.
27 **“Landowner”** means a person who has, in whole or in part;
28 (a) Legal or equitable title to the parcel;
29 (b) Charge, care or control of the parcel as agent of the owner or as executor, administrator,
30 trustee, or guardian of the estate of the beneficial owner; or
31 (c) An option or contract to purchase.
32 **“Live Theatrical Performance”** means a play, skit, opera, ballet, concert, comedy, or musical drama.
33 **“Lot”** means a unit of land that can be described legally, as by metes and bounds.
34 **“Lot Area”** means the area contained within the boundary lines of a lot, not including easements for
35 publicly dedicated or accepted rights-of-way.
36 **“Lot Depth”** means the measurement distance between the midpoint of the front lot line and the
37 midpoint of the rear lot line.
38 **“Lot, Flag”** means a lot that has access to a public right-of-way by means of a narrow strip of land.
39 **“Lot Line”** means a line of record bounding a lot that divides one lot from another adjoining lot or
40 from a public or private street or any other public space.
41 **“Lot Line Adjustment”** means a modification of a boundary line between, or consolidation of, two or
42 more legal parcels.
43 **“Lot Line, Front”** means a lot line separating a lot from a street right-of-way.
44 **“Lot Line, Rear”** means a lot line opposite and most distant from the front lot line, or, in the case of
45 triangular or otherwise irregularly shaped lots, a line at least 10 feet in length entirely within the lot,
46 parallel to, and at a maximum distance from, the front lot line.
47 **“Lot Line, Side”** means any lot line other than a front or rear lot line.
48 **“Lot, Nonconforming”** means a lot that does not meet the requirements of the zoning district in which
49 it is located.
50 **“Lot of Record”** means a validly recorded lot or parcel of land that at the time of its recording with the
51 Commonwealth Recorder’s Office complied with all applicable laws and regulations.

1 **“Lot Width”** means the distance between the midpoint of one side lot line to the other side lot line.

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

7 **“Manufacturing and Processing”** means as defined in Section 413.

8 **“Marquee”** means a permanent structure other than a roof attached to, supported by, and projecting
9 from a building and providing protection from the elements.

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

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

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

26 **“Medical Clinic”** means as defined in Section 411.

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

31 **“Microbrewery”** means as defined in Section 413.

32 **“Mining”** means as defined in Section 413.

33 **“Mixed Commercial Zoning District”** means as described in Section 507.

34 **“Mixed Use”** means as defined in Section 406.

35 **“Mobile Home”** means as defined in Section 406.

36 **“Modulation”** means, in the design requirements, modulation is a stepping back or projecting forward
37 of portions of a building face within specified intervals of building width and depth, as a means of
38 breaking up the apparent bulk of a structure’s continuous exterior walls.

39 **“Mom and Pop Grocery Store”** means as defined in Section 410.

40 **“Multifamily or Apartment”** means as defined in Section 406.

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

43 **“Nonconforming Structure”** means any building or structure, other than a sign, legally established
44 prior to February 1, 2008 or subsequent amendment to it that does not fully meet the requirements of
45 this Law.

46 **“Nonconforming Use”** means any use of a building or premises that on February 1, 2008 does not,
47 even though lawfully established, meet all of the applicable use requirements of the zoning district in
48 which the building or premises is located.

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

51 **“Nonresidential Use”** means any use except a residential use.

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

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

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

10 **“Office Uses”** means as defined in Section 409.

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

13 **“Parapet”** means that portion of a wall which extends above the roof line.

14 **“Park, Active”** means as defined in Section 412.

15 **“Park, Passive”** means as defined in Section 412.

16 **“Parcel”** means a piece of land.

17 **“Parking, Commercial”** means as defined in Section 410.

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

20 **“Parking, Off-Street”** means a space adequate for parking a motor vehicle with room for opening
21 doors on both sides, together with properly related access to a public street or alley and maneuvering
22 room.

23 **“Pedestrian-Oriented Facade”** means a ground floor facade that contains all the following
24 characteristics:

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

31 **“Pedestrian Oriented Street”** means:

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

- 33 (1) Paseo de Marianas;
- 34 (2) Coffee Tree Mall;
- 35 (3) Coral Tree Mall;
- 36 (4) CPL. Derence Jack Rd.; or
- 37 (5) Micro Beach Road.

- 38 (b) In the Garapan East Zoning District

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

42 **“Pedestrian-Oriented Space”** means a space including all the characteristics of “(a)” but none of the
43 characteristics of “(b)”:

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

- 45 (1) Pedestrian access to the abutting structures from the street, private drive, or a
46 non-vehicular courtyard;
- 47 (2) Paved walking surfaces of either concrete or approved unit paving;
- 48 (3) Pedestrian-scaled lighting (no more than 15 ft in height) at a level averaging at
49 least 2-foot candles throughout the space. Lighting may be on-site or building-
50 mounted lighting;
- 51 (4) At least 3 ft of seating area (bench, ledge, etc.) or one individual seat per 60 sf

- 1 of plaza area or open space;
2 (5) Spaces positioned in areas with significant pedestrian traffic to provide interest
3 and security, such as adjacent to a building entry;
4 (6) Landscaping components that add interest to the space; and
5 (7) Pedestrian-oriented building facades on some or all buildings facing the space.

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

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

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

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

15 **“Planned Development”** means as defined in Section 406.

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

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

22 **“Protected Care Housing”** means as defined in Section 406.

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

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

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

39 **“Public Resource Zoning District”** means as described in Section 508.

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

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

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

46 **“Renewable Energy”** means as defined in 4 CMC § 8621.

47 **“Residential Use”** mean as defined in Section 406.

48 **“Residential Accessory Building”** means as defined in Section 406.

49 **“Restaurant, Drive Through”** means as defined in Section 408.

50 **“Restaurant, General”** means as defined in Section 408.

51 **“Retail Sales, Heavy”** means as defined in Section 410.

- 1 **“Retail Sales, Light”** means as defined in Section 410.
- 2 **“Retaining Structure”** means a structure to hold a mass of earth material at a higher position and not
3 used to provide a foundation or wall for a building.
- 4 **“Right-of-Way”** means a strip of land occupied or intended to be occupied by a public street and
5 associated infrastructure on which a right-of-passage has been recorded for the use of vehicles,
6 pedestrians, and necessary public utility infrastructure (including, but not limited to, water lines, sewer
7 lines, power lines, gas lines).
- 8 **“Road, Arterial”** means a road that is identified as any type of arterial road in the CNMI
9 Comprehensive Highway Master Plan.
- 10 **“Road, Collector”** means a road that is identified as any type of collector road in the CNMI
11 Comprehensive Highway Master Plan.
- 12 **“Road, Local or Access”** means a road that is intended to provide access to abutting properties.
- 13 **“Roadside Merchandise Stand”** means as defined in Section 415.
- 14 **“Roofline”** means the top or bottom edge of a roof or building parapet, excluding any cupolas, pylons,
15 chimneys, or other minor projections.
- 16 **“Rural Zoning District”** means as described in Section 509.
- 17 **“Saipan”** means all land on the islands of Saipan and Managaha.
- 18 **“Saipan Comprehensive Land Use Plan”** means a comprehensive land use plan text and all
19 accompanying maps, charts, and explanatory material adopted by the Saipan and Northern Islands
20 Legislative Delegation for the Island of Saipan.
- 21 **“Sanitary Landfill”** means as defined in Section 414.
- 22 **“School, Private”** means as defined in Article 4 Section 411.
- 23 **“School, Public”** means as defined in Section 411.
- 24 **“Seaport”** means as defined in Section 413.
- 25 **“Self-Service Storage”** means as defined in Section 410.
- 26 **“Semi-Nude or Semi-Nudity”** means the appearance of the female breast below a horizontal line
27 across the top of the areola at its highest point. This definition shall include the entire lower portion of
28 the human female breast, but shall not include any portion of the cleavage of the human female breast
29 exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is
30 not exposed in whole or in part.
- 31 **“Service or Storage Area”** means an outdoor area used for storage of garbage, material for recycling,
32 a dumpster, a utility connection, air conditioning equipment, a freezer or refrigerator, and similar uses.
33 Except, this does not include an outdoor ice machine at a grocery or convenience store.
- 34 **“Setback”** means the required distance between a structure and the lot lines of the lot on which it is
35 located.
- 36 **“Sex Shop”** means a business that meets any of the following tests:
- 37 (a) Adult media and/or adult toys or novelties constitute more than 10% of the stock-in-trade of
38 the business or occupy more than 10% of the gross public floor area of the business; or
- 39 (b) Adult novelties constitute more than 5% of the stock-in trade or gross public floor display
40 area of the business; or
- 41 (c) It advertises or holds itself out in any media or forum as “XXX”, “adult”, “sex”, “porno”,
42 “pornography”, or otherwise as a sex business other than solely an adult media outlet, adult
43 motion picture theater, or adult cabaret.
- 44 (d) Except that the Zoning Administrator may find that a business is not a sex shop if:
- 45 (1) Adult media and adult novelties are visually and physically segregated from
46 minors;
- 47 (2) The sale of such materials constitutes less than 20% of the gross public floor
48 display area or stock-in-trade of the business; and
- 49 (3) the business does not advertise or hold itself out in any forum or medium as
50 “XXX”, “adult”, “sex”, “porno”, “pornography”, or otherwise as a sex business.
- 51 **“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.

1 **“Special Event”** means as defined in Section 415.

2 **Specified Anatomical Area”** means:

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

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

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

7 **“Specified Sexual Activity”** means and includes any of the following:

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

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

12 (c) Masturbation, actual or simulated; or

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

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

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

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

21 **“Structure”** means anything constructed or erected in a fixed location for occupancy or use.

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

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

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

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

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

32 **“Temporary Batch Plant”** means as defined in Sections 415 and 613.

33 **“Temporary Use”** means as defined in Section 415.

34 **“This Law”** means the Saipan Zoning Law of 2008.

35 **“Tourist Resort Zoning District”** means as described in Section 510.

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

38 **“Townhouse”** means as defined in Section 406.

39 **“Transfer Station”** means as defined in Section 414.

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

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

44 **“Use”** means a purpose or activity at a building, structure or piece of land.

45 **“Utility, Minor”** means as defined in Section 414.

46 **“Variance”** means the permission by which a property owner is granted relief from certain provisions
47 of this Law.

48 **“Vehicle Repair, General”** means as defined in Section 410.

49 **“Veterinary Clinic or Hospital”** means as defined in Section 411

50 **“Video or Movie Production”** means as defined in Section 415.

51 **“Village Commercial Zoning District”** means as described in Section 511.

1 **“Village Residential Zoning District”** means as described in Section 512.
2 **“Virtual” or “Virtually”**, when used with respect to a meeting, means by electronic means that
3 provide for real-time communication to and from the participants in such a manner that each
4 participant can hear and/or read the comments of each other participant.
5 **“Warehousing and General Wholesaling”** mean as defined in Section 413.
6 **“Water or Wastewater Plant”** means as defined in Section 414.
7 **“Waterbody”** means a lake, pond, lagoon, or ocean.
8 **“Wind Energy System, Large”** means a wind energy conversion system consisting of a wind turbine
9 and associated control or conversion electronics that has a rated nameplate capacity of more than
10 30kW or that is intended primarily to generate power for sale.
11 **“Wind Energy System, Small”** means a wind energy conversion system consisting of a wind turbine
12 and associated control or conversion electronics that has a rated nameplate capacity of more than
13 30kW and that is intended primarily to reduce on-site consumption of utility power.
14 **“Wind Facility”** means all equipment, machinery and structures utilized in connection with the
15 conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection
16 and supply equipment, substations, transformers, service and access roads, and one or more wind
17 turbines.
18 **“Wind Turbine”** means a device that converts kinetic wind energy into rotational energy that drives
19 an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two
20 or more blades.
21 **“Window”** means any opening in a wall or roof that functions or appears to function to admit light
22 into a building or structure. Usually such opening is framed and spanned with glass mounted to permit
23 opening and closing.
24 **“Window Pane”** means an individual piece of glass or other such material in a window.
25 **“Writing”** includes hard copy, and electronic communications including such electronic formats as
26 fax, email, PDF format, and word processing formats that are generally commercially available.
27 **“Yard”** means an open space that: (a) lies between the principal building or buildings and the nearest
28 lot line; and that (b) is unobstructed from the ground up, except for accessory buildings or architectural
29 features or as otherwise provided in this Law. Yard requirements have been included in this Law for
30 multiple reasons including provision of room for greenery, to accommodate landscaping, to provide
31 visibility needed for traffic safety, to permit light access to windows, and to buffer noise.
32 **“Yard, Front”** means “a space extending the full width of the lot between any building and the front
33 lot line and measured perpendicularly to the building at the closest point to the front lot line. See
34 Figure 1.
35 **“Yard, Rear”** means a space extending across the full width of the lot between the principal building
36 and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
37 See Figure 1.
38 **“Yard, Side”** means a space extending from the front yard to the rear yard between the principal
39 building and the side lot line and measured perpendicular from the side lot line to the closest point of
40 the principal building. See Figure 1.
41 **“Zone”** means a zoning district.
42 **“Zone, Overlay”** means a special zoning district placed over an existing zoning district, part of a
43 district, or a combination of districts. An overlay zoning district builds on the underlying zoning by
44 establishing additional or stricter requirements. The requirements of the overlay zoning district apply
45 in addition to those of the underlying zoning district.
46 **“Zoning Administrator”** means the Zoning Administrator authorized by 2 CMC §7222.
47 **“Zoning Board”** means the Commonwealth Zoning Board established by Public Law No. 6-32, 2
48 CMC §7221 et seq.
49 **“Zoning Code”** means 2 CMC §7201 et seq.
50 **“Zoning District”** means those portions of Saipan that are designated on the Official Saipan Zoning
51 Map with a single district designation and for which provisions and requirements are set forth in this

Law.

"Zoning Map" means the Official Saipan Zoning Map.

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

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

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

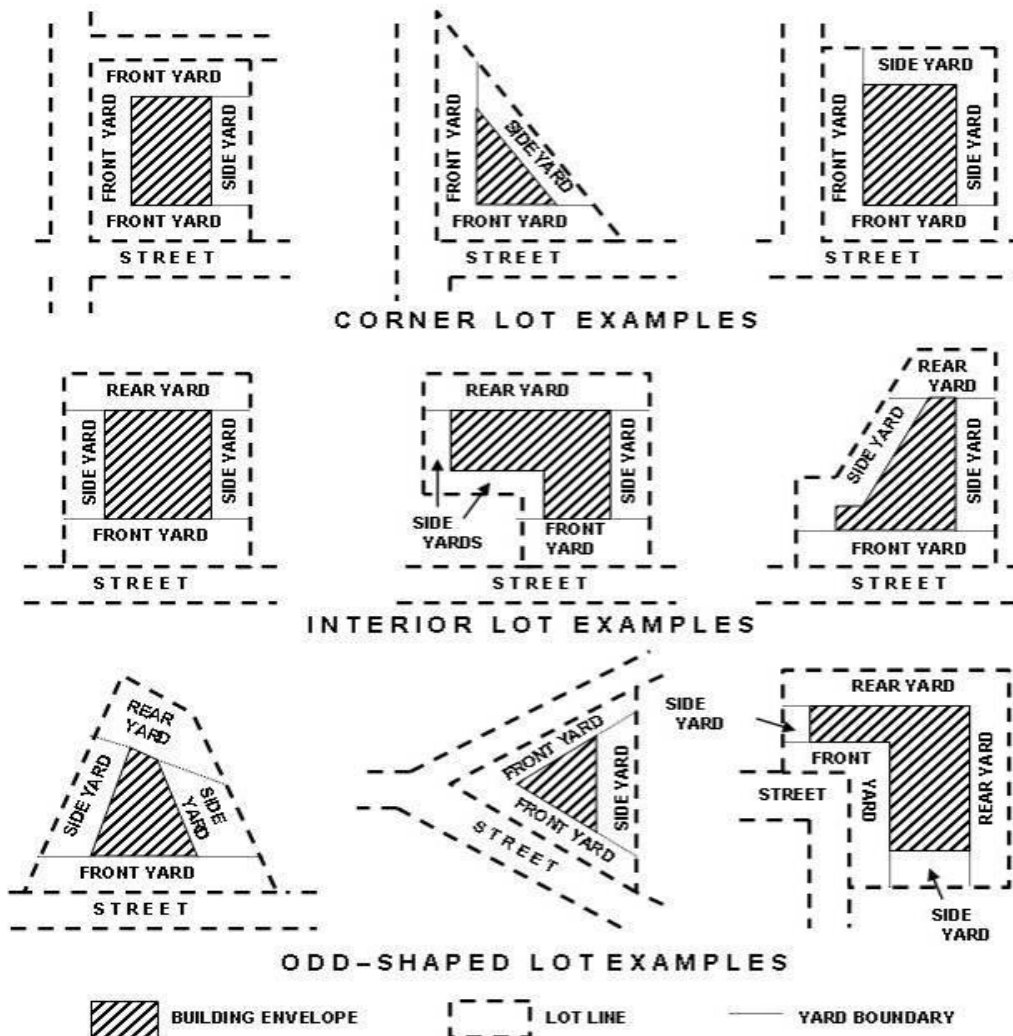


Figure 1 Examples for identifying front, rear, and side yards

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Article 2. Applicability, Interpretation and Construction

Section 201 Applicability

- (a) No development shall commence on Saipan, Bird Island, Forbidden Island or Managaha Island without a zoning permit except as specifically provided herein.
- (b) Applicants who have submitted complete zoning permit applications as of February 1, 2008 shall have the power to elect that their applications be processed and decided on pursuant to the 1993 Saipan Zoning Law.
- (c) The following activities shall be exempt from the requirements of this Law:
 - (1) Repair or alteration of any building or other structure that:
 - (A) Does not change the use;
 - (B) Does not change the footprint;
 - (C) Does not increase the square footage; and
 - (D) Does not increase the extent of any nonconformity.
 - (2) Maintenance and minor upgrades to existing public utilities, roads and construction or maintenance of public bus shelters;
 - (3) Preliminary site testing including soil testing, soil borings, land surveying, and tree surveying;
 - (4) Minor site elements and features, including playground fencing, play equipment, attached mechanical equipment, sidewalks, and expansion of seating for outdoor or indoor events;
 - (5) Development waterward of the shoreline;
 - (6) Emergency shelters;
 - (7) Construction or expansion of a public road except construction of a road in a new subdivision;
 - (8) Land clearing authorized by the Division of Environmental Quality;
 - (9) Emergency development authorized by the Governor in anticipation of, or for immediate recovery after, a natural disaster or other such emergency; and
 - (10) Set construction that is temporary in nature for a video or motion picture.
- (d) A building permit issued prior to February 1, 2008 shall not be held in violation of this Law, if:
 - (1) The permit had not expired prior to February 1, 2008; and
 - (2) Construction was begun pursuant to a building permit issued prior to February 1, 2008 and continued after that date in compliance with that permit.

Section 202 Other Law

- (a) Nothing in this Article shall be interpreted to exempt or excuse compliance with other applicable CNMI and federal statutes and regulations.
- (b) This Law shall supersede the CRM regulations regarding building height, setbacks, lot coverage density, and parking, where the CRM requirements are in conflict with the Zoning Law; except that CRM shall be responsible for height, setbacks, and density requirements for any developments within 150 feet of the shoreline.
- (c) An Area of Particular Concern established under the CRMA shall be treated as an overlay zone in relationship to a zoning district established under this Law.
- (d) In the absence of an adopted land use plan for Saipan, this Law shall provide land use guidance.

Section 203 Coordination with Other Agencies

The Board and Administrator shall coordinate with other regulatory agencies to provide an efficient, clear, and timely process for reviewing and deciding on applications that require development permits.

Section 204 General Rules on Administration and Interpretation

- (a) The Administrator shall interpret the text of this Law. Such interpretations may be appealed to the Board.
- (b) A sound interpretation must rest on a careful analysis of the goals and purposes of this Law. The interpretation must address the actual impact and permit flexibility in design but avoid any interpretation that lowers the protection afforded to the public.
- (c) The text controls in case of any difference of meaning or implication between the text and any heading, drawing, table, or figure.
- (d) Time periods are calendar days, unless otherwise stated.

Section 205 Rules of Construction

The following rules of construction shall be observed and applied when interpreting this Law, except when the context clearly requires otherwise:

- (a) Words and phrases not otherwise defined shall be construed according to the common and approved usage of the language. However, technical words and phrases not otherwise defined that may have acquired a peculiar and appropriate meaning in law, or in the planning, design, construction, and zoning professions, shall be construed and understood according to such meaning.
- (b) Words used or defined in one tense or form shall include other tenses or forms.
- (c) Words in the singular number shall include the plural number. Words in the plural number shall include the singular number except where the context specifically indicates otherwise.
- (d) The male, female and neuter/neutral shall each be read to mean the other, unless the context expressly excludes such interpretation.
- (e) The word “shall” is always mandatory, and the words “may” or “should” are always permissive.
- (f) “Include”, “includes” or “including” means “include /s /ing but not limited to”.

Section 206 Severability

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

Article 3. Duties and Responsibilities

Section 301 Purpose

This article presents the duties and responsibilities for the Zoning Board, the Zoning Administrator and other officials and agencies with respect to the administration of this Law and pursuant to the Zoning Code.

Section 302 Board Jurisdiction

Notwithstanding any other provision of this Law, the Zoning Board's power, authority, and jurisdiction shall extend to Saipan, Bird Island, Forbidden Island and Managaha Island.

Section 303 Board's and Administrator's Liability

No member of the Board nor the Administrator or his/her staff shall be held liable for action or inaction attributable to the lawful exercise of their responsibilities under this Law or the Zoning Code. They shall be covered by the provisions of PL 15-22, as amended, 7 CMC §2201-10 ("CELRTCA"), and/or its successor.

Section 304 Accounting

It is the intent of the Saipan and Northern Islands Legislative Delegation and to the extent permitted by law, it shall be, that the Board's account shall be a revolving fund within the Government's accounts and that no funds received by or appropriated for the Board shall be subject to reprogramming.

Section 305 Expenditure and Audit

- (a) The Board shall request the Office of Public Auditor to perform an annual audit of the use of the Board's funds and report its findings to the presiding officers of the legislature.
- (b) The expenditure authority of all funds appropriated to the Board shall be the Chairperson of the Board, or his/her designee.

Section 306 Staff

The Administrator and his/her staff shall be subject to the civil and excepted services and the Administrator shall receive an annual salary as determined by the Board pursuant to 1 CMC § 8246.

Section 307 Examination and Copying of Documents

- (a) The filings with the Board and Administrator shall be subject to the Open Government Act, 1 CMC §§ 9917-18.
- (b) The Board shall provide, by regulation, for fees related to the searching for and copying of documents and other materials.

Section 308 Confidentiality

- (a) The Open Government Act of 1992, 1 CMC §§ 9917-18, shall ordinarily determine the extent to which the Board's records, files and other information shall be privileged and confidential and may be protected from disclosure.

- 1 (b) Further protection from disclosure may be provided by an administrative hearing officer or
2 administrative law judge, pursuant to notice and an opportunity to be heard.

3 **Section 309 Zoning Board**

- 4 (a) The Board composition and qualifications shall include those established in the Zoning
5 Code.
6 (b) The Board's powers and duties shall include those provided in the Zoning Code.
7 (c) The Board shall promulgate regulations authorized by the Zoning Code and those it deems
8 necessary to implement this Law.
9 (d) The provisions of the Zoning Code shall apply to prohibit and remedy conflict of interest.
10 (e) With respect to the scope of this Law and the Zoning Code, the Board shall have the
11 complete jurisdiction and power to:
- 12 (1) Administer and enforce this Law and the Zoning Code;
 - 13 (2) Recommend to the Saipan and Northern Islands Legislative Delegation to
14 approve or disapprove certain zoning matters, including:
 - 15 (A) Amendments to this Law including the Official Saipan Zoning Map; and
 - 16 (B) Amendments to the Saipan Comprehensive Land Use Plan.
 - 17 (3) Promulgate regulations to carry out the intent and purposes of this Law and the
18 Zoning Code;
 - 19 (4) Approve, deny, or approve with conditions, applications for permits and other
20 approvals provided in this Law.
 - 21 (5) Appoint hearing officers;
 - 22 (6) Hold public hearings and contested case hearings, and appoint hearing officers;
 - 23 (7) Decide appeals from the Administrator's orders, decisions, interpretations,
24 requirements or determinations. Such decisions may include: reversing;
25 denying; affirming, in whole or in part; setting conditions; and/or modifying;
 - 26 (8) Secure, review, and investigate reports received from law enforcement
27 agencies, other government agencies, and other entities having information
28 pertinent to the matters over which the board has jurisdiction.
 - 29 (9) Issue and enforce subpoenas including compelling the attendance and testimony
30 of witnesses and the production of relevant records and documents;
 - 31 (10) Administer oaths;
 - 32 (11) Refuse to issue or renew permits; fine; suspend, summarily suspend, and revoke
33 permits; require payment of fees, charges, or expenses; and place conditions on
34 granting or renewal of a permit or other approval;
 - 35 (12) Educate the public about this Law and the Zoning Code and the requirements
36 for compliance;
 - 37 (13) Establish fees and charges;
 - 38 (14) Adopt and implement budgets;
 - 39 (15) Receive fees and appropriated funds, grants, contract payments and other funds;
 - 40 (16) Establish and employ accounts, including restricted fund accounts.
 - 41 (17) Order termination, demolition, or removal of nonconforming structures and
42 uses and public nuisances. Order recovery of the costs, fees and expenses of
43 demolition or removal;
 - 44 (18) Act summarily in the face of an imminent threat to the public health, safety or
45 welfare;
 - 46 (19) Conduct and report on, studies, conferences and seminars, educational
47 activities, and investigations;
 - 48 (20) Report annually on its activities;
 - 49 (21) Adopt and maintain an official seal;

- (22) Affiliate with professional, governmental and other organizations for the purposes of reviewing applications, conducting investigations, and/or to secure other goods and services related to the Board's duties;
- (23) Join and maintain memberships in national organizations;
- (24) Contract for goods and services;
- (25) Sue and be sued, including applying for relief by injunction to the Superior Court;
- (26) Hire and supervise the activities of the Administrator;
- (27) Employ consultants, including counsel, to assist it in performing its duties; and
- (28) Do all other things necessary to carry out the provisions of this Law, the Zoning Code and the regulations promulgated pursuant to both.
- (29) The Board shall have the power and authority without further procedure to correct the text of this Law and/or the Official Saipan Zoning Map for drafting or other technical error by resolution at a meeting of the Board. This provision shall only apply to minor technical and non-substantive amendments that are strictly necessary to effectuate the intent of the legally approved SNILD provision.

Section 310 Zoning Administrator

- (a) The Administrator shall:
 - (1) Administer this Law to implement the provisions of the Saipan Comprehensive Land Use Plan, this Law, and the Official Saipan Zoning Map;
 - (2) Serve at the pleasure of the Board; and
 - (3) Meet the qualifications of the Zoning Code.
- (b) The Administrator shall have the complete jurisdiction and power to do the following:
 - (1) Staff and carry out directives of the Board;
 - (2) Maintain and keep custody of the dockets, files, and records of the Board;
 - (3) Prepare and maintain the Official Saipan Zoning Map;
 - (4) Review and prepare written recommendations to the Board relative to each application for which the Board has authority to render a decision or to make recommendations to the Saipan and Northern Islands Legislative Delegation;
 - (5) Consider and approve, approve with conditions, or disapprove applications for permits and approvals, as provided in this Law or as delegated by the Board, including after determining that compliance with requirements of other agencies substantially complies with the requirements of this Law;
 - (6) Coordinate with other CNMI and federal agencies on review of applications and preliminary project reviews;
 - (7) Render interpretations of this Law, including interpretation of the zoning district boundaries and determinations of whether an unspecified use falls within a use classification allowed in a zoning district;
 - (8) Take such action as is necessary to administer the provisions of this Law;
 - (9) Provide expertise and technical assistance to the Board;
 - (10) Manage applications, including developing forms and procedures;
 - (11) Enforce the provisions of this Law, including:
 - (A) Inspect and enter;
 - (B) Revoke or suspend permits;
 - (C) Order violators to meet the requirements of this Law or to cease and desist from any unlawful acts;
 - (D) Seek prosecutions;
 - (E) Levy civil fines, fees and other payments; and

- 1 (F) Seek criminal fines and penalties.
2 (12) As applicable, order or make recommendations to the Board on:
3 (A) Discontinuance of illegal work being done or use of land or structures;
4 (B) Termination, demolition, or removal of nonconforming or illegal
5 structures, signs, additions, alterations, uses, or public nuisances; and
6 (C) Recovery of the costs, fees and expenses of demolition or removal;
7 (13) Maintain a permanent record of final subdivision plats, site plans and other
8 permits;
9 (14) Undertake studies, issue reports, and participate on committees and task forces;
10 (15) Manage the Zoning Office, including:
11 (A) Hire, fire and supervise the staff;
12 (B) Make contracts, including purchasing equipment, services, and other items;
13 and
14 (C) Keep paper and electronic records and arrange for backup and archiving.

15 **Section 311 Hearing Officer**

- 16 (a) The Board may appoint a hearing officer or administrative law judge to preside over
17 contested case and public hearings, pursuant to the APA.
18 (b) The hearing officer shall be admitted to the practice of law in the Commonwealth, and may
19 be either an Assistant Attorney General or a private attorney.

20 **Section 312 Legal Counsel**

- 21 (a) The Board and/or the Administrator may contract for the Attorney General or private
22 counsel to provide legal services. The attorney/s shall be admitted to the practice of law in
23 the Commonwealth.
24 (b) The legal counsel may provide complete legal services to the Board and/or the
25 Administrator and may serve as a hearing officer.
26 (c) If the Board or the Administrator contracts for private counsel at a rate higher than that of
27 an assistant Attorney General, they shall provide a written justification as to the costs and
28 benefits of the selection.
29

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) Agricultural (AG)
 - (4) Beach Road (BR)
 - (5) Garapan Core (GC)
 - (6) Garapan East (GE)
 - (7) Industrial (IN)
 - (8) Mixed Commercial (MC)
 - (9) Public Resource (PR)
 - (10) Rural (RU)
 - (11) Tourist Resort (TR)
 - (12) Village Commercial (VC)
 - (13) 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	Adult Business Park
Agricultural Uses												
Agriculture, intensive	C	C ¹				C						
Aquaculture (Commercial)	P ²	C ^{1&2}			C ²							

¹ 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.

² 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	Adult Business Park
Aquaculture (Small Scale)	P	P ¹	C	C	C							
Farms	P	P			P	P						
Forestry	P	C				P						
Greenhouse or nursery	P	P		P	P	P						
Residential Uses												
Single-family dwelling	P ²	P	P	P	P	C	P ³	P ³	P ³	P ³	C ⁴	
Planned development up to 48 ft		P ¹	P	P	P		C	C	P	P		
Planned development over 48 ft		C ¹		C	C		C	C	C	C		
Mixed uses			C	P	P		P	P	P	P		
Mobile home		P ¹	C	C	P							
Multifamily or apartment up to 48 ft		P ¹	P	P	P		P	P	P	P		
Multifamily or apartment over 48 ft		C ¹		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 ¹	P	P	P		P	P	P	P		
Institutional residential		C ¹	C		C		C	C	C	C		
Protected care housing		C ¹			C							
Home-Based Business												
Home business	P	P	P	P	P		P	P	P	P		
Cottage industry	P	C ¹		C	P	P						
Hotels, Restaurants, Adult												
Adult business ⁵												P
Adult viewing booth												
Bed and breakfast		P	C	P	P		P	P	P	P		
Evening entertainment				P	P	P	P	P	P	P		P

¹ 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.

² Housing shall only be permitted that is accessory to an agricultural use.

³ See Sections 503, 504, 505, and 510 for residential restrictions.

⁴ Only caretaker housing is allowed.

⁵ 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 Business Park
Hotel/motel		C		C	P		P	P	P	C		
Adult gambling machine business					P ¹					P ¹		P ¹
Restaurant, drive-through				C	P	P		P	P	P		
Restaurant, general		C ²	C	P	P	P	P	P	P	P	C ²	P
Office Uses		C	C	P	P	P	P	P	P	P		
Retail Sales and Services												
Art Studio		C ²	C	P	P	P						
Auto rental office				P	P	P	P	P	P	P		
Auto rental including service for rental vehicles				C	P	P						
Automobile Sales					P	P						
Automotive audio and electronic service				P	P	P						
Book Store, magazines, newspapers, periodicals		P ²	P	P	P		P	P	P	P		
Building Material Sales					P	P						
Catering service, social or Home		C ¹	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						
Dive shop				C	P		P	P	P	P		
Dry cleaning					P	P						
Dry cleaning outlet ³		P ²		P	P	P						
Farm Equipment Sales or Rental					P	P						

¹ See Section 612 for location restrictions in this zoning district.

² 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.

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

Uses	Agricultural	Rural	Village Residential	Village Commercial	Mixed Commercial	Industrial	Garapan Core	Garapan East	Beach Road	Tourist Resort	Public Resource	Adult Business Park
Flower and floral shop		P ¹	C	P	P		P	P	P	P		
Funeral home					P	P						
Gas station, light repair		C ¹		C	P	P						
Gifts, toys, novelties, greeting cards				P	P		P	P	P	P		P
Grocery / Convenience store		P ¹		P	P		P	P	P	P		
Hardware, appliances, audio, computers, & electronic sales				P	P		P	P				
Laundromats		P ¹		P	P	P						
Mom and Pop Grocery Store		P ¹	C	P	P							
Parking, commercial					P	P	P	P	P	P		P
Pawn shops					P	C						
Personal service			C	P	P		P	P	P	P		P
Pharmaceutical store				P	P		P	P	P	P		
Repair of air conditioners, small electronics appliances				P	P				C	C		
Self-service storage					P	P						
Truck, Van, Trailer Rental					P	P						
Vehicle repair, general					C	P						
Public and Civic Uses												
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 ¹	P	P	P		P	P	P	P		
Government service		P	C	P	P	P	P	P	P	P		
Hospital		P ¹			P							
Medical Clinic		P ¹		P	P		P	P	P	P		
School, public		P	P	P	P			P	P	P		
School, private		P ¹	C	P	P	P		P	P	C		

¹ 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	Adult Business Park
Veterinary clinic or hospital		C ¹		P	P							
Recreational Uses												
Amusement, indoor				P	P		P	P	P	P		P
Amusement, outdoor		C			C		C	C	C	C	C	
Amusement, outdoor intensive		C ¹							C	C		
Arena, auditorium, stadium		C ¹			C		C	C	C	C	C	
Golf course		C								P		
Park, active		P	P	P	P		P	P	P	P	P	
Park, passive		P	P	P	P				P	P	P	
Zoo/aquarium		C										
Industrial Uses												
Airport						P						
Asphalt or concrete plant						P						
Contractor's office and storage		C ¹		C		P			C			
Mining		C ¹				C						
Gas and fuel, wholesale						P						
Heliport or helipad		C ¹			C	C						
Junkyard						P						
Manufacturing and processing				C	C	P			C			
Microbrewery				C	C	P	C	C	C	C		C
Seaport						P						
Warehousing and general wholesaling				C	P	P			C			
Utility Uses												
Communication tower, standard		C ¹			C	C					C	

¹ 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	Adult Business Park
Communication tower, stealth		P	P	P	P	P	P	P	P	P	P	P
Energy facility, nonrenewable		C ¹				C						
Energy facility, renewable	C	C	C	C	P	P	C	C	C	C	C	C
Sanitary landfill		C				P						
Transfer station		C ¹		C	C	P						
Utility, minor	P	P	P	P	P	P	P	P	P	P	P	P
Water or wastewater plant	C	C			C	P						
Temporary Uses												
Special event	T	T		T	T	T	T	T	T	T	T	T
Roadside merchandise stand	T	T	T ²	T	T				T	T	T	
Video or movie production	T	T		T	T	T	T	T	T	T	T	T
Temporary Batch Plant	T	T			T	T	T	T	T	T	T	T
Construction materials yard	T	T		T	T	T	T	T	T	T	T	

1

¹ 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.

² Permitted only on lots abutting an arterial or collector road.

Section 405 Agricultural Uses

Agricultural uses include:

- (a) **Agriculture, Intensive.** These uses include: any agricultural uses such as feed lots, hog farms, 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.
- (d) **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) **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 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

- 1 a single lot is permitted.
- 2 (g) **Planned Development.** This is a residential development that is planned as a unit with
- 3 common open space and:
- 4 (1) has more than 5 dwelling units;
- 5 (2) has multiple buildings; and
- 6 (3) has a mix of single family and multifamily dwelling units or a mix of residential
- 7 and nonresidential development.
- 8 (h) **Protected Care Housing.** This is housing where the residents are assigned to the facility
- 9 and are under the protective care of the CNMI government. It includes a jail, prison, or
- 10 work release facility but does not include an emergency shelter.
- 11 (i) **Residential Accessory Building.** This is a building or use that contributes to, and is
- 12 secondary to, the comfort, convenience, and necessities of the residents of the principal
- 13 residential building or use.
- 14 (j) **Single-Family Dwelling.** The use of a single lot for one single-family detached dwelling
- 15 unit with open yards on all sides, excluding a mobile home.
- 16 (k) **Townhouse.** A structure located on a single lot with two or more dwelling units that are
- 17 two stories and attached by a party wall to one or more other dwelling units, each on its
- 18 own lot.

19 Section 407 Home Based Business Uses

20 Home based business uses include:

- 21 (a) **Home Business.** This refers to a business that:
- 22 (1) Is conducted within a dwelling by members of the immediate family that reside
- 23 in the dwelling
- 24 (2) Has no more than one outside employee;
- 25 (3) The primary use of the home shall be as a residence;
- 26 (4) Involves no alteration of the exterior of the structure except play equipment or
- 27 fencing;
- 28 (5) Has no effect on the general character of the neighborhood;
- 29 (6) Offers no specialized service to groups of more than 5 persons except a home
- 30 day care may serve up to 6 children; and
- 31 (7) Offers no goods bought for the express purpose of resale.
- 32

33 Typical home business uses are music or dance lessons, hair care, day care, art studio,

34 professional office, and making baked goods, but not outdoor shows. Where there are no

35 external changes to the home and no sales or customers at the home, no zoning approval

36 shall be required. A home in a village residential neighborhood shall not be used as a

37 commercial warehouse or solely for storage.

38

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

44 Section 408 Hotels, Restaurants, Adult Uses

45 Hotels, restaurants, adult uses include:

- 46 (a) **Adult Business** means as defined in Section 103.
- 47 (b) **Adult Viewing Booth** means as defined in Section 103.
- 48 (c) **Bed and Breakfast.** A transient lodging establishment, generally 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.
- (d) **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) **Adult Gambling Machine Business.** means as defined in Article 1.
 - (f) **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.
 - (g) **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) **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, 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) **Parking, Commercial.** This use includes buildings or other structures and paved areas that provide temporary parking for motor vehicles for profit, where some or all of the spaces are not accessory to another principal use.
- (e) **Personal Service.** An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature; or the provision of informational, instructional, personal improvement or similar services, which may involve the limited accessory sale of retail products. Typical uses include:
 - (1) Barber, beauty shops

- (2) Art, dance, music schools
- (3) Health/fitness centers/spas that are not adult businesses
- (4) Driving schools
- (5) Licensed therapeutic massage studios
- (6) Internet Cafes
- (f) **Other Retail Sales.** Typical uses include:
 - (1) Automobile sales with or without repair service
 - (2) Dry cleaning, Laundromats
 - (3) Auto rental including service for rental vehicles that would be allowed under "gas station, light repair".
 - (4) Copy centers, small print and sign shops
 - (5) Pawn shops
 - (6) Sale of lumber, construction, or building materials
 - (7) Construction equipment sales, rental
 - (8) Moving truck, van and trailer sales, rental
 - (9) Farm equipment and machinery sales, rental
 - (10) Repair of air conditioners, small electronics and appliances.
 - (11) Clothing, jewelry, shoes, sporting goods
 - (12) Hardware, appliances, computers, audio and electronic equipment
 - (13) Grocery or convenience items
 - (14) Books, magazines, newspapers, periodicals
 - (15) Gifts, toys, novelties, greeting cards
 - (16) Flowers and floral arrangements
 - (17) Pharmaceuticals
 - (18) Sale and installation of automobile audio and electronic equipment
 - (19) Dive shop
 - (20) Auto rental office without garage services for rental vehicles.
- (g) **Self-Service Storage.** An enclosed storage facility of a commercial nature containing independent, fully enclosed bays that are leased to persons exclusively for storage of their household goods or personal property.
- (h) **Gas Station, Light Repair**
 - (1) An establishment primarily engaged in the retail sale of gasoline or other motor fuels that may include the sale of convenience retail items, and/or
 - (2) An establishment engaged in maintenance operations such as: changing oil/filter or other fluid, vehicle inspection, light engine tune-up or repair; steering or suspension repair; tire service; brake service; air conditioning service; electrical repair; or "trim" work (for example: the changing of lights, lens, door handles, window regulators and glass) that also meets the following requirements:
 - (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.
- (i) **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, 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 overnight and outpatient care; and treatment of human illness. 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.
- (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 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.
- (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.
- (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)

1 (c) **Temporary uses include:**

- 2 (1) **Special Event** for a period exceeding 28 days (4 weeks). This event may
3 include, but is not limited to, outdoor concert, auction, fiesta, carnival, outdoor
4 religious meeting, rodeo, special entertainment at a commercial property, and
5 bake sale. Included is a profit or nonprofit group that travels around with the
6 event to different communities, and a commercial operation that provide
7 additional outdoor entertainment for their patrons.
8 (2) **Roadside Merchandise Stand.** A temporary structure or vehicle used for the
9 sale of locally grown produce, locally caught fish, souvenirs, beverages, snacks,
10 or locally made handicrafts.
11 (3) **Video or Movie Production.** This is a temporary structure or vehicle used in
12 the production of either commercial video or motion picture films.
13 (4) **Construction Materials Yard.** This is an area for the temporary off-site
14 storage of construction materials for a permitted building or public facility.
15 (5) **Temporary Batch Plant.** This is a batch plant for asphalt or concrete for a
16 public or private construction project. A temporary batch plant shall only be
17 permitted to operate for 45 days. An applicant may seek an extension of the 45
18 day time limit from the Zoning Administrator for good cause shown.
19

20 The Zoning Administrator shall:

- 21 (i) minimize noise nuisance by limiting the hours of operation, as
22 appropriate;
23 (ii) Locate the plant as far from residential areas as is feasible;
24 (iii) limit the height of any structure to the minimum height necessary
25 for effective operation;
26 (iv) limit ground visibility of stored equipment and materials; and
27 (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

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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 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 10 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.

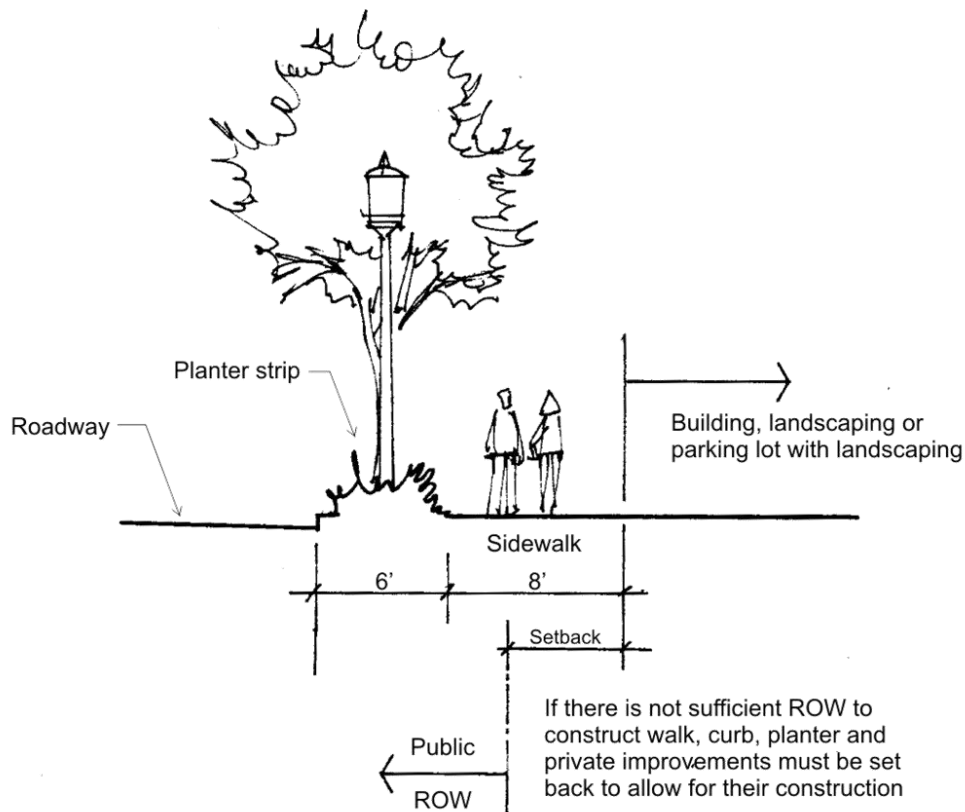


Figure 1. Illustration of setback to allow construction of a sidewalk and planting strip

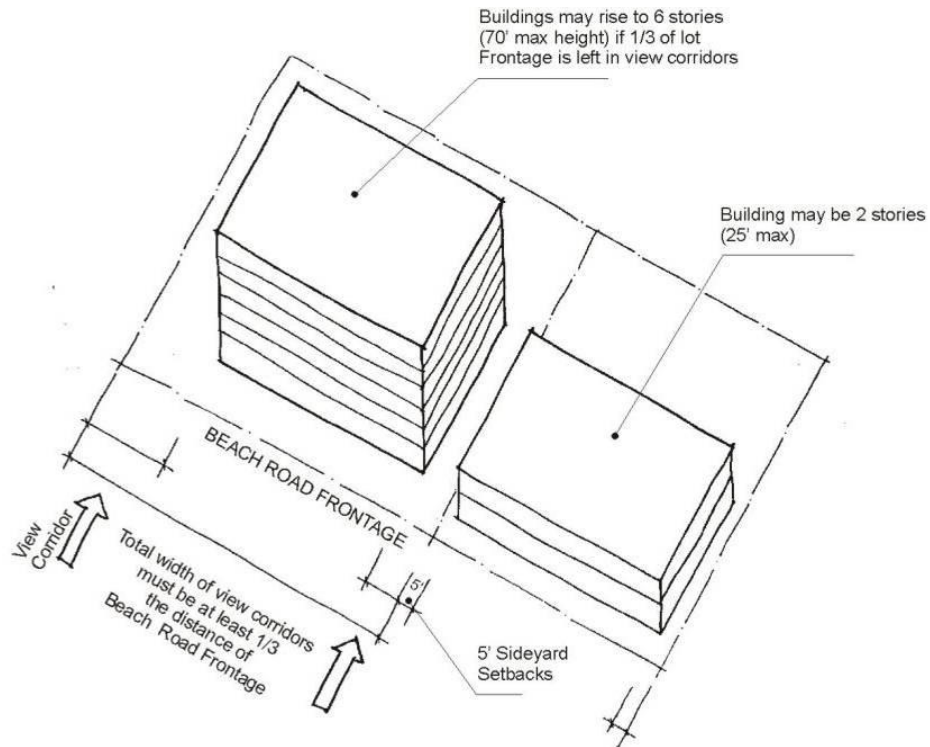


Figure 2. Illustration of building height options for the Beach Road Zoning District

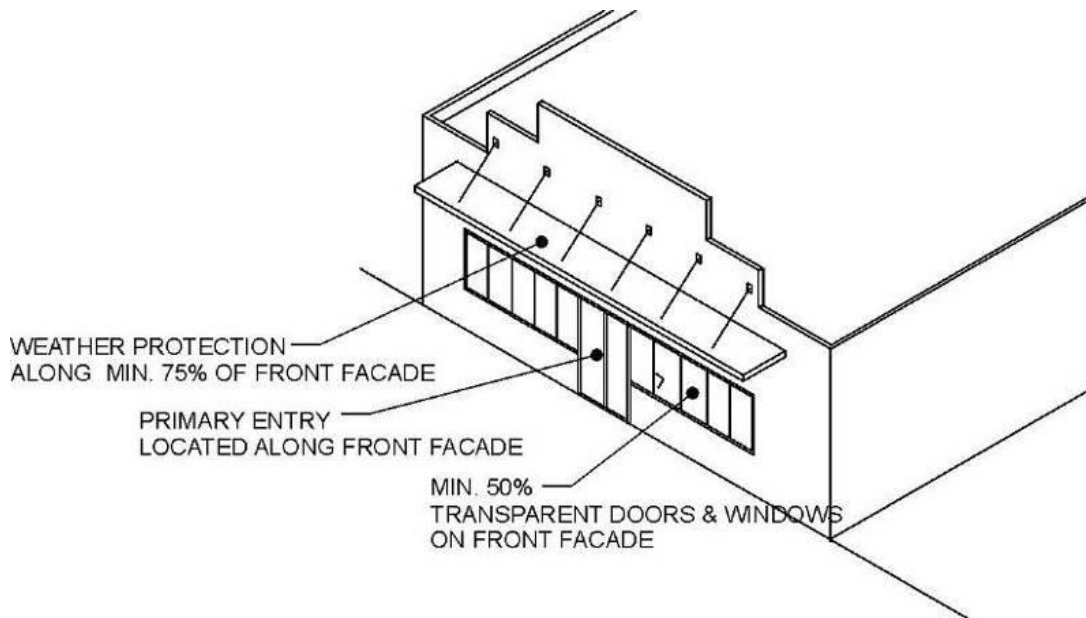


Figure 3. Illustration of requirements for a pedestrian-oriented facade

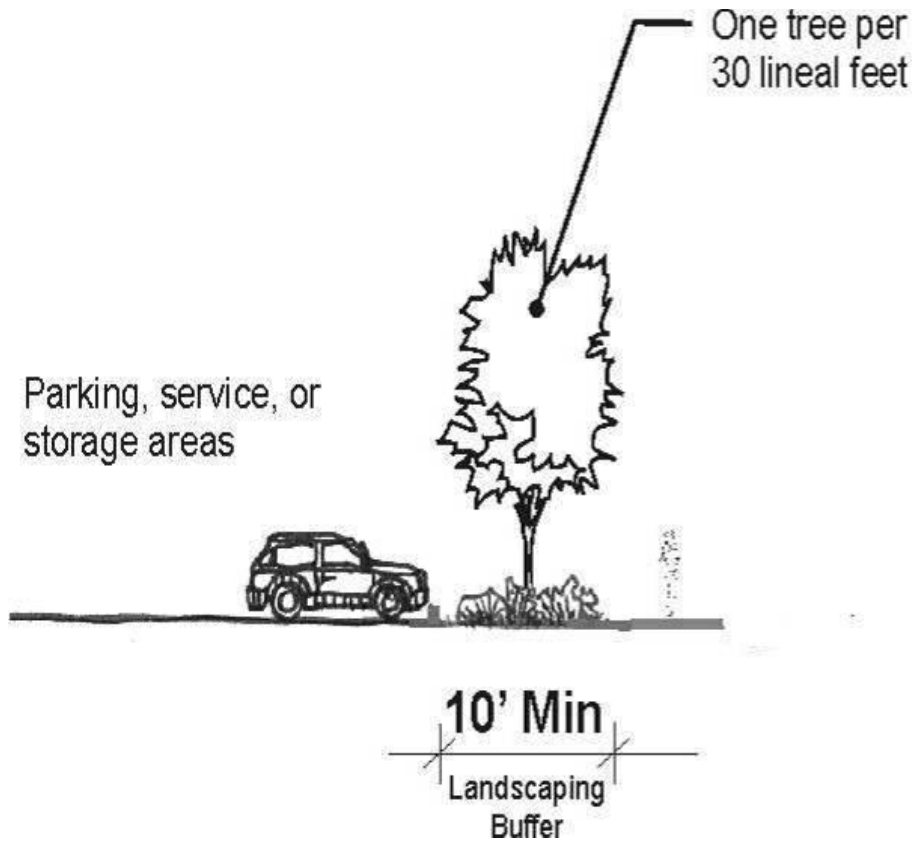


Figure 4. Illustration of requirements for landscaping between a street and parking lot

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.

1 (e) **Site Design Requirements**

2 (1) **Intent**

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

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

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

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

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

22 (h) **Building Design Requirements**

23 (1) **Intent**

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

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

33 (i) **Landscaping Design Requirements**

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

36 (2) **Requirements**

- 37 (A) Type B landscaping (see Section 804) at least 6 ft wide shall be provided
38 between a public ROW and a parking area (see Figure 5).
39 (B) A new building shall provide landscaping to enhance the development and
40 add greenery to Garapan. At least 2% of the property shall be landscaped
41 or at least 1 square foot of building planter area or planting for vines
42 provided for each linear foot of street frontage. The landscaping shall
43 include street trees no more than 30 ft on center with a planting strip or tree
44 wells as needed to maintain the trees. The trees shall be at least 2" caliper
45 (diameter, as measured 3' above grade).

46 (j) **Residential Requirements**

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

(2) Requirements

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

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

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

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

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

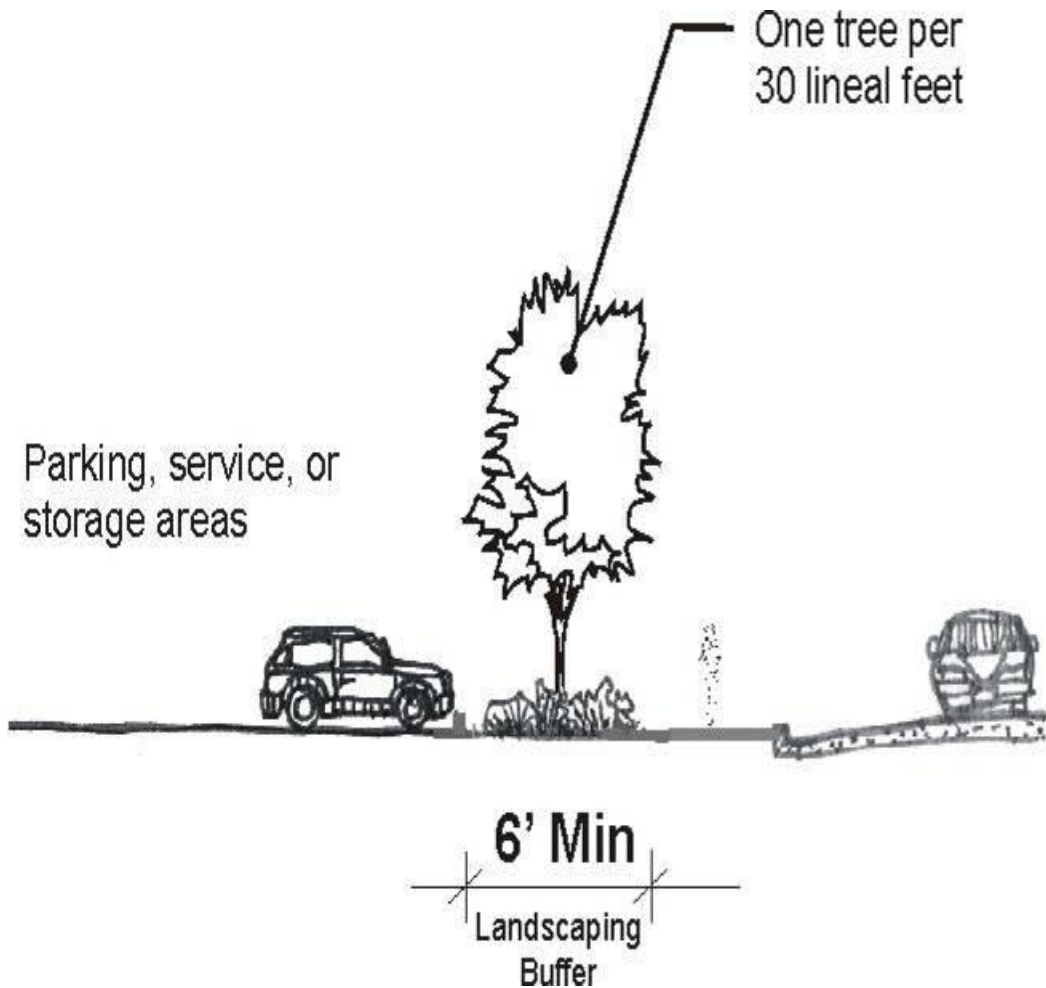


Figure 5. Illustration of requirements for landscaping between a street and parking lot

Section 505 Garapan Core (GC) Zoning District

- (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 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

- 1 demarcation of the area. The Entry Locations are the intersections of:
2 (A) Micro Beach Road and Beach Road
3 (B) CPL. Derence Jack Rd. and Beach Road
4 (C) CPL. Derence Jack Rd. and Coral Tree Street
- 5 (f) **Landscaping Design Requirements**
6 (1) **Intent.** To mitigate the appearance of parking lots and to improve the
7 downtown streetscape.
8 (2) **Requirements**
9 (A) Type B landscaping (see Section 804) at least 4 ft wide shall be provided
10 between a street and a parking lot (see Figure 8).
11 (B) A new building shall provide landscaping to enhance the development and
12 add greenery to Garapan. At least 2% of the property shall be landscaped
13 or at least 1 sf of building planter area or planting for vines provided for
14 each linear foot of street frontage. The landscaping shall include street
15 trees no more than 30 ft on center with a planting strip or tree wells as
16 needed to maintain the trees. The trees shall be at least 2 inches caliper
17 (diameter, as measured 3 ft above grade).
- 18 (g) **Residential Requirements for Garapan Core, Garapan East, Beach Road and Tourist**
19 **Resort areas.**
20 (1) **Intent.** To ensure that zoning districts located primarily in tourist-concentrated
21 areas provide a neat and inviting appearance to those guests who support the
22 tourism industry in the Commonwealth. These requirements shall be in addition to
23 all other requirements for residential structures contained in this Law.
24 (2) **Requirements**
25 (A) Any outside trash bins and dumpsters shall be screened with a six (6) foot
26 wood or concrete screen. The screen will provide wide-swinging doors so
27 that the dumpster can be accessed by a disposal service.
28 (B) Fences in front yards shall be limited to a height of four (4) feet.
29 (C) Fences within view of the public may not be constructed of chain link.
30 (D) Storage areas shall be maintained only in the rear yard. They must be kept
31 out of view from the general public.
- 32 (h) **Other Requirements.** Meet all requirements of this Law, except as they contradict the
33 provisions of this Section.
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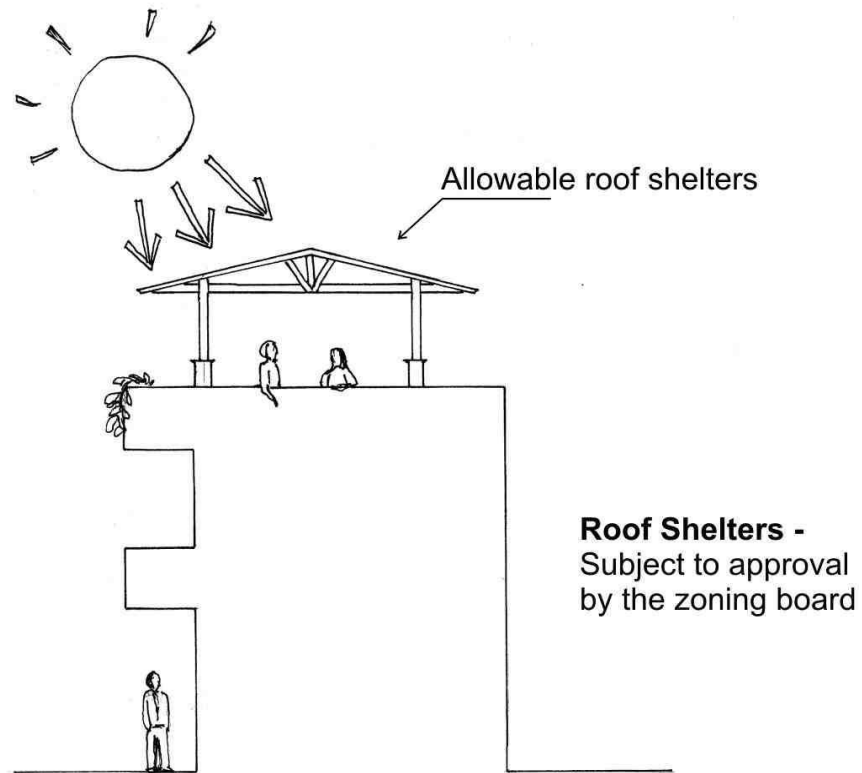


Figure 6. Allowable roof structure to shade a roof

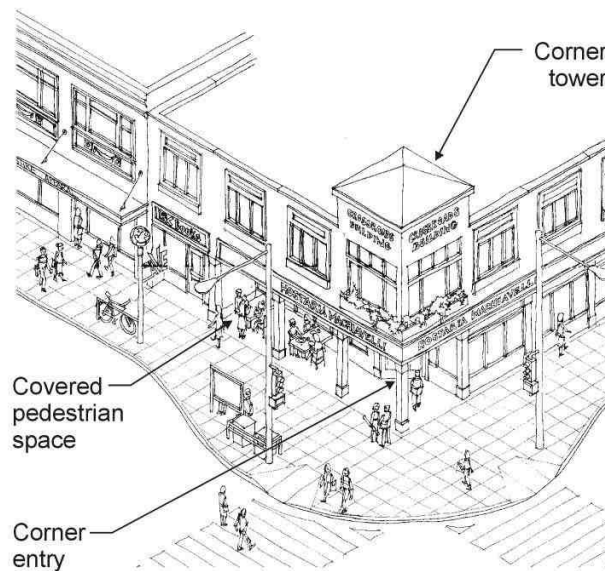


Figure 7. One example of building features for an entry location

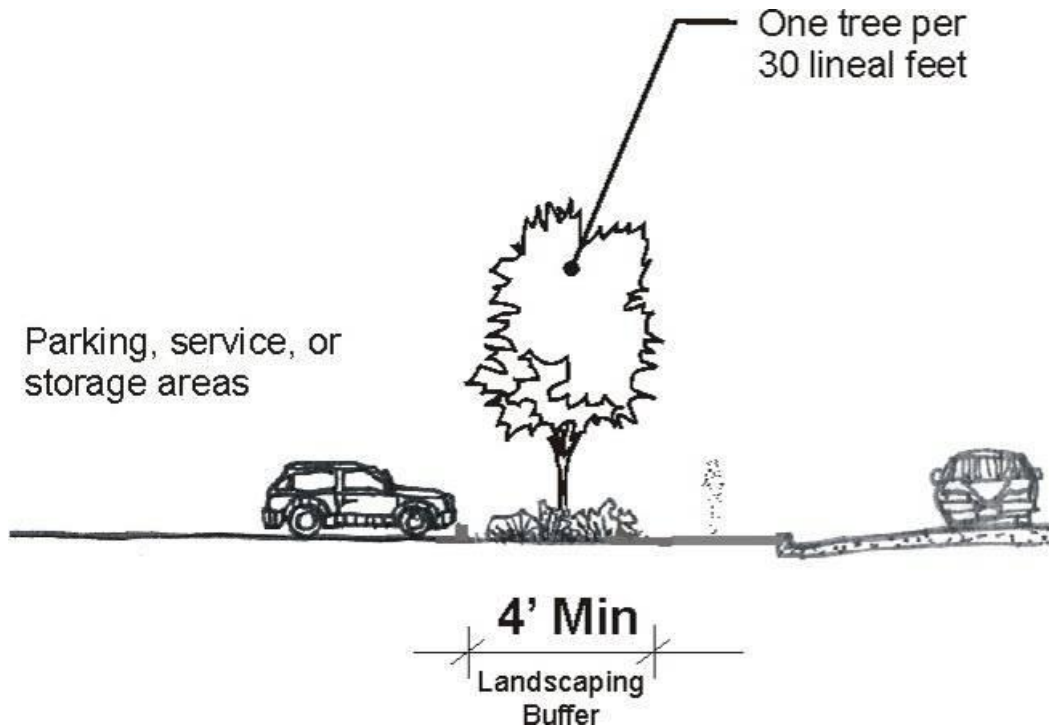


Figure 8. Illustrating requirements for landscaping between a street and parking lot

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.

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

1 screened from an arterial street with a strip, at least 10 ft wide, of Type A
 2 landscaping or a strip, at least 20 ft wide, of Type C landscaping as described in
 3 Section 804.

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

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

10 **Section 507 Mixed Commercial (MC) Zoning District**

- 11 (a) **Purpose.** This district provides for a broad spectrum of commercial development that
 12 requires a moderate to high level of vehicular access and for low to moderate density
 13 residential development
- 14 (b) **Allowed Uses.** Uses allowed in the Mixed Commercial (MC) Zoning District are indicated
 15 in Section 404.
- 16 (c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar to the
 17 primary uses in character, function and impact.
- 18 (d) **Bulk and Dimensional Requirements**
- 19 (1) **Residential:** See Section 602.
- 20 (2) **Nonresidential:**
- 21 (A) Lot area (min): 500 sm.
- 22 (B) Lot width (min): 50 ft.
- 23 (C) Front and side yard setback: A three (3) foot building setback shall apply
 24 for front and side yards. Additional setback may be required for the
 25 construction of a sidewalk as described in Article 5. Section 507(e)(2).
 26 The applicant shall demonstrate there is sufficient space for trade and
 27 service areas, parking, and other outdoor activities necessary on the site.
 28 Note that any building safety code setbacks, that are greater than three (3)
 29 feet, shall take precedent.
- 30 (D) Rear yard setback (min) 20 ft.
- 31 (E) Height (max): 48 ft except, heights up to 60 ft may be allowed with a front,
 32 side, and rear yard setback of 30 ft.
- 33 (e) **Landscaping Requirements**
- 34 (1) The landscaping requirements of Article 8 apply unless they conflict with
 35 provisions of this Section.
- 36 (2) Construct a sidewalk at least 6 ft wide and a curb with street trees spaced no
 37 more than 30 ft on center and a planting strip or tree wells as needed to
 38 maintain the trees. The trees shall be at least 2" caliper (diameter, as measured
 39 3' above grade). The walk, curb, and plantings shall be according to the Zoning
 40 Board's and Department of Public Works' specifications.
- 41 (3) Type A or B landscaping (Section 804) at least 6 ft wide shall be provided
 42 between a public right-of way and a parking area.
- 43 (f) **Other Requirements.** Meet all other requirements of this Law, except as they contradict
 44 the provisions of this Section.
- 45
- 46
- 47
- 48

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.
 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

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

35 Section 510 Tourist Resort (TR) Zoning District

- 36 (a) **Purpose.** This district provides for tourist and resort uses and services and a full range of
 37 services and housing for employees.
- 38 (b) **Allowed Uses.** Uses allowed in the Tourist Resort Zoning District (TR) are indicated in
 39 Section 404.
- 40 (c) **Accessory Uses.** Uses not listed that the Board finds to be substantially similar in
 41 character, function and impact to the primary uses.
- 42 (d) **Bulk and Dimensional Requirements**
- 43 (1) **Residential:** requirements are listed in Section 602.
- 44 (2) **Nonresidential** requirements are as follows:
- 45 (A) Lot area (min): 500 sm.
- 46 (B) Lot width (min): 50 ft.
- 47 (C) Front, side and rear yard setback (min): Same as for Beach Road zoning
 48 district except that buildings over 48 ft high shall be set back from the

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

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): 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 6 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.

1 (f) **Building Design Requirements**

- 2 (1) Building design requirements of Section 604 apply except as they conflict with
3 the requirements of this Subsection.
4 (2) Advertisements, displays or other promotional materials depicting or describing
5 specified anatomical areas, or specified sexual activities, or displaying
6 instruments, devices or paraphernalia that are designed for use in connection
7 with specified sexual activities shall not be shown or exhibited so as to be
8 visible from other areas open to the general public.
9 (3) Except for a massage parlor, a building opening, entry and window for an adult
10 business shall be located, covered or screened in such a manner as to prevent a
11 view into the interior of an adult business from any area open to the general
12 public.
13 (4) Except for a massage parlor, an entrance to an adult business shall be clearly
14 and legibly posted with a notice indicating that minors are prohibited from
15 entering the premises.
16 (5) A loudspeaker or sound equipment shall not be used by an adult business for
17 the amplification of sound to a level discernable by the public beyond the walls
18 of the building in which the adult business is conducted.
19 (6) An off street parking area, walkway or building entry serving the adult business
20 shall be illuminated during all business hours with a lighting system designed to
21 provide a minimum maintained horizontal illumination of greater than one foot-
22 candle of light on the parking surface and/or walkway. This required lighting
23 level is established in order to provide sufficient illumination of the parking
24 areas and walkways serving the adult business for personal safety of its patrons.
25 However, no uplighting shall be permitted.

26 (g) **Sign Design Requirements**

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

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

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

- 33 (a) **Purpose.** This zoning district provides for clustering of Adult Businesses in a manner that
34 protects public health and safety and is compatible with the adjoining land uses.
35 (b) **Establishment of ABP Zoning Districts.** The Board may recommend establishment of
36 one or more Adult Business Park (ABP) Zoning Districts, consistent with the following
37 requirements.
38 (c) **Siting of ABP Zoning Districts.** ABP districts shall be sited so as to:
39 (1) Provide easy access to major roads and avoid routing additional traffic through
40 neighborhoods;
41 (2) Be located so as not to interfere with the health, safety, or welfare of adjacent
42 land uses; and
43 (3) Provide a high level of maintenance and security.
44 (d) **Building and Sign Design Requirements.** Signs for adult businesses shall meet all
45 requirements of Article 10 except as they conflict with the requirements of this section.
46 (e) **Other Requirements.** Meet all requirements of this Law, except as they contradict the
47 requirements of this Section.
48

Article 6. General Development Requirements

Section 601 Purpose

The purpose of this Article is to establish general requirements for development.

Section 602 Residential Lot Requirements

In addition to meeting all other requirements of this Law, residential development, including a home business, shall meet the requirements in Table 1.

Section 603 Nonresidential Lot Requirements

Nonresidential lot requirements are listed for each zoning district in Article 5.

Section 604 Building Design Requirements

(a) Purpose.

The purpose of this Section is to:

- (1) Reduce the apparent bulk and mass of large buildings;
- (2) Add visual interest to buildings;
- (3) Retain the “island character;”
- (4) Encourage the use of design details and small-scale elements in the design of buildings so that they are attractive at a pedestrian scale;
- (5) Achieve a human scale by including elements that provide visual clues to the size of the building and activity within;
- (6) Encourage pedestrian activity; and
- (7) Encourage the use of high quality and durable building materials.

(b) Applicability

- (1) Requirements of this Section apply to all commercial, multifamily and institutional development unless otherwise noted.
- (2) The Board may waive, except for retail or multifamily use, one or more of these requirements where the applicant can demonstrate that such building design requirements are not applicable because a building is screened from public view from the street and adjacent properties and such design features are not typically found on buildings proposed for the subject use.
- (3) One element or building characteristic may be used to address more than one requirement, if it applies.

Table 1. Residential Lot Requirements

Key: MC = Same as for Mixed Commercial Zoning District

ZD = See requirements listed under the applicable zoning district in Article 5

Zoning District/Use	Lot Area (sewered) ¹ (sm, min)	Lot Width (ft, min)	Front Yard (ft, min)	Side Yard (ft, min)	Rear Yard (ft, min)	Height (ft, max)
Agricultural (AG)						
Single Family	400	50	15	5	20	30
Accessory Building	-	-	15	5	20	30
Beach Road (BR)	ZD	ZD	ZD	ZD	ZD	ZD
Garapan Core (GC)	ZD	ZD	ZD	ZD	ZD	ZD
Garapan East (GE)	ZD	ZD	ZD	ZD	ZD	ZD
Mixed Commercial (MC)						
Single Family and Mobile Home	400	40	15	5	20	35
Planned Development	2,000	50	15	10	20	48 ²
Multifamily or Apartment, Mixed Use	600	50	15	10	20	48 ³
Townhouse	240	20	15	0	20	35
Institutional Residential	1,000	80	30	10	30	48
Public Resource (PR)	None	None	None	None	None	None
Rural (RU)						
Single Family and Mobile Home	400	40	20	10	10	35
Planned Development	5,000	150	30	30	30	48 ⁴
Multifamily or Apartment	5000	150	30	30	30	48 ⁵
Townhouse	400	40	20	0	10	35
Institutional Residential	5000	150	30	30	30	35
Tourist Resort (TR)	MC	MC	MC	MC	MC	160 ⁶
Village Commercial (VC)	MC	MC	MC	MC	MC	MC
Village Residential (VR)	MC	MC	MC	MC	MC	48

¹ The minimum lot area is based on availability of central or community sewage treatment. If an individual wastewater disposal system is to be used, a larger lot size may be required.

² Height may be increased to 60 ft if buildings are separated from property lines by a distance equal to 33% of their height.

³ Same requirement as for Planned Development in the Mixed Commercial zoning district.

⁴ Height may be up to 80 ft (except within 1,000 ft, measured horizontally, from the Mt. Tapochao, Suicide Cliff and Banzai Cliff) provided a building is are separated from a property line by a distance equal to the height and meets all other requirements of this Law.

⁵ Same requirements as for Planned Development in the Rural zoning district.

⁶ A building over 48 ft high shall be set back from the boundary of a VR zoning district by a distance at least equal to its height.

(c) **Articulation and modulation**

- (1) **Multi-story buildings with facades over 100 ft** facing a public street shall provide at least 2 of the following modulation and articulation features along the street front or primary facade at intervals of no more than 50 ft (see example in Figure 1)
 - (A) Building modulation of at least 6 ft in depth and 6 ft in width (required for multifamily residential buildings);
 - (B) Repeating distinctive window patterns at intervals less than the articulation interval;
 - (C) Providing a porch, patio, deck, or covered entry for each articulation interval;
 - (D) Providing a balcony or bay window for each articulation interval;
 - (E) Changing the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval;
 - (F) Changing materials and/or color with a change in building plane;
 - (G) Providing lighting fixtures, trellis, tree, or other landscape feature within each interval;
 - (H) Use of recessed building entries, plazas, courtyards, or seating and plantings areas;
 - (I) Alternative methods to shape a building such as angled or curved facade elements, offset planes, or terracing; or
 - (J) Other methods as approved by the Administrator or the Board as long as they meet the intent of the requirements.
- (2) **Commercial structures over 40,000 sf** in gross building footprint, except single purpose office and industrial buildings, shall cluster smaller uses and activities near the entrance. Alternatively, developments shall provide at least 600 sf of pedestrian-oriented space near the building entry (see example in Figure 2).

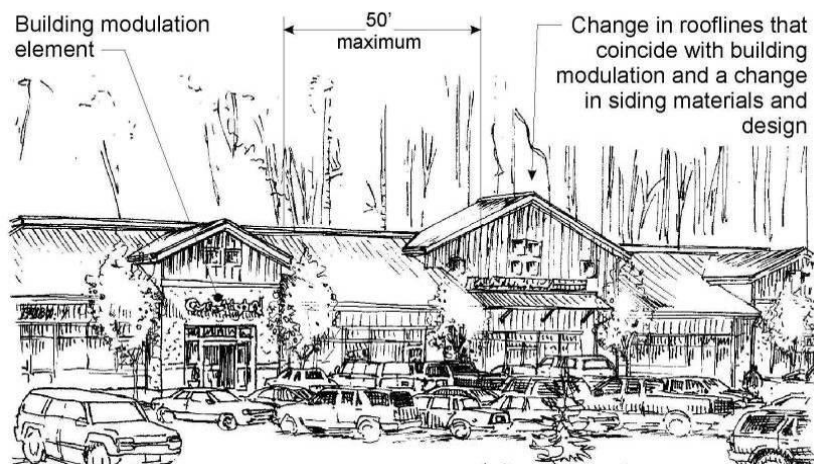


Figure 1. An example of building articulation (note how the building breaks up the large facade by a combination of roofline changes, entry and window patterns, landscaping, awnings, and other building features)

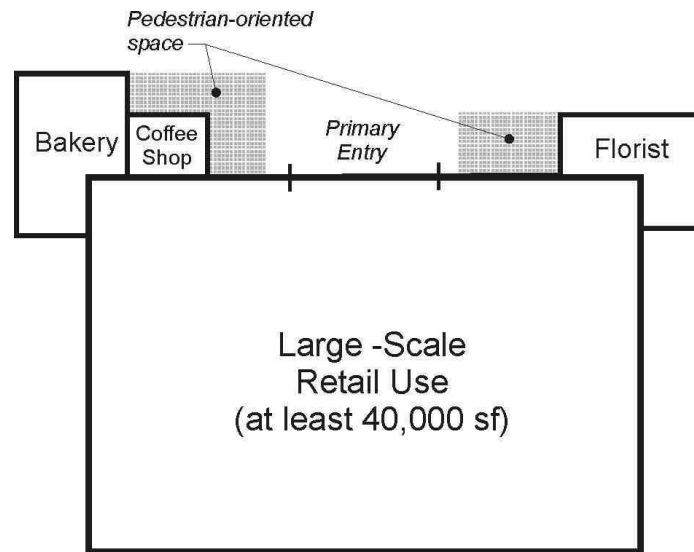
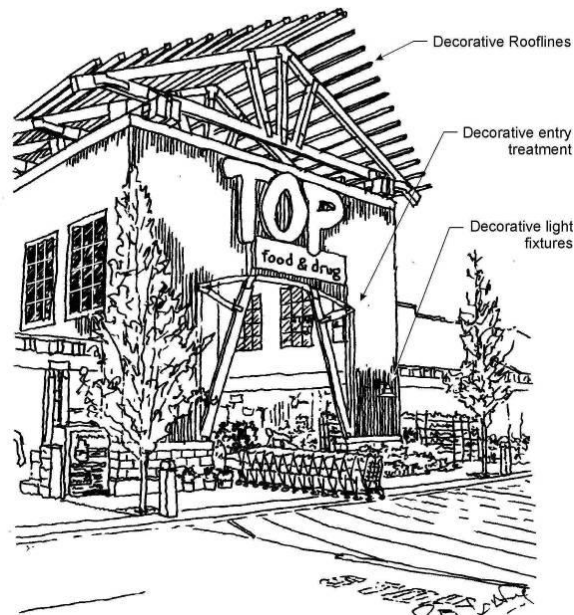


Figure 2. An example of clustering smaller uses near an entry of a large commercial structure

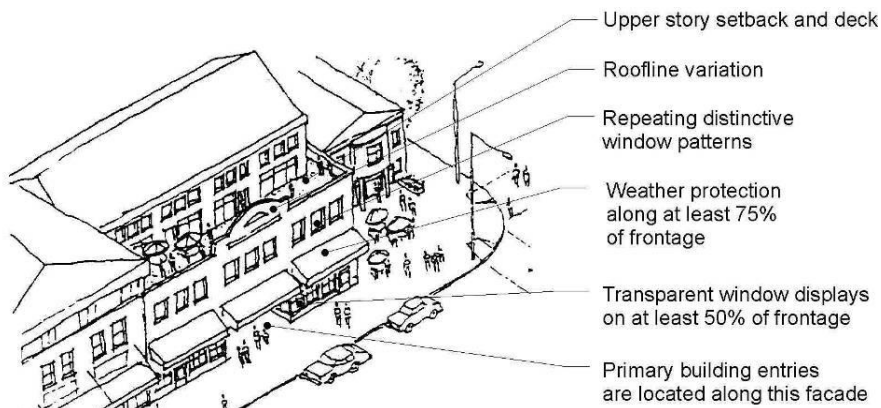
- (d) **Human Scale.** A commercial or multifamily building facing a public street, park or walkway shall employ at least 2 of the following elements or techniques toward achieving human scale. All proposals for achieving human scale are subject to approval by the Administrator or the Board.
- (1) Balconies or decks in upper stories at least 6 ft. deep and 6 ft. wide. At least one balcony or deck per upper floor on the facades facing streets;
 - (2) Bay windows that extend out from the building face at least one ft measured horizontally in upper stories, at least one per floor on the facades facing the street;
 - (3) Individual windows in upper stories;
 - (4) Multiple-paned fenestration (windows with multiple panes);
 - (5) Gabled or hipped roof, providing that the hipped or gabled roof covers at least one half of the building's footprint and has a slope greater or equal to 3 ft vertical in 12 ft horizontal;
 - (6) A porch, covered entry, trellis, gateway feature, or similar element;
 - (7) Upper story setbacks with one or more of the upper stories set back from the face of the building by at least 6 ft;
 - (8) Any of the features of a pedestrian-oriented facade (see Article 1); or
 - (9) Other, similar method approved by the Administrator or the Board.
- (e) **Building Detail.** A building facing a street, park, or public walkway shall:
- (1) Include at least three of the following design detail elements (see Figure 3 and Figure 4):
 - (A) Sculptural, mosaic, or other architectural details;
 - (B) Planter boxes or other landscaping feature;
 - (C) Window awnings or other feature to reduce heat from the sun;
 - (D) Decorative exterior light fixtures;
 - (E) Landscape trellises or other plantings;
 - (F) Decorative building materials incorporated into the building facade, including decorative masonry, shingles, brick, or stone;
 - (G) Individualized patterns or continuous details such as masonry in a geometric pattern, decorative moldings, brackets, wave trim or lattice work, ceramic tile, stone, glass block, or similar materials or other

- 1 approved materials with decorative or textural qualities;
- 2 (H) Gabled or hipped roof, provided the hipped or gabled roof covers at least
- 3 one half of the building's footprint and has a slope greater than 2 vertical to
- 4 12 horizontal;
- 5 (I) An upper story set back from the face of the building at least 6 ft or
- 6 projecting out (forward) at least 2 ft;
- 7 (J) Decorative artwork; or
- 8 (K) Other, similar element approved by the Administrator or the Board.
- 9 (2) Provide a covered entry (such as an overhang, awning, or canopy) on the
- 10 primary facade.



11

12 *Figure 3. Example of building details that upgrade the character of a large building*



13

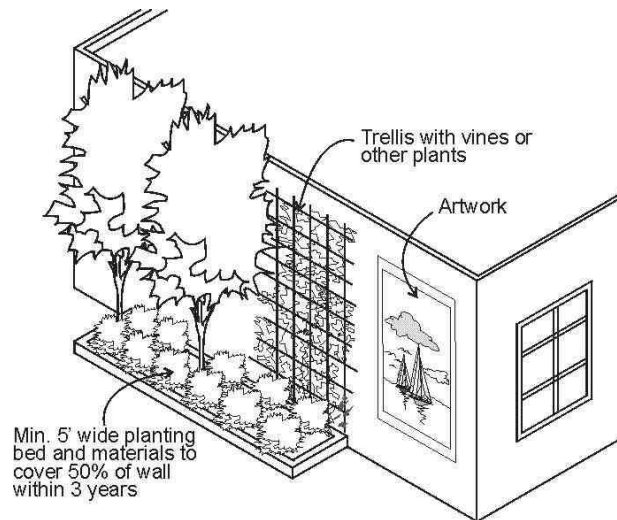
14 *Figure 4. An illustration of some of the desired design details*

15

16 (f) **Untreated Blank Wall**

- 17 (1) A blank wall includes:
- 18 (A) Any wall or portion of a wall that has a surface area of 400 sf of vertical
- 19 surface without a window, door, building modulation as defined below or

- 1 other architectural feature; or
- 2 (B) Any ground level wall surface or section over 4 ft high and longer than 15
- 3 ft wide that does not contain all or part of window or door.
- 4 (2) An untreated blank wall within 20 ft of, and visible from, a public street,
- 5 sidewalk or pedestrian area is discouraged in the GC, GE, BR, and TR zoning
- 6 districts. Where unavoidable, a blank wall shall be treated in one or more of the
- 7 following ways (see Figure 5):
- 8 (A) Installing a vertical trellis in front of the wall with climbing vines;
- 9 (B) Landscaping that covers 50% of wall area within one year of planting;
- 10 (C) Special materials (such as decorative patterned masonry); or
- 11 (D) Artwork or other treatment approved by the Administrator or the Board.



12 **Figure 5. Examples of blank wall treatments**

- 13
- 14 (g) **Building Material.** The following requirements apply to a building visible from a public
- 15 right-of-way, pedestrian area, or parking lot.
- 16 (1) A building shall use durable and high-quality exterior material.
- 17 (2) The following material shall not be used unless an exception is granted by the
- 18 Administrator or the Board.
- 19 (A) Highly reflective materials such as mirrored glass or shiny metal panels;
- 20 (B) Corrugated sheet metal or fiberglass;
- 21 (C) Chain-link fences in front yards (except in industrial areas); or
- 22 (D) Synthetic materials with reflective surfaces, including galvanized steel and
- 23 glossy vinyl siding.
- 24 (3) Material should be those of typical use on Saipan, including, but not limited to:
- 25 (A) Concrete and masonry;
- 26 (B) Rock, stone, and brick material; or
- 27 (C) Manufactured, pre-finished and colored metal roof systems but not
- 28 corrugated sheet metal
- 29 (4) If sheet material, such as plywood, composite fiber product, or prefabricated,
- 30 pre-finished metal siding system (but not corrugated sheet metal), is used as a
- 31 siding material over more than 25% of a building's facade, the building shall
- 32 use:
- 33 (A) Material with a matted, colored finish;
- 34 (B) Visible window and door trim painted or finished in a complementary
- 35 color; and

- 1 (C) Corner and edge trim that covers exposed edges of the siding material.
 2 (5) A prefabricated metal building shall include at least three of the following
 3 features:
 4 (A) Porch or recessed entry;
 5 (B) Overhanging eaves;
 6 (C) Visible trim at least 4 inches wide around all doors and windows in an
 7 accent color;
 8 (D) Other building elements such as a cupola, building wing, trellis, portico;
 9 (E) Picture windows or adjoining windows totaling at least 32 square ft;
 10 (F) Canopy or other weather protection feature over an adjacent walkway; or
 11 (G) Other feature that meets the intent of the requirements and as approved by
 12 the Administrator or the Board.
 13 (6) Block or Concrete Wall. If concrete or block (concrete masonry unit or “cinder
 14 block”) is used for a wall, one or more of the following architectural treatments
 15 shall be used:
 16 (A) Painted surfaces;
 17 (B) Textured blocks with split-face, grooved, or other similarly treated
 18 surfaces;
 19 (C) Colored mortar;
 20 (D) Other masonry types, such as brick, glass block, or tile, in conjunction with
 21 concrete blocks; or
 22 (E) Other similar treatment acceptable to the Administrator or the Board
 23 (7) Exposed Rebar. Use of visible, exposed rebar (“wish sticks”) is prohibited.
 24 Where the applicant wishes to provide rebar connections for future
 25 construction, the connections shall be provided in a way that is not visible from
 26 a public ROW or open space or treated in a manner acceptable to the
 27 Administrator or the Board. Decorative elements, such as planters or sculpture,
 28 may be used to hide the wish sticks until the building addition is constructed
 29 (see Figure 6).
 30 (h) **Sustainable Architectural Requirements**
 31 (1) A new building shall have an insulated roof to an effective level of R19.
 32 (2) A building shall feature two of the following measures to save energy and
 33 resources:
 34 (A) Window awning, overhang, or other means to reduce solar gain from
 35 windows;
 36 (B) A rainwater collection or water reuse system;
 37 (C) A shaded outdoor area for human activity such as shaded balconies, roof
 38 decks, or courtyards;
 39 (D) A means of cross-ventilation with operable windows;
 40 (E) Special siting for indoor climate control (e.g., orientation to a breeze); or
 41 (F) Other means approved by the Administrator or the Board.
 42

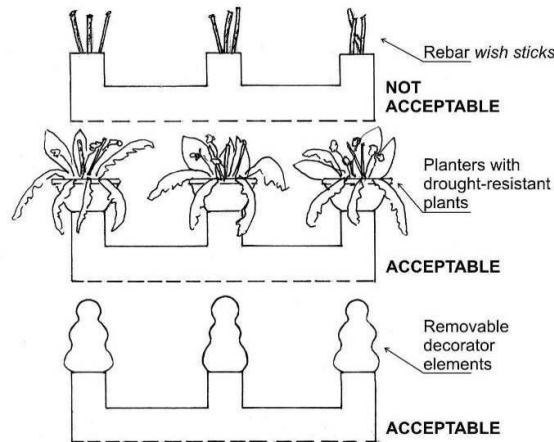


Figure 6. Examples of methods to treat wish sticks

Section 605 Multiple Building/Large-Lot Developments

- (a) **Purpose.** The intent of multiple building/large lot development requirements is:
- (1) To reduce negative impacts on adjacent properties;
 - (2) To take advantage of special opportunities to create a composition of buildings and landscape features;
 - (3) To enhance pedestrian and vehicular circulation;
 - (4) To encourage transit use;
 - (5) To provide usable open space;
 - (6) To create focal points for pedestrian activity for developments; and
 - (7) To enhance the visual character of the community.
- (b) **Applicability**
- (1) These requirements apply to a property with more than one hectare in gross land area or with more than two primary buildings except these requirements shall not apply in the Industrial zoning district.
 - (2) Other requirements of this Law also apply. However, the Board or Administrator may relax or revise other requirements related to vehicular and pedestrian circulation, building and parking orientation, and landscaping if the Board or Administrator determines that the master plan, as approved, would provide a superior development than if the requirements were strictly implemented.
- (c) **Requirements**
- (1) For applicable properties and projects, the applicant shall submit a master plan for the property showing:
 - (A) Current and future development phases;
 - (B) The land use and environmental features (topography, water bodies and courses, vegetated areas, roadways, driveways, public rights of way and buildings) of the site and surrounding area (at least the extent of adjacent properties);
 - (C) Building layout, entrances, height, and proposed uses (retail, office, residential, etc) ;
 - (D) Service and outdoor storage areas;
 - (E) Open space and landscaping (see Article 8);
 - (F) Pedestrian circulation (see Section 606);

- (G) Vehicle access, circulation and parking (see Section 607 and Article 9);
- (H) General location and type of signs (especially freestanding signs) (see Article 10); and
- (I) Other site features and characteristics as requested by the Administrator or the Board.
- (2) The master plan shall illustrate to the Administrator's or the Board's satisfaction that it meets the requirements of this Section.
- (3) Site planning for all developments shall demonstrate a unifying, organized design that meets the following requirements (see examples in Figure 8 and Figure 9):
- (A) Incorporate open space, natural features and landscaping as a unifying element (See Article 8);
 - (B) Where possible, incorporate screening, environmental mitigation, utilities, and drainage as positive elements (for example, create a "natural" open space or wet pond as a site feature to accommodate surface water runoff);
 - (C) Provide pedestrian paths or walkways connecting all businesses and the entries of multiple buildings as required by Section 606;
 - (D) Provide safe and efficient vehicular circulation, take advantage of shared parking opportunities, and reduce traffic impacts on public streets;
 - (E) Provide on-site pedestrian-oriented space at the following ratio: 1.0% of applicable lot area plus 1.0% of non-residential floor area. (see example in Figure 7);
 - (F) Provide a pedestrian path from/to all adjacent public rights of way, transit stops, and adjacent properties except where the Administrator or the Board finds that the pedestrian connection would negatively impact those adjacent properties;
 - (G) Integrate pedestrian accommodations for transit stops into the development of public and private streets;
 - (H) Integrate on-site pedestrian circulation with adjoining right-of-way activity and development;
 - (I) Incorporate, or at least protects, on-site natural features such as wetlands, steep slopes, water courses, and stands of significant natural vegetation;
 - (J) Identify measures to manage storm water, and prevent undesirable run-off and reductions in water quality; and
 - (K) Include a landscape concept or plan that illustrates how landscaping will be used to: define and enhance pedestrian-oriented spaces and pedestrian walks and paths; enhance buildings; buffer and screen service areas and parking lots; and integrate, or complement where appropriate, landscaping of the streetscape and adjacent properties.
- (4) A permit for development on applicable lots will be issued only after the Administrator or the Board reviews and approves the master plan described in Subsection (c) of this Section. Subsequent development projects for later phases must be consistent with the master plan or demonstrate to the Administrator's or the Board's satisfaction that the proposal meets the objectives of this Section at least as well as the master plan.

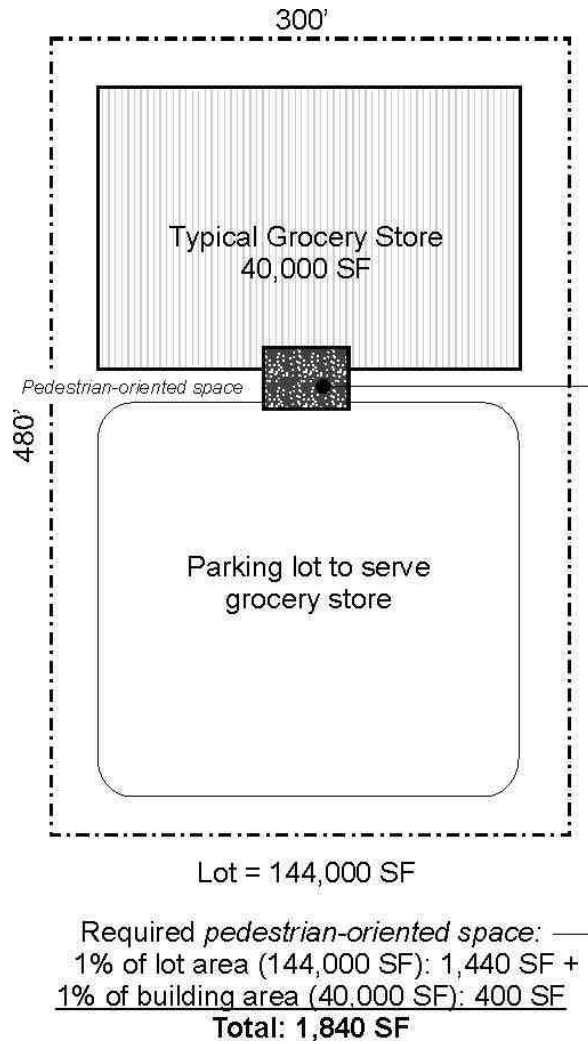


Figure 7. Example of pedestrian-oriented space required for a typical grocery store with surface parking

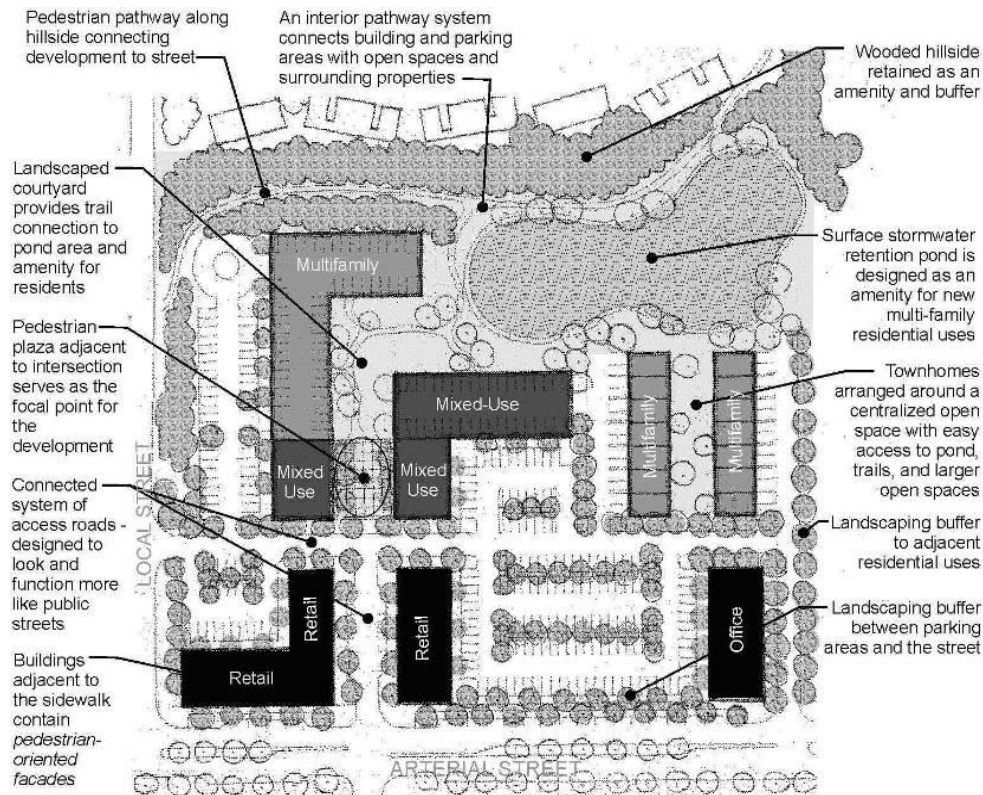


Figure 8. Example of multiple building/large lot development with desired features

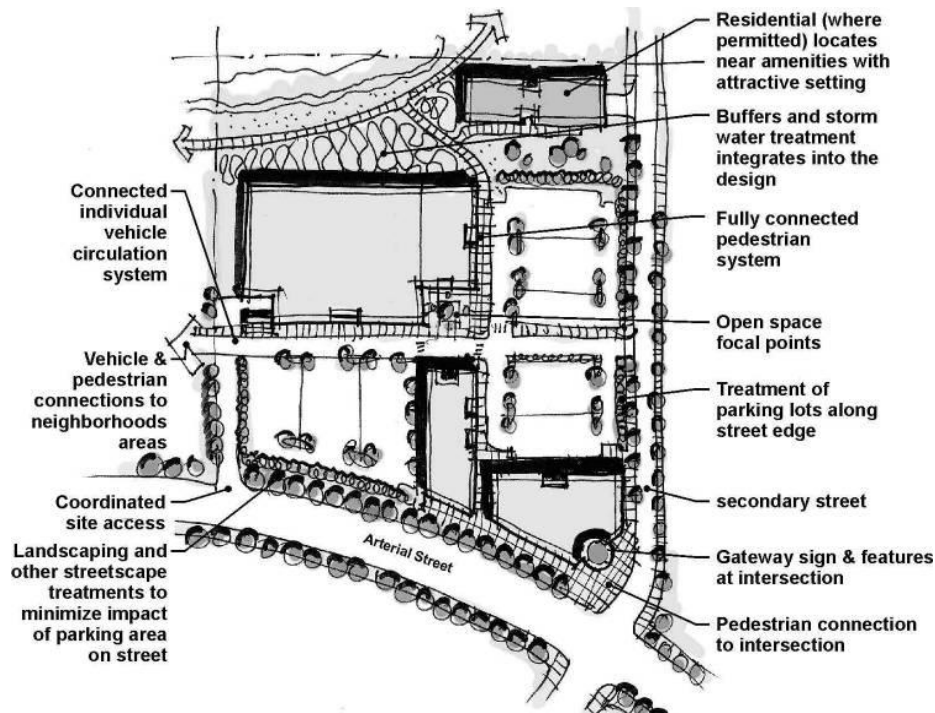


Figure 9. Example of large site development with desired features

Section 606 Pedestrian Access and Amenities

(a) Purpose.

- (1) To provide safe and direct pedestrian access in commercial areas to accommodate pedestrian movement patterns, to minimize conflicts between pedestrians and vehicular traffic, and to provide pedestrian connections to neighborhoods;
- (2) To provide safe routes for the pedestrian and disabled person across parking, to entries, and between buildings;
- (3) To accommodate non-competitive/non-commuter bicycle riders who use bicycles on short trips for exercise and convenience;
- (4) To provide attractive internal pedestrian routes that promote walking and enhance the character of the area;
- (5) To provide a network of pedestrian pathways that can be expanded over time; and
- (6) To encourage pedestrian amenities along pathways, such as artwork, landscaping elements, and architectural details.

(b) Applicability. The requirements of this Section apply to all nonresidential and mixed use development unless otherwise noted.

(c) Requirements.

The requirements for pedestrian access and amenities are as follows:

- (1) For a building with a retail or commercial service on the ground floor that is separated from the public right-of-way by parking (that is, where there is a parking lot between the building and the sidewalk), provide a paved walkway at least 12 ft wide along the front of the building (see Figure 10). The walkway shall be landscaped with trees no farther than 30 ft on-center. Maintain a walking surface at least 8 ft wide at all points along the walkway. Pedestrian lighting is not required if provided from the building or parking lot lighting. The intent of this provision is to allow for a pedestrian walkway along the front of the building and to enhance the front facade
- (2) A pedestrian pathway shall conform to federal and CNMI codes for mobility impaired persons, and the ADA.
- (3) All primary building entrances shall have clear pedestrian access to the sidewalk. Where a use fronts two streets, access shall be provided from the road closest to the main entrance, but preferably from both streets.
- (4) Pedestrian paths or walkways connecting all businesses and the entries of multiple commercial buildings frequented by the public on the same development site shall be provided (see Figure 11).
- (5) For development sites abutting vacant or underdeveloped land, the Administrator or the Board may require new development to provide for the opportunity for future connection to its interior pathway system through the use of pathway stub-outs, building configuration, and/or parking lot layout. For example, a grid of pedestrian connections at intervals of no more than every 300 ft would meet the Intent statements above and be scaled similar to traditional block sizes in downtowns.
- (6) A paved walkway or sidewalk shall be provided for safe walking areas through parking lots greater than 190 ft long (measured parallel to the building front). A walkway shall be provided for every three parking aisles (see Figure 12). Such an access route through parking areas shall be separated from a vehicular parking and travel lane by use of contrasting paving material that may be raised above the vehicular pavement. A speed bump may not be used to satisfy this

- requirement. A crosswalk is required when a walkway crosses vehicle travel.
- (7) A development should include an integrated pedestrian circulation system that connects buildings, open spaces, and parking areas with the adjacent street sidewalk system. A multifamily residential complex or commercial development should not be an isolated enclave separated from one another by fences, walls, and parking lots. Also, connections to adjacent properties are particularly important.
- (8) The applicant shall successfully demonstrate that a proposed walkway is of sufficient width to accommodate the anticipated number of users. A walkway shall feature a minimum 5 ft of unobstructed width.

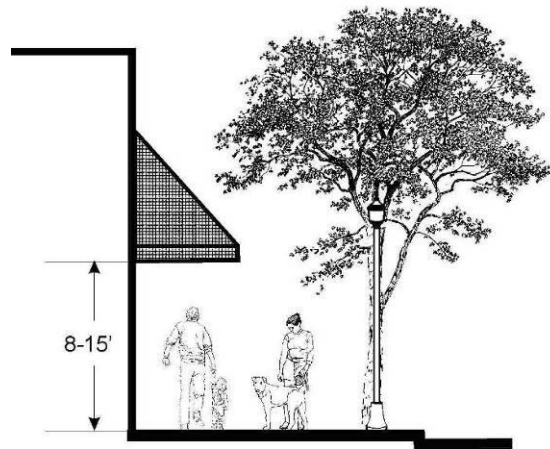


Figure 10. Example of pedestrian walkway

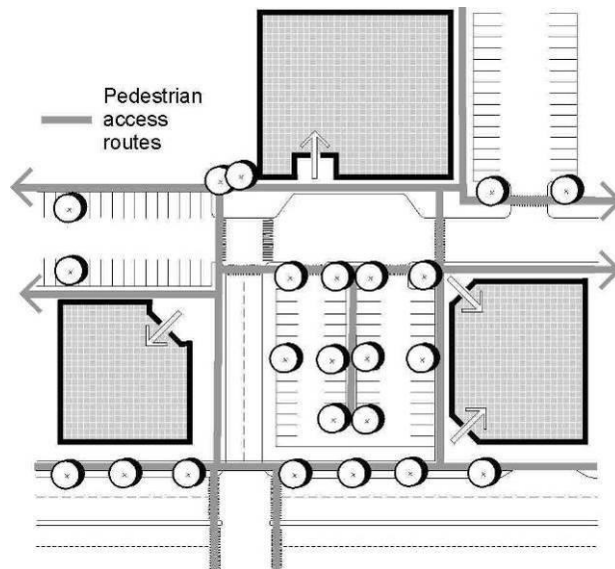


Figure 11. Example of pathways between buildings

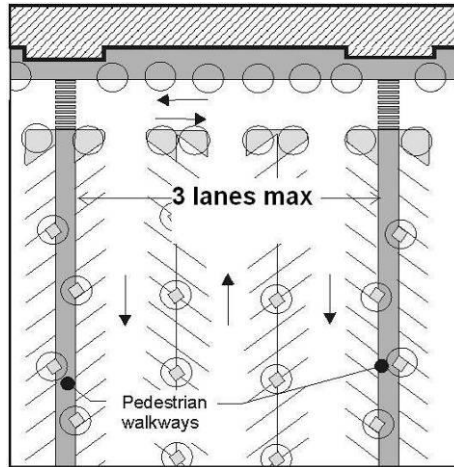


Figure 12. Example of pathways through parking lots

Section 607 Neighborhood Design and Subdivision Layout

- (a) **Applicability.** This Section applies to all residential, planned development, and mixed-use developments greater than 10,000 s.m. in gross land area and to subdivisions of more than 4 lots unless otherwise noted. These requirements are not applicable where the property has been divided up among family members as a result of a bequest or other gift and where there is no development plan for the property. In such cases, the subdivision of property must include only easements to provide vehicular access, water lines, sanitary sewers, storm water drainage, power lines, and other utilities as required by the DPW and/or the CUC. Where feasible, a utility easement may be included in the road ROW.
- (b) **Purpose:** The purpose of this Section is to:
- (1) To enhance pedestrian and vehicular connectivity between residential areas and to surrounding uses and amenities;
 - (2) To provide safe and attractive streets for residents;
 - (3) Create cohesive neighborhoods designed around centralized park or open spaces;
 - (4) To create walkable neighborhoods;
 - (5) To create community open space amenities that lend identity to a neighborhood and are used by its residents in many ways;
 - (6) To create a system of parks that are accessible and interconnected, providing a greater amenity to the community; and
 - (7) To retain sensitive natural areas and other unique natural features as community open space.
- (c) **Neighborhood Unit.** A neighborhood unit shall meet the requirements of this Subsection.
- (1) A subdivision with more than 30 lots shall be designed with cohesive neighborhood units – where all residents are no more than 1/4 –mile walking distance from a central neighborhood park or square and if permitted, neighborhood service uses.
 - (2) A neighborhood unit shall be connected to another neighborhood unit by a residential street and a pedestrian path so that several smaller areas can support community-wide services, such as an elementary school.
 - (3) A neighborhood unit shall not be bisected by a collector or arterial road.
 - (4) Traffic speed shall be no higher than 25 miles per hour on residential streets.

- (5) A main pedestrian path or street into a neighborhood shall be treated as a gateway with special landscaping, signage, or other identifiable features.

(d) **House and Driveway Design**

The requirements of this Subsection apply to new developments with more than four lots.

- (1) A driveway shall be designed with a minimum amount of impervious surface and minimum presence on the street to retain green-space and reduce surface water runoff.
- (2) A driveway shall meet the following requirements:
- (A) Except for a driveway shared by two residences, the maximum width of a driveway at the front property line shall be 12 ft; and
- (B) A driveway and vehicle circulation pavement shall be the minimum size necessary to accommodate vehicle storage and circulation. The Administrator or the Board may require that pavement dimensions be modified to reduce impervious surface.

(e) **Lot design**

The design and layout of all lots shall meet the requirements of this Subsection.

- (1) **Dimensional Requirements.** A lot created by the approval of a subdivision plat on Saipan shall meet the dimensional requirements set forth in Article 5 and Section 602 of this Law including lot area, minimum lot width, and front, side, and rear yard requirements.
- (2) **Arrangement and Design.** The lot arrangement and design of a subdivision shall be such that each lot will provide satisfactory and desirable sites for buildings and be properly related to the topography of the site, any other natural resource features located on the site, and existing and probable future requirements of the area.
- (3) **Lots to Abut Access Right-of-Way.** A lot shall abut on a public street, private street, private access ROW, or on a street that has become public by right of use. The minimum front lot line shall be 30 ft.
- (4) **Minimum Required Lot Size.** A remnant area of land with an area less than that required for the minimum lot size of the zoning district in which the subdivision is located shall not be permitted. Except that a lot of less than the minimum size shall be permitted only where an easement limits the parcel's use to open space, stormwater ponding, and other services to the development.
- (5) **Limitation of Access to Arterial Streets.** Where a proposed subdivision abuts an arterial street, access to such arterial street from an individual lot of the subdivision may be limited as required by the Administrator or the Board. Under such circumstances, the subdivision plat (both minor and major) shall indicate a "No Vehicular Access" restriction on the face of the subdivision plat for those lots on which a limitation is placed.
- (6) **Double or Reverse Frontage Lots.** A double frontage or reverse frontage lot (a lot that abuts two public streets but is not a corner lot) shall be prohibited except where necessary to provide separation of development from through traffic or to overcome specific disadvantages of topography or other natural features of the site.

(f) **Flag Lots**

- (1) A flag lot is prohibited except if necessary to allow a property owner reasonable use and benefit of a parcel of land or to alleviate situations that would otherwise cause extreme hardship for the owner such as:
- (A) Where necessary to eliminate access onto arterial streets or thoroughfares;
- (B) To reasonably utilize irregularly shaped land;

- (C) To reasonably utilize land with severe topography;
- (D) To reasonably utilize land with limited sites suitable for septic tank nitrification fields; and/or
- (E) To provide for the protection of significant natural or cultural resources.
- (2) A flag lot will not be allowed if it increases the number of access points onto a major thoroughfare.
- (3) A subdivision approved after the effective date of this Law shall not be re-subdivided to create flag lots.
- (4) Use of a single driveway granted through an easement to serve adjoining flag lots or to serve a flag lot and an adjoining conventional lot is permitted and encouraged to reduce access points on public streets.
- (5) The minimum lot width of a flag lot at the public street is 30 ft. Except, the Administrator or the Board may reduce the width to a minimum of 20 ft where topographical conditions permit the design and construction of an adequate driveway and drainage within that width. The Administrator or the Board may also require greater width where necessary to ensure adequate and safe access.

(g) **Streets**

Street design and construction shall meet the requirements of this Subsection and any requirements of DPW.

(1) **Preventing Congestion and Hazards**

- (A) A new development shall not cause traffic congestion or safety hazards. This shall be determined by the Administrator or the Board through a site plan analysis of street intersection and access drive locations relative to sight distance and road speed as well as the number of trips to be generated by the proposed development and the capacity of the existing road system serving the subject property. Based on this analysis, the Administrator may determine that access be limited to certain locations of the property to be subdivided.

- (B) The Administrator or the Board may request that the subdivider cause the preparation of a detailed traffic engineering analysis by a professional traffic engineer at the subdivider's sole expense.

- (2) **Street Names.** The street system of the proposed subdivision shall be considered in regard to any existing official maps of the area. All streets indicated shall be named.

- (3) **Street Network.** The following requirements apply to new developments with more than four lots.

- (A) Where the plat covers only a part of the subdivider's land, the preliminary plat shall include a sketch of the prospective street system of the un-platted parts of the subdivider's land.

- (B) The street pattern for new residential development shall emphasize a connected network of streets rather than long irregular loops with dead-ends and cul-de-sacs. Such a network will provide better traffic flows, orientation, and shorter trips through the neighborhood. Intersections should occur at intervals of no more than 400 ft.

- (C) The street network should account for existing topography and other natural features.

- (D) A street should interconnect neighborhoods. At least 33% of total street footage should be through-streets, not dead ends.

- (E) Provision should be made for future street connections where topography permits a street to be extended in the future.

- (F) A local street shall approach collector or arterial streets at an angle of not

- less than 80 degrees.
- (G) The total number of streets converging at one intersection shall be reduced to a minimum, preferably not more than 2 streets.
- (H) The dedication of a half-street located along a subdivision boundary line, or within any part of a subdivision, shall not be permitted.
- (I) The temporary termination of a street intended to be extended at a later date shall be accomplished with either a temporary cul-de-sac or Tee turnaround in conformance with Figure 13 or Figure 14.
- (J) If a permanent termination point of any street is more than 200 ft from an intersection, the termination point shall feature a cul-de-sac that conforms to Figure 23. An alternative may be approved if it provides adequate turning area for emergency vehicles and is approved by DPW.
- (4) **Street Design**
A proposed public residential street shall meet the design requirements in Table 2 and the cross-section requirements shown in Figure 15 and be consistent with requirements adopted by DPW.
- (A) A public street, drive, and other access right-of-way shall be graded and surfaced in accordance with the approved requirements of the DPW.
- (B) The maximum allowable grade shall be 16% for streets and 20% for driveways.
- (C) The Administrator or the Board may approve an alternative street design where the applicant demonstrates that such alternative design:
- Enhances safety for pedestrians and vehicles;
 - Provides durable construction but reduces environmental impacts such as reducing impervious surface;
 - Adapts to the site's existing topography and vegetation;
 - Accommodates the projected traffic; and is
 - Acceptable to DPW.

Table 2. Design Requirements for Public Residential Streets

Feature	Neighborhood Street Classification	
	Major Collector Road	Access/Village Road
Characteristics	Conveys traffic from Arterial to lower order streets. Collectors are often key streets for bicycle access.	Conveys traffic from Major collector to residences.
Usual average daily traffic	1,000-3,000	0-999
Lane configuration	At least two 12 ft lanes and two 8 ft shoulder/parking lanes	Two 11 ft. travel lanes and two 6 ft. shoulders (paved or unpaved)
Recommended ROW including sidewalks	60 ft	44 ft
Level design speed	35 mph	25 mph
Range of desirable centerline curb radius	300-500 ft	150-300 ft
Planting strips	5 ft with trees	none
Sidewalks	4 ft sidewalk on both sides	None

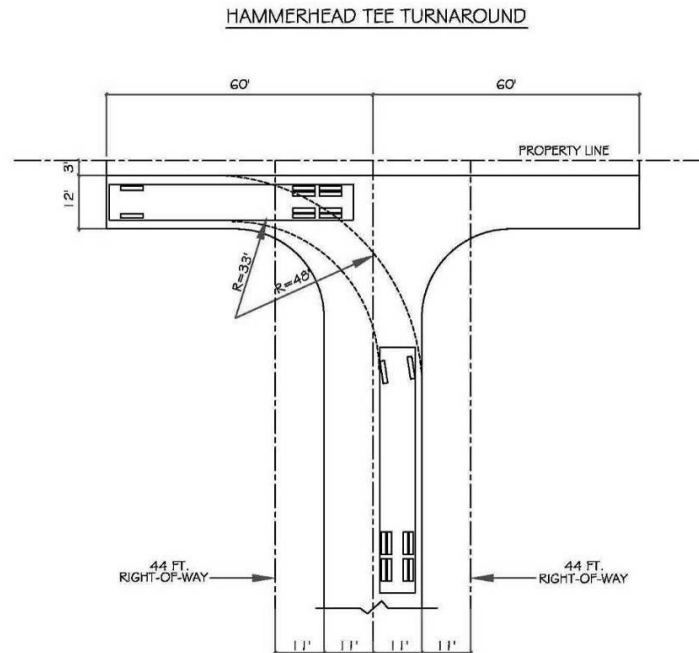
- (5) **Private Road.** A private road is permitted and shall meet the following requirements.
- (A) Table 3 lists the minimum road width requirements for a residential development. The calculations are for the road surface, not the right-of-way.
- (B) When a subdivision includes construction of a private road, the base and sub-base shall meet DPW requirements for public road construction. A private road may be surfaced with gravel and may have narrower cross-sections than public roads (as provided in Table 3. Minimum Width for Private Roads below); however, in no case shall a cross-section be narrower than 20 ft.

Table 3. Minimum Width for Private Roads

Number of Dwelling Units	Minimum Road Width (ft.)
1 to 15	20
15+	Shall meet all public road requirements

- (h) **Easement.** An easement shall be provided by the developer to accommodate water lines, sanitary sewers, stormwater drainage, powers lines, and other utilities as required by the DPW and/or the CUC. Where feasible, a utility easement may be included in the road ROW.
- (i) **Lease and/or Deed Restrictions and Development Covenants.** Every development containing a private road shall adopt lease and/or deed restrictions and development covenants in order to ensure that access is perpetually maintained. The developer/subdivider shall provide for the takeover of roadway maintenance responsibility (for the section of roadway at the point of access to a public road) by the CNMI in the event of a failure to maintain safe access or a vote by the residents of responsibility.
- (j) **Sidewalks and Trails**
- (1) The following requirements apply to all new residential development with more than 30 lots unless otherwise noted.
- (A) A sidewalk or pathway should be provided along public streets.
- (B) The paving surface on a pedestrian path shall be appropriate to its use such as: concrete for a sidewalk; seamless materials like asphalt for a bike/skating trail; or crushed gravel for a nature trail. The Administrator or the Board may approve alternative materials where the applicant can demonstrate that the material is appropriate for the projected use, durable, and easily maintainable.
- (k) **Parks and open space**
- (1) A residential subdivision with more than 25 lots and all multifamily development shall include a variety of public open space in every community to provide for a variety of natural conditions and neighborhood uses. Recreational open space is critical for the needs of a community, particularly for its youth.
- (2) The Board may require retention of existing natural features such as high points, ponds, wetlands, or streams as community open space.

- 1 (3) Development should be concentrated on the land of least natural value.
 2 (4) Existing natural landmarks, such as significant trees, should be preserved to the
 3 extent possible.
 4 (5) Passive recreational features, such as footpaths into natural areas, should be
 5 incorporated except where access conflicts with important habitat resources.
 6 (1) **Landscaping.** A landscaping plan meeting the intent of Article 8 shall be provided.
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Turning Radius Required for Fire Apparatus,
 School/Bus & Trucks in a Tee Turnaround

Figure 13 Requirements for a Tee turnaround

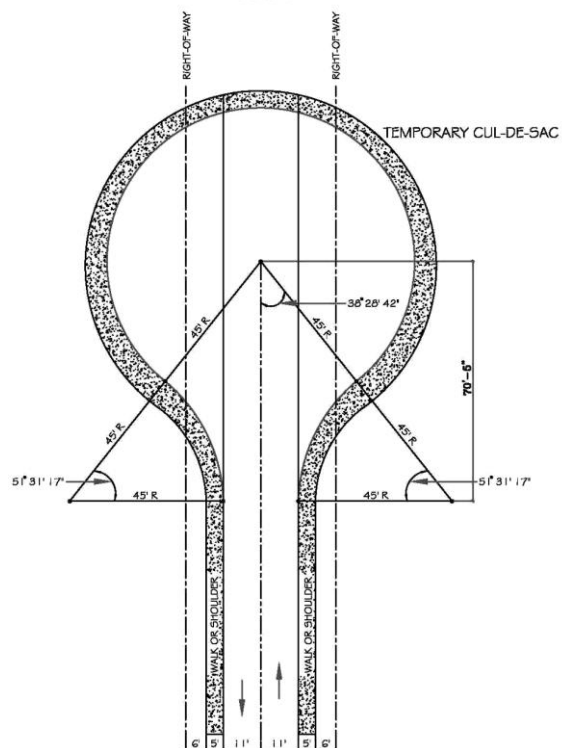


Figure 14. Requirements for a cul-de-sac

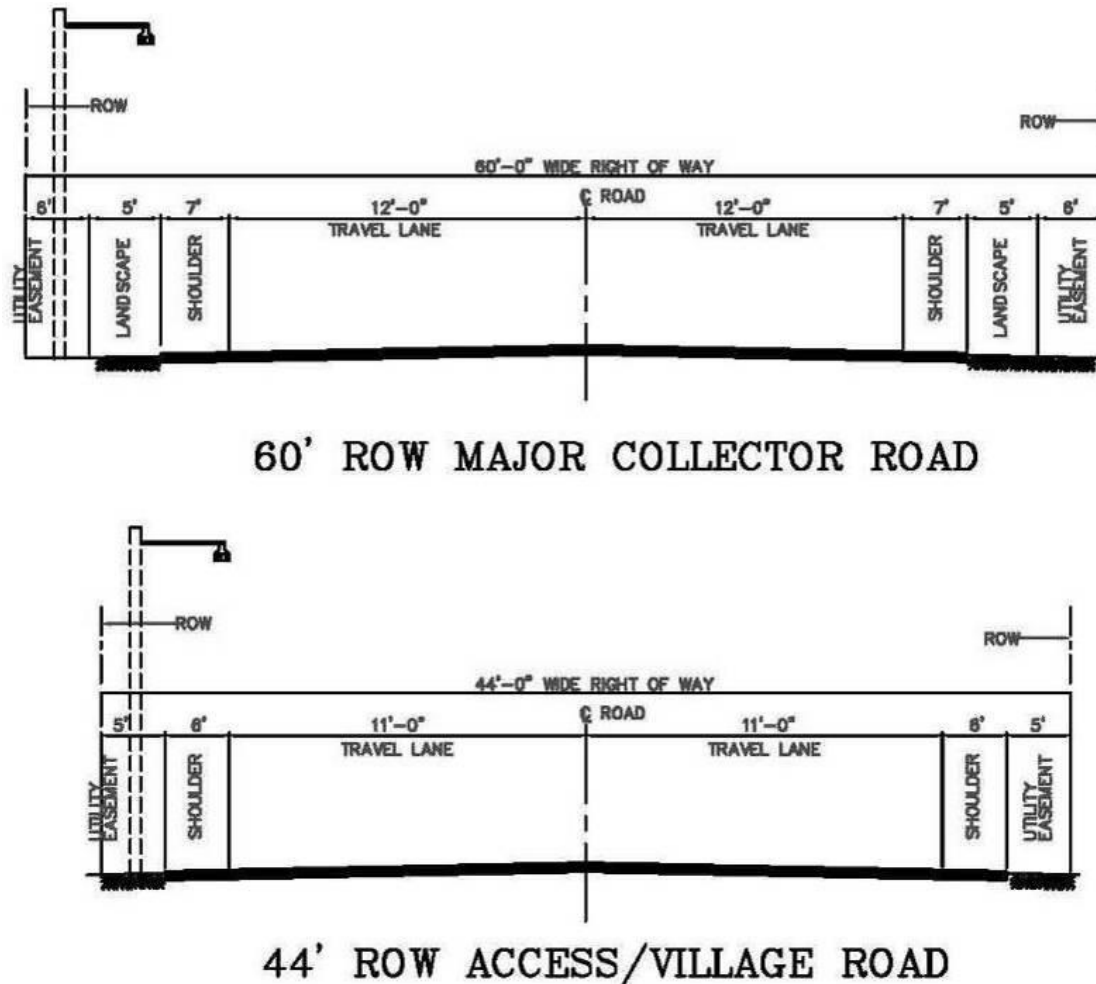


Figure 15. Requirements for Street Cross-Sections

Sectin 608 Institutional Residential Uses

In addition to meeting all other requirements of this Law, institutional residential uses shall meet the requirements of this Section.

- (a) All institutional residential structures shall provide residents with safe and sanitary living spaces meeting OSHA requirements
- (b) A single occupancy room shall provide a minimum of 50 sf per person.
- (c) An institutional residential development shall have a minimum of one full bathroom. A facilities housing both sexes shall have a minimum of 2 bathrooms. No facility shall have less than one bathroom containing a toilet, shower, and lavatory for each 6 persons.
- (d) Unless housed in an adjoining institutional use, a facility shall contain a kitchen and eating area adequate for the resident population. If an individual cooking facility is in a room, it shall have at least 50 sf.

Section 609 Service or Storage Area

The requirements of this Section apply to all development except for single family development.

- (a) A service or storage area is defined in Section 103.
- (b) A service or storage area shall not intrude onto the public right-of-way and shall be located to minimize the impacts on the pedestrian environment and adjacent uses. Service elements should generally be concentrated and located where they are designed for easy access by service vehicles and for convenient access by tenants.
- (c) Roof-mounted mechanical equipment shall be located so as not to be visible from the street, public open space, parking areas, or from the ground level of adjacent properties. Screening features shall blend with the architectural character of the building.
- (d) A service or storage area visible from a public street, parking area, pedestrian pathway, open space, or adjacent property shall be screened by:
 - (1) Type A Landscaping (see Section 804) around a side that faces a street, public area or and adjacent property; and/or
 - (2) A wall or fence, at least 6 ft high, with self-closing doors, and made of masonry, ornamental metal and/or wood.
- (e) Permanent outdoor sales areas, such as auto dealerships and lumber yards shall be separated from the public right-of-way with 10 ft of Type B landscaping (see Section 804) or some other form of enhancement as approved by the Administrator or the Board. The purpose of this provision is to allow visual access to the merchandise and an attractive street/property edge

Section 610 Use of Cargo (Ocean Shipping) Containers

Cargo Containers, which are used for ocean shipping, are a common feature in an island community, but present bulk and height issues, and an industrialized appearance. Cargo containers can be used for convenient storage or as economical housing. To ensure that such adaptive re-uses are compatible with a neighborhood and do not dominate the landscape, the following rules of development shall apply:

- (a) All site plans shall show the location of cargo containers on site.
- (b) Cargo containers may be located in the front of property for a period of not more than five (5) days to load or unload cargo.
- (c) If a cargo container is to be used for permanent storage, it shall be located in a back yard and screened from public view.
- (d) When a cargo container is to be used as a residence, it shall be architecturally altered to reduce its industrialized appearance by providing windows and doors, and other features such as open porch areas. It must meet the setback requirements for a structure contained elsewhere in this Law. It must also provide two or more of the following:
 - (1) A pitched roof to drain water from the top of the container and integrate the design of the container into a neighborhood setting;
 - (2) A generous amount of landscaping along the foundation of the container;
 - (3) A fresh coat of paint; or
 - (4) Set back from any road right-of-way by twenty (20) feet.
- (e) Cargo containers shall not be used as part of a fence structure.

Section 611 Development in Sensitive Areas and Environmental Protection Measures

- (a) In addition to meeting all other requirements of this Law, development within 150 ft of the shoreline shall be located as far inland as possible to serve the needed function and whenever feasible and practical, structures shall be constructed on pilings or stilts to avoid impeding natural beach processes, sand and water movement, and public access.
- (b) Development shall meet all federal and local agency requirements, including requirements of Federal Emergency Management Agency (FEMA), US Army Corp of Engineers (ACOE), Coastal Resources Management Office (CRM), Commonwealth Utility Corporation (CUC) and Division of Environmental Quality (DEQ), for near shore and floodplain development, development in wetlands, groundwater protection, storm water management, land clearing and earthmoving, air quality protection, utility connections, sanitary sewage disposal, and other regulated development.

Section 612 Adult Gambling Machine Business

- (a) An adult gambling machine business shall meet the sign requirements in Article 5 Section 513(g).
- (b) In any zoning district where an adult gambling machine business is permitted, it shall only be located:
 - (1) On a lot abutting Beach Road between Afetna Road and Chalan Msgr. Guerrero and on Chalan Pale Arnold between Chalan Msgr. Guerrero and Commonwealth Drive (provided that a new adult gambling machine business shall not be established within 100 ft of a church, Laundromat, public primary or secondary school, park, playground, or other adult gambling machine business); or
 - (2) In a hotel with more than 20 rooms.

Section 613 Temporary Use

In addition to meeting all other requirements of this Law, a temporary use shall meet the requirements of this Section.

(a) General requirements

- (1) The property that a temporary use locates on will be returned, upon its conclusion, to its original condition or use.
 - (2) A temporary use may occur in any land use district upon attaining a temporary use permit from the Administrator. Such a permit shall meet the following criteria:
 - (A) There shall be no serious interference with the activity of any nearby resident;
 - (B) The activity shall not impede traffic circulation and shall provide for adequate on-site parking with a reasonable means of ingress and egress;
 - (C) Noise, light, or odor shall not be a public nuisance to neighborhood residents; and,
 - (D) There shall be adequate provisions for any necessary water supply and sanitary facilities.
 - (3) The Administrator may place conditions on the permit by limiting the hours of assembly or activities to ensure compatibility with surrounding uses.
- (b) **A special event** exceeding 28 days per event shall provide temporary parking, restroom facilities, and traffic control, sufficient for the planned attendance at the event. A sign

advertising the event is covered under the provisions of Section 1005.

(c) **Roadside Merchandise Stand**

- (1) A roadside merchandise stand shall meet the requirements of this section and not be subject to the requirements of Articles 5, 6, 8, or 9 of this Law.
- (2) The area covered by a structure shall not exceed 200 sf
- (3) If a roadside merchandise stand is covered by a tent or canopy, the tent or canopy and all fixtures and equipment shall be removed from the site at night.
- (4) The site shall, at all times, be kept free from debris, garbage or other waste.
- (5) A structure shall have a temporary character and meet the requirements of Section 604(g) Building Material.
 - (A) Sheet material may be used, such as plywood or pre-finished metal siding or roofing.
 - (B) Permanent material such as hollow block or concrete walls or floors is prohibited.
 - (C) A window opening shall be open-air and not covered with glass.
 - (D) Air conditioning and refrigeration equipment are prohibited.
- (6) A roadside merchandise stand may be housed in a vehicle but the vehicle shall not be permanently parked and/or stored on public land.
- (7) Safe road access and adequate parking shall be provided.

(d) **Commercial Video and Motion Picture Production**

- (1) A structure or support facility shall take place where a parking area is adequate to handle the needed vehicles and supporting structures without damage to forest vegetation or beaches.
- (2) Clearing of natural landscape shall only be permitted for the minimum area needed and when a restoration plan demonstrates that the site will be fully restored to the pre-project conditions.
- (3) A certification from the DLNR shall confirm that there is no threatened or endangered species habitat, nesting area, and/or feeding area within 500 ft of the site.
- (4) A guarantee shall be posted to ensure the clean up and restoration of the area to natural conditions after the filming is completed.

(e) **Off-Site Construction Materials Storage Yards**

- (1) These sites shall be abandoned, cleaned, and returned to their original vegetated condition on completion of the project they are servicing.
- (2) Where visible from an arterial or collector road, residential property or tourism area, such a site shall be landscaped to minimize esthetic impact.
- (3) Where there is a potential for creating an attraction for children, such a site shall be fenced to minimize the risk of unauthorized entry.
- (4) Only dry material (wood, stone, coral, metal, brick, block, or similar) shall be stored. No liquids, chemicals, or reactive materials are allowed.
- (5) A site shall be at least 150 ft from any occupied residence.

(f) **Temporary Batch Plant**

The construction of roads, bridges, retaining walls, and other large structures in remote areas, often requires temporary batch plant facilities to manufacture Portland Cement Concrete (PCC) or asphalt cement (AC). Temporary batch plant facilities typically consist of silos containing fly ash, lime, and cement; heated tanks of liquid asphalt; sand and gravel material storage areas; mixing equipment; above ground storage tanks containing concrete additives and water; and designated areas for sand and gravel truck unloading, concrete truck loading, and concrete truck washout.

- (1) These sites shall be abandoned, cleaned, and returned to their original vegetated condition on completion of the project they service.
- (2) Applicants shall submit a plan depicting the location of all silos, heating tanks, storage tanks, designated areas for truck loading and unloading, and the designated area for concrete truck washout.
- (3) Temporary batch plant facilities (including associated stationary equipment and stockpiles) shall be located at least 150 feet from any recreational area, school, residence, or other structure not associated with the construction project, except where the batch plant is not near a public facility and the applicant receives permission from all of the surrounding properties' owners for a lesser set back
- (4) Hours of operation shall be set by the Zoning Administrator on a case by case basis.

Section 614 Utilities

- (a) In addition to meeting all other requirements of this Law, utility development shall meet the requirements of this Section.

(b) Water Supply

- (1) Where an approved CUC public water supply is reasonably available as defined by CUC or DEQ, the site developer or subdivider shall make the water supply available to the subdivision or development. Such installation or contract shall include lateral lines to the property line of each lot.
- (2) Where an approved CUC public water supply is not reasonably available, the developer or subdivider shall either:
 - (A) Install a central water supply system and water lines from wells or other approved sources in accordance with the DEQ or other agency regulations;
 - or
 - (B) Submit evidence that adequate water supply and quality from alternative sources meeting all of the requirements of the DEQ or other agencies are available to the site or to each lot in the proposed subdivision.
- (3) Fire Hydrants. A fire hydrant within a subdivision may be required if an approved and funded plan for fire protection including hydrants exist. A hydrant shall be of the type, size, and number, and installed in such locations as determined by the CUC, DPW, or Fire Chief of DPS.

Section 615 Fences

- (a) In addition to meeting all other requirements of this Law, a fence shall meet the requirements of this Section.
- (b) Construction of all new fences, intended to become permanent for more than two (2) years, shall be subject to minor site plan review.
- (c) **Location of Fences**
 - (1) A fence for a pool or an excavation shall meet the requirements of the Building Safety Code.
 - (2) A fence should not be located in an easement. When a fence is constructed in an easement, it is subject to the conditions under which the easement was established. The property owner is responsible for any replacement or repairs to the fence should CUC or private utility company needs access to the easement.
 - (3) The construction or location of a fence shall not create an unreasonable obstruction to the natural flow of water in any drainage easement.
 - (4) A fence located across a stream or drainage swale shall be a minimum of 6 inches above grade, with the exception of upright posts or bars.
 - (5) A fence, wall or similar screening material shall not be erected or maintained in any public

right-of-way except when erected for the purpose of ensuring public safety by a government agency having proper authority.

(d) Materials

- (1) A fence shall be finished on the side facing a public right-of-way or adjacent property.
- (2) A fence shall not be constructed of materials such as plywood, particleboard, sheet metal, broken boards or other discarded materials, wire mesh, rebar, concrete slabs, concrete barriers; tarps, or other similar coverings.
- (3) Cargo containers, as typically used to ship freight on ocean-going vessels, shall not be used as portions of a fence structure.
- (4) Barbed-wire and similar fence material may only be used in conjunction with a permitted agricultural use or in conjunction with the permitted keeping of horses or livestock. Up to 2 ft of barbed or razor wire may be erected on top of another fence type for safety purposes for industrial or utility uses or for community facilities.

(e) Fence Height

(1) Residential

- (A) A freestanding solid fence, which does not allow the public to see the other side of the fence, shall not exceed six (6) feet in height including piers, posts, and finials.
- (B) Freestanding fences that allow the public to view the other side may be built to a height maximum of ten (10) feet. Such fences include, for example, picket, chain link, and wrought-iron fences.

(2) Non Residential

- (A) A freestanding solid fence, which does not allow the public to see the other side of the fence, shall not exceed six (6) feet in height including piers, posts, and finials. Except, a higher solid non-residential fence may be allowed based on unique site conditions.
- (B) Freestanding fences that allow the public to view the other side, may be built to a height maximum of ten (10) feet. Such fences would include picket, chain link, and wrought-iron fences.
- (C) The height limit shall not be deemed to prohibit safety or security fences of any height necessary for public playgrounds, public utilities, or other public institutions.

(3) Gradual Transition of Fence Height

Where a fence section of ten (10) feet in height connects to a fence section of six (6) feet in height, they shall be separated by a fence panel of no less than 12 feet in length. The transitional fence panel shall gradually increase in height to connect the two disparate fence panels.

(f) Fences Abutting Rights-of-Way or Other Special Areas

- (1) Where a non-residential fence will abut a public right-of-way, sidewalk, park, or other public use property:
 - (A) It shall be set back at least 4 feet from the right-of-way;
 - (B) A minimum of 3 small shrubs spaced every 20 feet shall be planted on the side of the fence or wall facing the right-of way, sidewalk, park, or other public use property (plantings shall not be placed in the public right-of-way); and
 - (C) It shall provide visual interest through the use of different materials or decorative posts and finials.
- (2) A chain-link fence shall not be used in the front yard of a commercial, multifamily, or institutional building where the front yard is visible from a public right-of-way, pedestrian area, or parking lot.
- (3) Where a residential fence will abut a collector or arterial street, it must provide visual interest through:
 - (A) Changes in fence setbacks or materials;
 - (B) Use of decorative posts with finials; or

(C) Use of plants spaced every 20 feet on the side of the fence or wall facing the public thoroughfare (plants shall not be placed in the public right-of-way).

(g) Fences in Required Landscape Buffers

- (1) A fence shall be permitted in a landscape buffer only where it is planned as an integral part of the buffer. Where there is existing vegetation, the fence must be installed so as to protect significant vegetation, such as being hand built and winding around trees. A fence in a buffer shall not completely enclose a section of the buffer inside the fence.
- (2) A fence shall supplement and not replace the existing and/or required plantings. A fence shall be set back from the edge of a buffer so that the buffer plantings are located on both sides of the fence, with a minimum of 4 feet from public rights-of-way. A fence shall be of uniform design throughout the buffer.

Section 616 Retaining Structures

- (a) In addition to meeting all other requirements of this Law, a retaining structure shall meet the requirements of this Section.
- (b) Grading and any support structure associated with a retaining structure shall not encroach into any required buffer or protected area and shall be contained entirely on site.
- (c) A retaining structure shall be set back from a lot line by a minimum of 3 feet.
- (d) If a lot proposed for a retaining structure abuts a zoning district other than an Industrial Zoning District, the structure shall be set back from the lot line by a distance equal to one-half the height.

Section 617 Small Wind Energy System

- (a) Small wind energy system shall be classified as an accessory use.
- (b) In addition to meeting all other requirements of the Saipan Zoning Law, a small wind energy system shall meet the requirements of this Section.
- (c) Design Approval. A small wind turbine design must meet the requirements of the National Electrical Manufacturers Association and the CNMI Department of Public Works Division of Building Safety.
- (d) Wind Tower Height and Setback. Wind tower height and setback shall be as shown in Table 1. Provided, the Zoning Administrator may reduce the minimum setback if written permission is granted by the owner or other entity with significant proprietary interest in the affected asset or lot.

Table 1. Wind Tower Height and Setback

Lot size (square meters)	Tower Height (maximum)	Setback from LotLine (minimum)	Setback From: Inhabited Structures Overhead Utility Lines Public Road ROW (minimum)
Up to 2,500	The higher of: 45 feet; or 25 feet above the peak of the roof.	10 feet	Distance equal to tower height
Over 2,500	The higher of: 60 feet; or 30 feet above the peak of the roof.	20 feet	Distance equal to tower height

- (f) Noise. A small wind energy system shall not exceed 55 decibels (dBA), as measured at the closest lot line except during short-term events such as utility outages and severe wind storms.
- (f) FAA compliance. A system must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- (g) CUC notice. CUC shall be notified, prior to installation, of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (h) Paint and finish. The wind generator and tower shall remain painted or finished the non-reflective color or finish that was originally applied by the manufacturer, unless approved in the building permit.
- (i) Lighting. Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the small wind energy system, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
- (j) Signs and Advertising. Signs and advertising shall be restricted to reasonable identification of the manufacturer or operator of the small wind energy facility and shall defer to the requirements of the Saipan Zoning Law.
- (k) Abandonment and Removal.
- (1) A small wind energy system that has been abandoned is considered to be a public nuisance and shall be removed.
 - (2) A small wind energy system shall be considered abandoned when it fails to operate for 364 consecutive days (52 weeks).
 - (3) The Zoning Administrator may grant an extension of the removal deadline for good cause shown.
 - (4) The Zoning Administrator may follow the procedures in Section 1209, entitled "Public Nuisances", of the Saipan Zoning Law to obtain removal.
- (l) System Maintenance. The applicant shall maintain the small wind energy system in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and security measures.
- (m) Unauthorized Access. Wind turbines or other structures part of a small wind energy system shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.

1 (n) Temporary Meteorological (Met) Towers. A Met tower shall be permitted under the same
2 standards as a small wind system, except that the requirements apply to a temporary
3 structure. A permit for a temporary Met tower shall be valid for a maximum of 3 years
4 after which an extension may be granted. Wind monitoring shall be permitted in all zoning
5 districts subject to issuance of a zoning permit for a temporary structure.
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Article 7. Conditional Uses

Section 701 Purpose and Applicability

- (a) **Purpose.** The purpose of this Article is to establish general and specific requirements for obtaining a conditional use permit as required by this Law.
- (b) **Applicability**
 - (1) The provisions in this Article apply to a use indicated as a conditional use in Section 404.
 - (2) The Board may identify other uses that require conditional use permits as they arise.
 - (3) In addition to the conditions described in this Article, the Board may require additional conditions as necessary to mitigate specific impacts or meet the intent of this Law.

Section 702 General Requirements for All Conditional Uses

A conditional use shall meet all the following requirements:

- (a) Be consistent with all applicable provisions of an adopted comprehensive land use plan;
- (b) Be compatible with the existing or allowable uses of adjacent properties.
- (c) Employ reasonable measures of fencing, buffering, traffic restraints, sign and light controls, and other appropriate measures to protect the surrounding properties and adjoining districts;
- (d) Demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist, or will exist, to serve the use at the time when such facilities are needed;
- (e) Not create undue traffic congestion;
- (f) Not adversely affect the public health, safety or welfare;
- (g) Meet specific requirements for the type of conditional use and all other applicable provisions of this Law; and
- (h) Adequately avoid or mitigate unacceptable significant adverse impacts to environmental elements, including: stormwater runoff; erosion; noise; air, including odors; wildlife habitat; public access; viewshed; and other factors identified by the Board.

Section 703 Agriculture, Intensive

- (a) In addition to meeting the requirements of Section 702 and all other requirements of this Law, intensive agriculture shall meet the requirements of this Section.
- (b) Confined animal facilities shall meet DEQ requirements.
- (c) Confined animal facilities shall not be located closer than 100 ft to a residential structure or the boundary of a VR zoning district.
- (d) Runoff shall not be allowed to enter surface waters.

Section 704 Energy Facility, Renewable

In addition to meeting the requirements of Section 702, entitled “General Requirements for All Conditional Uses”, and all other requirements of this Law, a commercial renewable energy facility shall meet the requirements of this Section.

- (a) A large wind energy system shall meet the following requirements:
 - (1) **Height.** A wind facility shall be no higher than 400 feet above the current grade of the land, provided that a wind facility may exceed 400 feet if:
 - A. The applicant demonstrates by substantial evidence that such height reflects industry standards for a similarly sited wind facility; and

1 B. Such excess height is necessary to prevent financial hardship to the applicant.

2 **(2) Setbacks**

3 A. A wind turbine shall be set back a distance equal to 1.5 times the tower height
4 of the wind turbine from the nearest existing residential or commercial
5 structure and 100 feet from the nearest property line and private or public way.

6 B. The Board may reduce the minimum setback distance as appropriate based on
7 site specific considerations, if the project satisfies all other criteria for the
8 granting of a conditional use permit.

9 **(3) Color and Finish.** The Board shall have discretion over the turbine color,
10 although a neutral, non-reflective exterior color designed to blend with the
11 surrounding environment is encouraged.

12 **(4) Lighting.** A wind turbine shall be lighted only if required by the Federal Aviation
13 Administration. Lighting of other parts of the wind facility, such as
14 appurtenant structures, shall be limited to that required for safety and
15 operational purposes, and shall be reasonably shielded from abutting
16 properties.

17 **(5) Signage.** Signs on the wind facility shall comply with the requirements of the
18 Saipan Zoning Law, and shall be limited to:

19 A. Those necessary to identify the owner, provide a 24-hour emergency contact
20 phone number, and warn of any danger.

21 B. Educational signs providing information about the facility and the benefits of
22 renewable energy.

23 **(6) Advertising.** A wind turbine shall not be used for displaying any advertising
24 except for reasonable identification of the manufacturer or operator of the
25 wind energy facility.

26 **(7) Appurtenant Structures.**

27 A. All appurtenant structures, including but not limited to, equipment shelters,
28 storage facilities, transformers, and substations, shall be architecturally
29 compatible with each other and shall be contained within the turbine tower
30 whenever technically and economically feasible.

31 B. Structures shall only be used for housing of equipment for the particular site.

32 C. Whenever reasonable, structures should be shaded from view by vegetation
33 and/or located in an underground vault and joined or clustered to avoid
34 adverse visual impacts.

35 **(8) Support Towers.** Monopole towers are the preferred type of support for wind
36 facilities.

37 **(9) Emergency Services.** The applicant shall provide a copy of the project summary
38 and site plan to the Department of Public Safety or Emergency Management
39 Office, as designated by the Board. Upon request the applicant shall cooperate
40 with these agencies in developing an emergency response plan.

41 **(10) Unauthorized Access.** Wind turbines or other structures part of a wind facility
42 shall be designed to prevent unauthorized access.

43 **(11) Shadow/Flicker.** A wind facility shall be sited in a manner that minimizes
44 shadowing or flicker impacts. The applicant has the burden of proving that
45 this effect does not have significant adverse impact on neighboring or adjacent
46 uses through either siting or mitigation.

47 **(12) Noise.** The wind facility and associated equipment shall not:

48 A. Increase the broadband sound level by more than 10 dB(A) above ambient, or

49 B. Produce a "pure tone" condition – when an octave band center frequency
50 sound pressure level exceeds the two adjacent center frequency sound pressure
51 levels by 3 decibels or more.

C. These criteria are measured both at the property line and at the nearest inhabited residence. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from the Zoning Administrator. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards.

(13) Facility Condition. The applicant shall maintain the wind facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Department of Public Safety. The project owner shall be responsible for the cost of maintaining the wind facility and any access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

(14) Modification. Any material modification to a wind facility made after issuance of the conditional use permit shall require approval by the Board.

(15) Removal. Any wind facility that has reached the end of its useful life or has been abandoned shall be removed. When the wind facility is scheduled to be decommissioned, the applicant shall notify the Zoning Administrator by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:

- A. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- B. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
- C. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Board may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(16) Abandonment

- A. Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than 364 consecutive days (52 weeks) without the written consent of the Board.
- B. The Board shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the applicant fails to remove the wind facility in accordance with the requirement of this section within 182 days (26 weeks) of abandonment or the proposed date of decommissioning, the Board may declare the facility to be a public nuisance and take appropriate action.

Section 705 Mining

- (a) In addition to meeting the requirements of Section 702 and all other requirements of this Law, mining uses shall meet the requirements of this Section and other applicable federal or CNMI requirements.
- (b) **Purpose.** It is the purpose and intent of this Section to:
 - (1) Ensure that mining does not adversely impact the environment or public health;
 - (2) Encourage the use of economically feasible, and environmentally sound, land development practices;

- (3) Encourage the reuse of mining sites by promoting economical, effective, and timely site reclamation; and
- (4) Ensure future beneficial use of extracted and surrounding lands.
- (c) **Procedures.** In addition to the general site plan application requirements, any application for mining shall also include the following:
 - (1) A site plan showing all proposed excavation including boundaries, intermediate and final profiles and depths, and area;
 - (2) A listing of the nature of the operation including expected amount and type of materials to be extracted;
 - (3) A site plan showing fencing and buffering including a detailed landscaping plan;
 - (4) A dust and erosion control plan; and
 - (5) A reuse plan.
- (d) **Requirements.** Mining shall meet all the following requirements:
 - (1) Mining shall not be permitted within 400 ft of the boundary of a residential lot or VR District.
 - (2) A landscaping screen shall be established along the entire perimeter of the site.
 - (3) If residential development or a VR District abuts the site, then a six-foot chain link fence shall be erected around the entire perimeter of the site.
 - (4) A groundwater survey shall be conducted to indicate the groundwater level at the site during the dry season (January-June) to determine groundwater levels on the site. The types of aquifer and salinity shall be identified.
 - (5) An excavation plan shall be submitted that indicates that mining will stop 3 ft above the dry season groundwater level.
 - (6) Certification shall be submitted from a registered geotechnical engineer or geologist that the excavation will be safe and stable, and will not affect groundwater quality or quantity.
 - (7) In reviewing the impact on groundwater, the highest priority for protection shall be given to fresh water aquifers and then aquifers with low salinity. High salinity aquifers have the lowest priority. Any dewatering that results in increased salinity shall be treated as a significant adverse impact and result in denial of the permit.
 - (8) Mining shall not be located within the cone of depression of any public water supply well.
 - (9) The development shall only use access roads that are certified by DPW as having structural capacity for the maximum weight limit of trucks serving the mining facility. No access shall be permitted to the site through a residential street.
 - (10) A reuse plan shall be provided that illustrates that the development will leave a site suitable in slope, size, and access for uses permitted in the district. Such plan shall require the restoration of the natural vegetation. The following documents are required for all clearing operations before clearing begins:
 - (A) A plan that indicates the extent of activities qualifying as clearing to ensure that the protection levels are met; and
 - (B) A plan for reforestation of the cleared areas, a survey, or other indication of the areas to be cleared, and the types of vegetation to be cleared.

Section 706 Forestry

- (a) In addition to meeting the requirements of Section 702 and all other requirements of this Law, forestry in the RU zoning district shall meet the requirements of this Section:
- (b) A forestry plan shall be submitted stating the purpose of the operation proposed, methods

- 1 to be used, and the reforestation plan.
- 2 (c) The reforestation plan shall:
- 3 (1) Minimize adverse impacts on any threatened or endangered species.
- 4 (2) Minimize the potential for causing erosion or sedimentation.

5 **Section 707 Heliports**

- 6 (a) In addition to meeting the requirements of Section 702 and all other requirements of this
- 7 Law, a heliport shall meet the requirements of this Section.
- 8 (b) The use shall be classified as to frequency of flights with more frequent flights requiring
- 9 greater separation from residential areas. The separation includes the actual helicopter pad
- 10 areas and approach corridors. The required separations are shown in Table 1.

11 *Table 1 Separation of Heliports from Residential Areas*

Flights/Year	Minimum Distance (ft)
Less Than 24	400
24-48	600
49-99	700
100-199	900
200 or more	1,300

- 12 (c) Except for a facility providing emergency service, a heliport shall limit its hours of
- 13 operation to between 9 a.m. and 7 p.m.
- 14 (d) The proposed approaches to a heliport shall be submitted as part of the application.
- 15 (e) Approaches shall avoid schools and places of public assembly, power transmission towers,
- 16 or poles over 30 ft. Approaches over natural areas or over water that shall remain open are
- 17 preferred.
- 18 (f) Providing safe approach corridors for helicopters and the land uses below the approaches is
- 19 a primary objective of the review.
- 20 (g) The reduction of noise impacts on residential uses or hotels is another major objective of
- 21 the review. On facilities with more than 100 flights a year, ground level noise baffles may
- 22 be required.

23 **Section 708 Hotel/Motel**

- 24 (a) In addition to meeting the requirements of Section 702 and all other requirements of this
- 25 Law, a hotel or motel that is a conditional use shall meet the requirements of this Section.
- 26 (b) Buildings shall be aligned so as to minimize obstruction of views of the ocean from uphill
- 27 or inland properties and from lots in a Public Resource zoning district.
- 28 (c) A traffic analysis and traffic management plan shall be provided. The developer shall
- 29 provide for road surface, lighting, signaling, sidewalks, or other such improvements as are
- 30 required to mitigate the impacts of the development on the transportation system.

31 **Section 709 Institutional Residential**

- 32 (a) In addition to meeting the requirements of Section 702 and all other requirements of this
- 33 Law, an institutional residential development in the RU zoning district shall meet the
- 34 requirements of this Section.
- 35 (b) Housing that is rented or owned by a business owner and is used for housing his/her
- 36 employee is prohibited.

Section 710 Multifamily or Apartment

In addition to meeting the requirements of 702 and all other requirements of this Law, a multifamily or apartment development, when defined as conditional uses, shall meet the same requirements as in Section 708 Hotel/Motel.

Section 711 Nursing or Convalescent Facility

In addition to meeting the requirements of Section 702 and all other requirements of this Law, a nursing or convalescent facility in the RU Zoning District shall meet the same requirements as in Section 708 Hotel/Motel.

Section 712 Planned Development

- (a) In addition to meeting the requirements of Section 702 and all other requirements of this Law, a planned development, when defined as a conditional use, shall meet the requirements of this Section.
- (b) The proposed plan must demonstrate that the provisions of this code, including requirements for multiple buildings/large lot development and neighborhood design in Section 605 and Section 607.
- (c) A building shall be aligned so as to minimize obstruction of views of the ocean from uphill or inland properties and from lots in a Public Resource zoning district.
- (d) A traffic analysis and traffic management plan shall be provided. The developer shall provide for road surface, lighting, signaling, sidewalks, or other such improvements as are required to mitigate the impact of the development on the transportation system.

Section 713 Protected Care Housing

- (a) In addition to meeting the requirements of Section 702 and all other requirements of this Law, Protected Care Housing shall meet the requirements of this Section.
- (b) Facilities shall be at least 1,000 ft from public or private schools and day care facilities.
- (c) Lot size shall be at least 5 ha.
- (d) The impact on any adjoining uses, particularly residential, shall be minimized.

Section 714 Sanitary Landfill

- (a) In addition to meeting the requirements of Section 702 and all other requirements of this Law, a sanitary landfill shall meet the requirements of this Section.
- (b) The location shall be on arterial or collector roads.
- (c) Landscaping shall be provided adequate to completely obstruct the visibility of any buildings or to other facilities from adjacent residential, commercial, or recreational uses.
- (d) A plan for facility construction and operation shall be submitted that demonstrates that there would be no noticeable emissions of odors, noise, light and glare beyond the property line.
- (e) A pest control plan shall be provided that demonstrates adequate control will be maintained.
- (f) A traffic analysis and traffic management plan shall be provided that demonstrate that traffic loads will be acceptable.

Section 715 Transfer Station

A transfer station shall meet the requirements of Section 702 and all other requirements of this Law.

Section 716 Warehousing and General Wholesaling

- (a) In addition to meeting the requirements of Section 702 (General Requirements for All Conditional Uses) and all other requirements of this Law, warehousing and general wholesaling may be permitted as a conditional use only if it meets the requirements of this Section.
- (b) In the MC Zoning District, this use shall be located only on an arterial or collector road.
- (c) In a VC or BR zoning district, this use may not be permitted unless it shall facilitate the use or reuse of an existing industrial or major commercial development.
- (d) This use shall only be permitted to occupy a structure that was:
 - (1) Constructed under a building permit issued prior to February 1, 2008; and
 - (2) Designed and proposed for industrial, heavy retail or similar use.
- (e) An existing structure may be expanded or a new structure may be added for this use only when such development would be, according to the preponderance of the evidence:
 - (1) Accessory to a structure that meets the requirements in subsection (d) (1) of this Section; and
 - (2) Critical to the economic viability of the project.

Section 717 Water or Wastewater Plant

A water or wastewater plant shall meet the requirements of Section 702 and all other requirements of this Law.

Section 718 Zoo/Aquarium

- (a) In addition to meeting the requirements of Section 702 and all other requirements of this Law, a zoo or aquarium shall meet the requirements of this Section.
- (b) An enclosure and animal keeping practices shall meet industry requirements.
- (c) The location shall be on an arterial or collector road.
- (d) A plan for facility construction and operation shall be submitted that demonstrates that there would be no noticeable emissions of odors, noise, light and glare beyond the property line.
- (e) A plan to adequately control pests shall be provided.

Section 719 Manufacturing and Processing

- (a) In addition to meeting the requirements of Section 702 (General Requirements for All Conditional Uses) and all other requirements of this Law, manufacturing and processing may be permitted as a conditional use only if it meets the requirements of this Section.
- (b) In VC or BR zoning district, this use may not be permitted unless it shall facilitate the use or reuse of an existing industrial or major commercial development.
- (c) This use shall only be permitted to occupy a structure that was:
 - (1) Constructed under a building permit issued prior to February 1, 2008; and
 - (2) Designed and proposed for industrial, heavy retail or similar use.
- (d) An existing structure may be expanded or a new structure may be added for this use only when such development would be, according to the preponderance of the evidence:
 - (1) Accessory to a structure that meets the requirements in subsection (c) (1) of this Section; and
 - (2) Critical to the economic viability of the project.

Section 720 Contractor's Office and Storage

- (a) In addition to meeting the requirements of Section 702 (General Requirements for All Conditional Uses) and all other requirements of this Law, a contractor's office and storage

- 1 may be permitted as a conditional use only if it meets the requirements of this Section.
2 (b) In an RU, VC or BR zoning district, this use may not be permitted unless it shall facilitate
3 the use or reuse of an existing industrial or major commercial development.
4 (c) This use shall only be permitted to occupy a structure that was:
5 (1) Constructed under a building permit issued prior to February 1, 2008; and
6 (2) Designed and proposed for industrial, heavy retail or similar use.
7 (d) An existing structure may be expanded or a new structure may be added for this use only
8 when such development would be, according to the preponderance of the evidence:
9 (1) Accessory to a structure that meets the requirements in subsection (c) (1) of
10 this Section; and
11 (2) Critical to the economic viability of the project.
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Article 8. Landscaping

Section 801 Purpose

Landscaping should be suitable and fit the character of Saipan as a growing community in a unique Pacific island landscape. Because of beautiful landscape assets and a variety of development types, landscaping—both naturalized and cultivated—will be important in establishing and unifying the community's character. Existing substantial vegetation and native materials in informal plantings and arrangements should be considered as well as cultivated and decorative landscape elements.

Section 802 Intent

- (a) To provide visual screens and barriers as a transition between differing land uses.
- (b) To define plant species that are of low maintenance, resistant to drought and typhoon damage, and otherwise appropriate for conditions within the business district and that are safe for pedestrians.
- (c) To provide visual relief from large expanses of parking areas and integrate new construction into the natural environment.
- (d) To provide some physical separation between vehicular and pedestrian traffic.
- (e) To retain existing vegetation and significant trees by incorporating them into the site design.
- (f) To provide decorative landscape as a focal setting for signs, special site elements and/or pedestrian areas.
- (g) To provide increased areas of permeable surfaces to allow for infiltration of surface water into groundwater resources, reduce the quantity of storm water discharge and improve the quality of storm water discharge.
- (h) To maintain a green corridor along principal streets, except where buildings are encouraged to front directly onto the roadway.

Section 803 Applicability

This article applies to development in all zoning districts unless otherwise noted.

Section 804 Requirements

- (a) The following requirements apply to all commercial and multifamily development unless otherwise noted.
- (b) **Street Trees.** The Board may specify acceptable varieties of street trees or other vegetation to:
 - (1) Encourage use of native vegetation;
 - (2) Ensure that trees will compliment the neighborhood; and
 - (3) Ensure the use of trees that are suited to a streetscape and to the climate.
- (c) **Landscape Plan.** An applicant shall submit a landscape design plan that addresses the following considerations:
 - (1) Provide a unified pedestrian circulation system with amenities and plantings;
 - (2) Provide a coordinated system of open spaces and/or planted areas that provide the required pedestrian areas and landscaping. The plan should indicate how the various spaces and plantings relate to the project's site design objectives of continuity, variety, activity, etc.;
 - (3) Screen service or unsightly areas;
 - (4) Use planting and/or site features that enhance the building's architectural

- qualities (see Figure 1);
- (5) Protect existing significant trees and natural site amenities; and
 - (6) Use planting strips or areas as barriers and/or screens to separate land uses or specific activities and provide visual relief from large expanses of parking areas or buildings. Specifically:
 - (A) Use a mix of trees and/or shrubs with groundcover whose height and width will be proportionate to the area being planted;
 - (B) Use trees, shrubs, ground covers, and/or grasses that are native to the Mariana Islands and are appropriate to the conditions of the site;
 - (C) Take care not to block lines of sight for vehicles or pedestrians or obscure businesses with landscape material that will be too large for the site at maturity;
 - (D) Use ground cover material that covers 70% of the soil in one year;
 - (E) Where possible and desirable, integrate required biofiltration swales or surface water detention ponds into the planting strip; and
 - (F) Incorporate or protect natural features, including wetlands, significant trees and vegetation, and slopes.

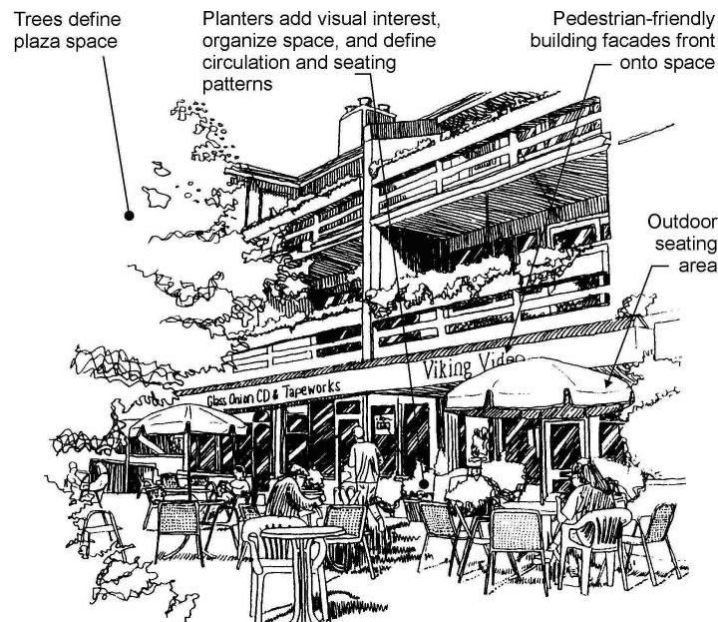


Figure 1. Landscaping should be used to enhance buildings, provide a pedestrian amenity, maintain environmental quality, and upgrade the local area's visual quality

(d) Landscaping Types. Following is a list of landscaping types:

(1) Landscaping Type A

- (A) Purpose. To provide a dense site barrier separating land uses or screening specific activities or elements.
- (B) Requirements (see example in Figure 2)
 - (i) A minimum of one dense-foliage tree every 15 linear ft of planting strip, arranged in a manner to obstruct views into the property. Each tree shall be at least 8 ft tall and 2 inch caliper (diameter, as measured 3 ft above grade);

- (ii) A planting strip at least 10 ft wide or as directed by the Administrator or the Board;
 - (iii) At least one shrub per 5 linear ft of planting strip. Each shrub shall be at least 2 ft tall at planting and have a mature height of at least 6 ft; and
 - (iv) Groundcover that will cover the remaining area within one year.
- (2) **Landscaping Type B**
 - (A) Purpose. To provide a substantial but open buffer to offer visual relief and integrate built elements into the natural environment.
 - (B) Requirements (see example in Figure 2)
 - (i) A minimum of one tree per 30 linear ft of landscaped strip. Each tree shall be at least 8 ft tall and 2 inch caliper (diameter, as measured 3 ft above grade);
 - (ii) Shrubs covering at least 50% of the landscaped area;
 - (iii) Groundcover shall cover the remaining area within one year; and
 - (iv) A planting strip at least 6 ft. wide or as determined by the Administrator or the Board.
- (3) **Landscaping Type C**
 - (A) Purposes
 - (i) To enhance the natural areas and to integrate developments into the existing conditions.
 - (ii) To enhance Saipan's natural landscape.
 - (B) Requirements (see example in Figure 2)
 - (i) Landscaping shall consist of trees, shrubs, and groundcovers that are native to the Marianas Islands and are appropriate to the conditions of the site. Species are subject to approval by the Administrator or the Board;
 - (ii) Arrangements of plants shall be asymmetrical, and plant material shall be sufficient in quantity to cover the soil in one growing season; and
 - (iii) A planting strip at least 12 ft. wide or as directed by the Administrator or the Board.

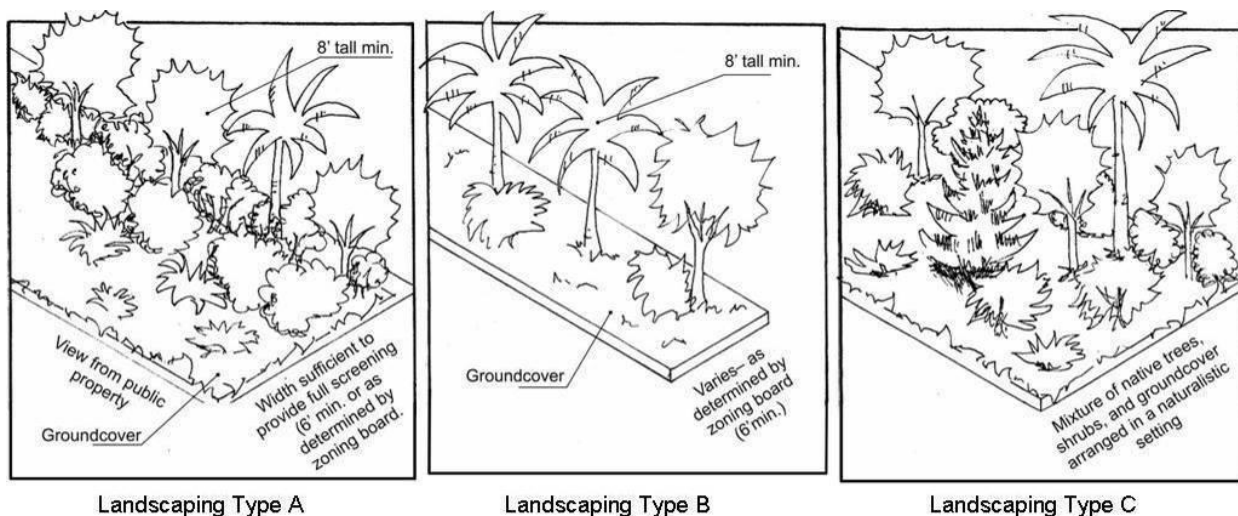


Figure 2 Illustration of landscaping types

(e) Parking Lot Landscaping

- (1) A surface parking lot (excluding underground or structured parking) with more than 14 stalls and within 100 ft of the public right-of-way (excluding alleys) and not separated from that street by another building shall meet the requirements of Table 1 and the requirements of this Subsection.
- (2) Shrubs and ground cover shall be provided in the required interior parking lot landscape area as follows:
 - (A) Plant shrubs at a density of five per 100 sf of landscape area; and
 - (B) Select and plant ground cover so as to provide 90 % coverage in one year.
- (3) The Board may exempt a parking lot with less than 100 parking spaces and not visible from or not within 100 ft of a street or park from interior parking lot landscaping.
- (4) The Board may allow alternative parking lot landscaping schemes where the applicant can successfully demonstrate that such schemes better meet the intent of the requirements.
- (5) Provide at least one tree for every six parking spaces to provide shade and pedestrian amenity. The trees required for parking lot landscaping may not be considered as street trees. However, the Board may allow alternative parking lot landscaping schemes where the applicant can successfully demonstrate that such schemes better meet the intent of the requirements.
- (6) Provide landscaping to screen parking lots from adjacent or neighboring properties. Specifically, screen parking lots with over 14 stalls: within 10 ft of adjacent property lines with Landscape Type A; or within 20 ft of adjacent property lines with Type B or C landscaping. The Board may waive this requirement if parking is shared by the adjacent uses.

Table 1. Required Landscape Area for Parking Lots

Number of Parking Spaces	Minimum Landscape Area (may include landscaped areas between the parking lot and the street)
15 to 50	15 sf per parking space
51 to 99	25 sf per parking space
100 or more	35 sf per parking space

(f) Impervious Surfaces

- (1) The amount of impervious surface in any development should be minimized.
- (2) Impermeable pavement in new development shall only be used where necessary to provide vehicular or pedestrian circulation or other functional activity.
- (3) Permeable pavement may be used as an alternative.
- (4) Unstabilized rock shall not be used for on-site parking or access drives for more than six vehicles.
- (5) Disturbed land without paving shall be planted so that the ground will be completely covered with trees, shrubs, groundcover, and/or lawn within one year.

Article 9. Parking and Road Access

Section 901 Purpose

- (a) To establish minimum parking requirements for specific uses on Saipan.
- (b) To minimize negative impacts on the streetscape and pedestrian environment.
- (c) To encourage a safe and convenient network of vehicular circulation.
- (d) To create attractive vehicular routes that accommodate pedestrian access and amenities.
- (e) To minimize negative impacts of parking lots on the streetscape and pedestrian environment.
- (f) To promote shared parking.

Section 902 Off-Street Parking Requirements

- (a) **Calculation of Floor Area.** For purposes of defining nonresidential off-street parking requirements, the floor area of each level of a building shall exclude:
 - (1) Areas devoted to storage, restrooms, corridors, hallways, entries, stairways, elevators, decks, equipment, utility rooms and kitchens not to be occupied by clientele; and
 - (2) Areas for utility purposes not connected with the general conduct of business for which office or sales space is provided.
- (b) **Requirements**
 - (1) An off-street parking area shall contain the number of parking spaces stipulated in Table 1 and Table 2.
 - (2) A use that is similar to any of the uses referenced in Table 1 and Table 2 shall adhere to the minimum parking requirements for the referenced use.
 - (3) The Administrator shall determine the minimum parking requirements for a use that is not referenced in this Section.
- (c) **Modification of Requirements**
 - (1) An applicant may request a modification of the required number of parking spaces.
 - (2) The applicant shall provide justification that parking demand can be met with reduced parking such as through the use of vans, buses, or compact parking spaces. The justification shall be prepared by a qualified professional approved by the Administrator or the Board.
 - (3) The Administrator or the Board may approve a reduction of up to 75% from the requirements in this Section provided that the plan adequately provides for parking.
- (d) **Shell Buildings**
 - (1) When the Board has received a shell building (no specified use) permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zoning district designation and compatible with the limitation of the shell permit.
 - (2) In industrial developments, a minimum of 2.0% of gross floor area shall be assumed as office when calculating parking requirements.
 - (3) When the range of possible uses result in different parking requirements, the Board will establish the amount of parking based on a likely range of uses.

Table 1. Residential Parking Requirements

Residential Use	Required Parking Spaces (min)
Dwelling unit - single family	2.0 per dwelling unit
Dwelling unit - multifamily	
Studio unit	1.0 per dwelling unit
One-bedroom unit	1.0 per dwelling unit
Two-bedroom unit	2.0 per dwelling unit
Three-bedroom or more unit	2.0 per dwelling unit
Retirement home	0.8 per dwelling unit
Rest home, nursing or convalescent home	0.3 per bed
Congregate care facility	0.5 per dwelling unit

Table 2. Non-Residential Parking Requirements

Non-Residential Use	Parking Spaces Required (min)
Church, synagogue, and temple	1.0 per 4 fixed seats plus 1.0 per 50 sf of gross floor area without fixed seats for assembly purposes
Day care facility or pre-school	2.0 plus 1.0 per employee
Financial institution	3.0 per 1,000 sf
Food store or market	3.0 per 1,000 sf
Government building, studio, professional or business office	3.0 per 1,000 sf
Hotel or motel	1.0 per room plus 1.0 per employee on any given shift
Medical office	3.0 per 1,000 sf
Manufacturing	1.0 per 1,000 sf
Personal service without fixed station	3.0 per 1,000 sf
Personal service with fixed station	1.5 per station
Restaurant or cafeteria	8.0 per 1,000 sf
Retail sale or service store	3.0 per 1,000 sf
Service station, vehicle repair or vehicle maintenance	3.0 per facility plus 1.0 per service bay plus 3.0 per 1,000 sf for store
Theater	1.0 per 4 fixed seats and/or 1.0 per 100 sf of gross floor area without fixed seats for assembly purposes
Wholesale or warehouse	1.0 per 1,000 sf

Section 903 Cooperative Off-Street Parking

Two or more uses may establish cooperative off-street parking. Where it can be demonstrated to the Board that the hours of traffic generation on the part of the two land uses appear at different times of the day, the off-street parking provisions for each may be credited to the same cooperative off-street parking area.

Section 904 Off-Street Parking Design Requirements

All off-street parking shall meet the requirements of this Section:

- (a) **Size of Parking Space.** A required off-street parking space shall be at least 8.5 ft in width and at least 18 ft in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. The length of parking spaces may be reduced to 16.5 ft including wheel stop if additional space of 1.5 ft in length is provided for the front overhang of the car. The parking space shall have a vertical clearance of at least 8 ft.
- (b) **Dimensional Requirements for Parking Rows, Aisles, and Modules.** Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Table 3 and illustrated in Figure 1, Figure 2, and Figure 3.

Table 3. Dimensions for Parking Rows, Aisles, and Modules

Parking Layout	Minimum Horizontal Width (ft.)				
	One-Way Parallel	Angle (in degrees)			
		30	45	60	90
Single row of parking	9	17	19	20	18
Driving Aisle	12	12	14	18	24
Minimum width (row + aisle) of module	21	29	33	38	42
Two rows of parking	18	34	38	40	36
Driving aisle	12	12*	14*	18*	24
Minimum width (row + aisle) of module	30	46	52	58	60
*24 ft if a two-way aisle is used					

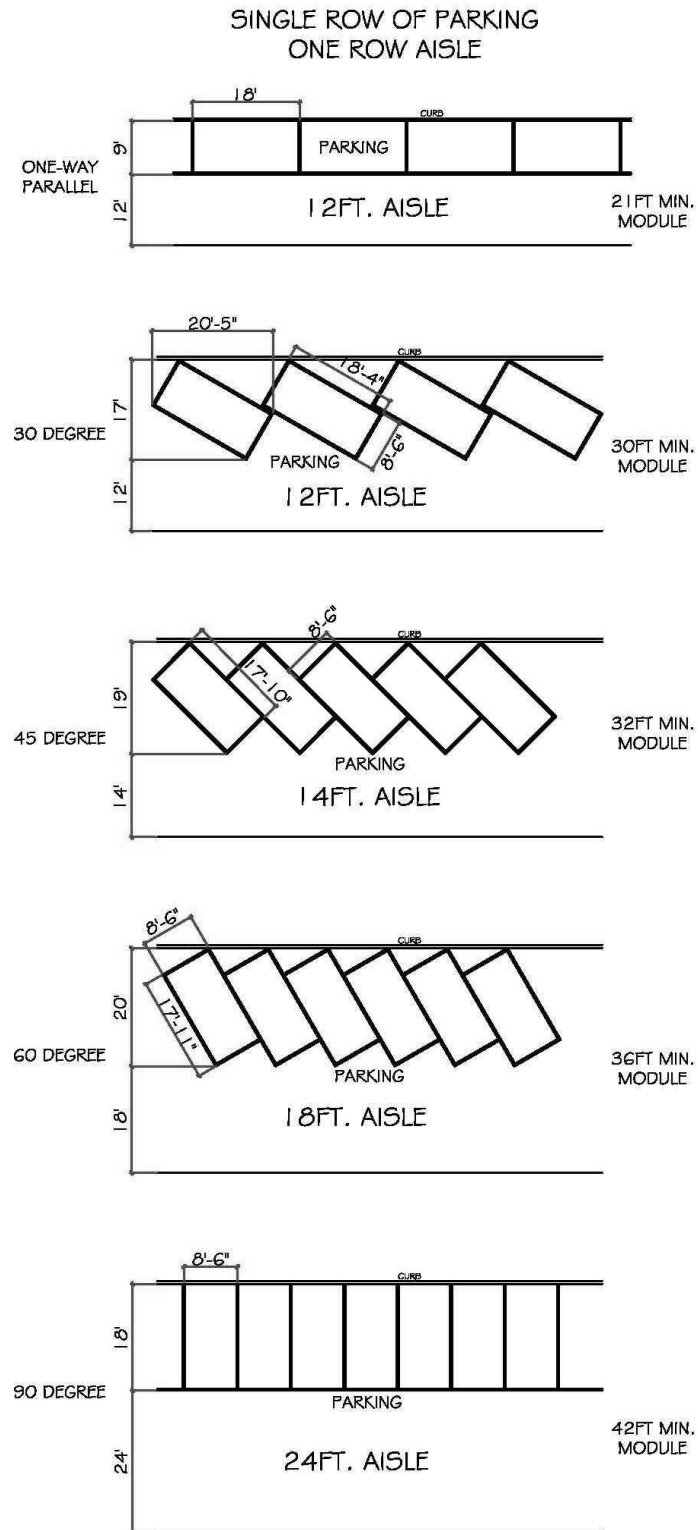


Figure 1. Dimensional requirements for single row parking

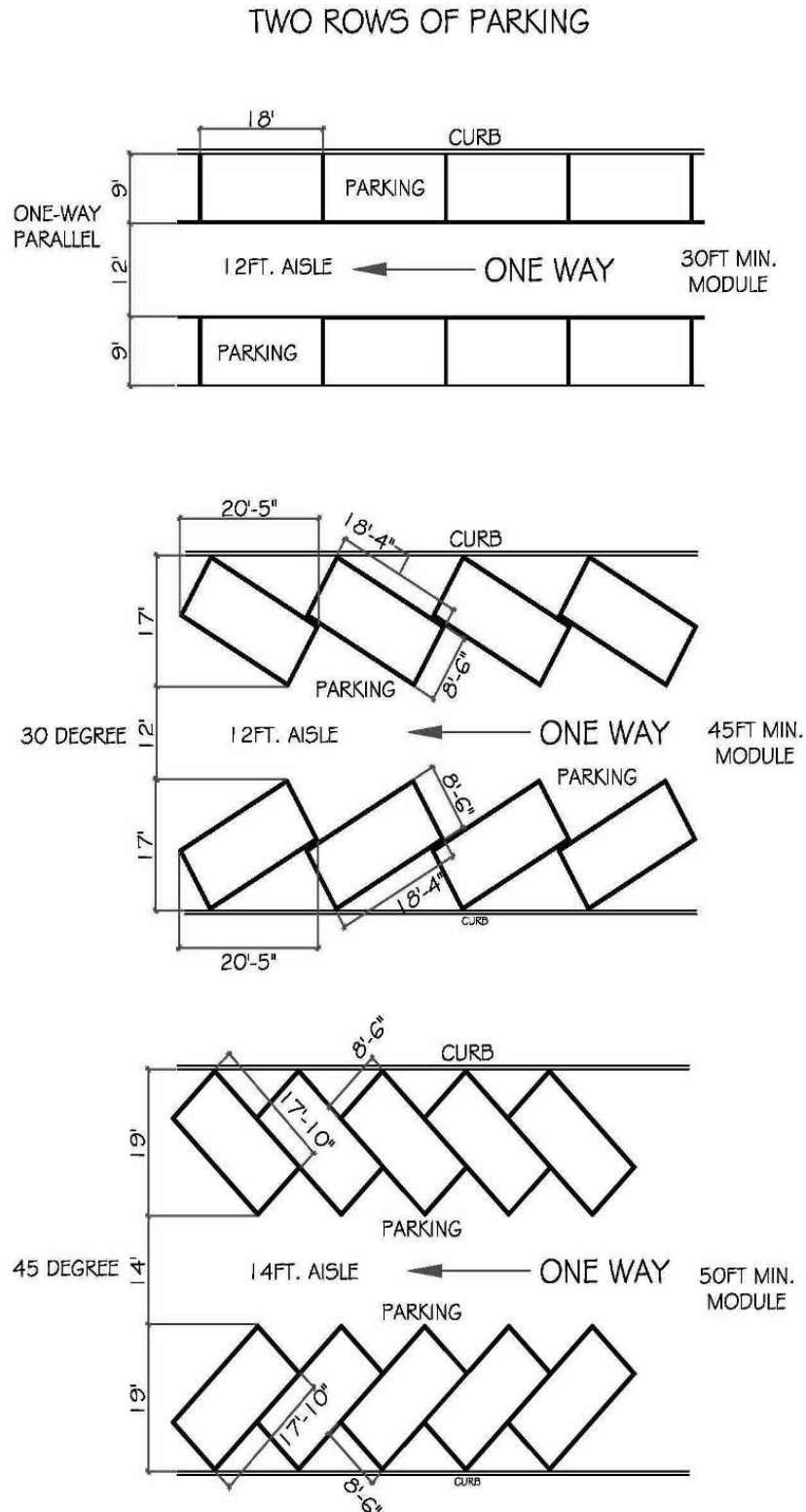


Figure 2. Dimensional requirements for parallel, 30 and 45 degree two row parking

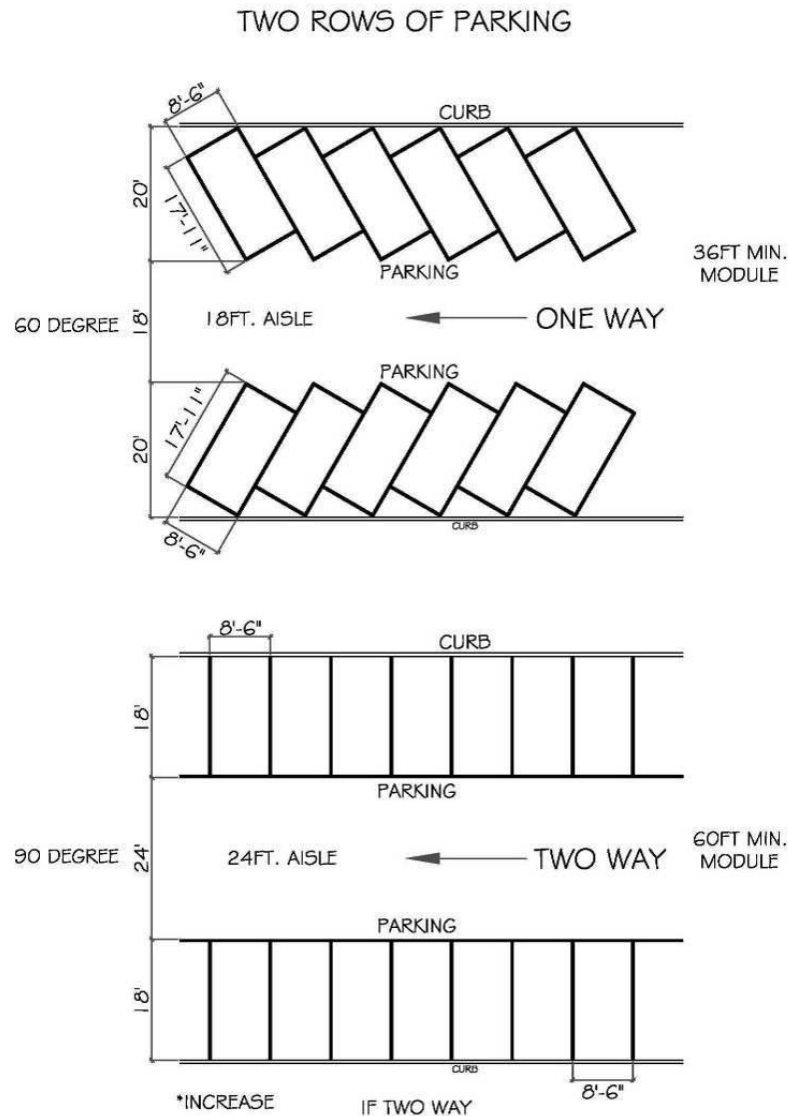


Figure 3. Dimensional requirements for 60 and 90 degree two row parking

(c) Access to Off-Street Parking

- (1) Each required off-street parking space shall open directly onto an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space.
- (2) All off-street parking facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner that causes the least interference with traffic movements.

(d) Paving

- (1) A paved parking area shall be paved with permanent materials (concrete, paving blocks, asphalt, or other all weather surface including the use of pervious paving materials where soils and level of use are suitable to provide both drainage and a stable surface). A driveway shall use asphaltic concrete or Portland cement pavement on the portion of the driveway within the ROW.

- (2) The amount of impervious surface in any development should be minimized.
- (3) Impermeable pavement in new development shall only be used where necessary to provide vehicular or pedestrian circulation or other functional activity.
- (4) Permeable pavement may be used as an alternative.
- (5) Unstabilized rock shall not be used for on-site parking or access drives for more than six vehicles.
- (e) **Disability Parking.** An off-street parking area shall provide parking space for use by motor vehicles that transport physically disabled persons, in accordance with the current requirements of the federal ADA.
- (f) **Parking Lots near Intersections.** A parking lot shall not be located adjacent to a street intersection for a property adjacent to an arterial road unless the Board finds that no other alternative is feasible to accommodate permitted development.
- (g) **Parking Access from Public Streets.** No more than one stall per property shall be accessed directly from a public street. A parking area with more than one stall shall be accessed from a driveway.

Section 905 Road Access Requirements

- (a) **Purpose.** The purpose of this Section is to control vehicular access to collector and arterial streets and highways in a manner that maintains the capacity of said facilities for travel; improves the ability of vehicles to safely enter and exit properties; and makes the improvement of roadways, when required by development, cost effective.
- (b) Public collector and arterial streets and highways are a public investment paid for by all citizens not just those whose properties front on these types of roads. Thus, those who profit from the quality of the vehicular access shall bear the cost of maintaining said access at the highest level possible.
- (c) **Applicability.** This Section applies to all non-single family residential development unless noted otherwise. The Board may waive one or more of these requirements where the applicant can demonstrate that such vehicular access requirement(s) is not applicable or desirable due to the nature of the site or use (i.e., industrial or mini-storage) and/or incompatibilities with adjacent properties (i.e., connections to an existing incompatible use on an adjacent property).
- (d) **Driveway Width.** For properties adjacent to defined highways and arterial roadways:
 - (1) New driveways shall be no more than:
 - (A) 12 ft wide for residential development.
 - (B) 24 ft wide for commercial development Except, wider driveways up to 36 ft may be allowed: if traffic volumes generated by the site require two exiting lanes (one left turn and one right turn lane), if the site generates a high volume of large trucks that requires a wider driveway; or where an additional or wider driveway is required by the fire department for safe fire apparatus access.
 - (C) 36 ft wide for industrial development.
 - (2) Driveways shall be defined by a curb, berm, or other pavement element.
 - (3) No more than one driveway per lot or one driveway per 300 ft on a single lot shall be allowed onto or from a public street, unless:
 - (A) Analysis of the site's traffic generation demonstrates the need for more than one driveway; or
 - (B) On-site circulation or access to truck loading facilities cannot be accommodated by only one driveway.
- (e) **Shared Driveways.** A new commercial development project should create a major

driveway that serves more than one property and/or business. A development may be required to provide an automobile connection to an adjacent property, where physically possible, through the use of a cross access easement, common entryway, shared internal roadways and parking lot, or similar technique.

- (f) **Permanent Access.** Access to a public road shall be limited to ensure that the congestion created by turning movements is reduced to a minimum. To achieve this, a development shall meet the following requirements:

(1) **Access to Residential Uses.**

- (A) A proposed residential use shall take direct vehicular access only to a residential access or village road unless the Board determines this is impractical.
- (B) An individual detached single-family residence built under the single-family development option shall use a flag lot to avoid taking direct access to a collector or arterial street.
- (C) A multifamily residential use shall be granted access to a collector or arterial street only where it cannot be afforded access to a residential access street.

(2) **Access to Nonresidential Uses.**

- (A) A nonresidential use shall take primary vehicular access from a frontage road, reverse frontage road, parking circulation road, shared access, or road designed to provide internal circulation within the development.
- (B) Direct primary access to a local residential street is prohibited for a nonresidential use.
- (C) A nonresidential use may be permitted direct access to a collector or arterial street or highway only as permitted in this Section.

(g) **Separation of Access Points**

- (1) Access to a collector and arterial street and highway shall be limited to the minimum separation requirements listed in Table 4. An exception may be requested through the variance procedures. The Board may also approve a deviation to these requirements based on findings of a traffic study certified by a qualified professional engineer.
- (2) If an exception to these requirements is necessary for exceptional topographic and sight distance situations, then a request for a variance may be made.

Table 4. Minimum Separation Requirements for Access Points

Road Type	Minimum Separation Distance (ft)
Access or Local Street	100
Collector	100
Arterials	250

- (h) **Curb Barrier.** A use shall provide a curb barrier to prevent access other than at an approved access location. This eliminates hazardous conditions.
- (i) **Conflicting Driveways.** The Board may require that driveways on opposite sides of a street align or be offset such that vehicles turning left out of the driveways do not conflict.
- (j) **Permanent Access Plan.** To minimize the number of vehicular access points on collector and arterial streets and highways, the Administrator shall, when the first development occurs in an area, propose an overall access plan for the area. The access plan shall not be valid until it is approved by the Board. A landowner, lessee, or developer seeking to develop within that area shall be required to meet the access plan in order to obtain site plan or subdivision plat approval.

- (k) **Clear View of Intersections.** No sign (except those used for legal traffic control) or other obstruction shall be permitted in the clear zone of an intersection, as shown in Figure 4.

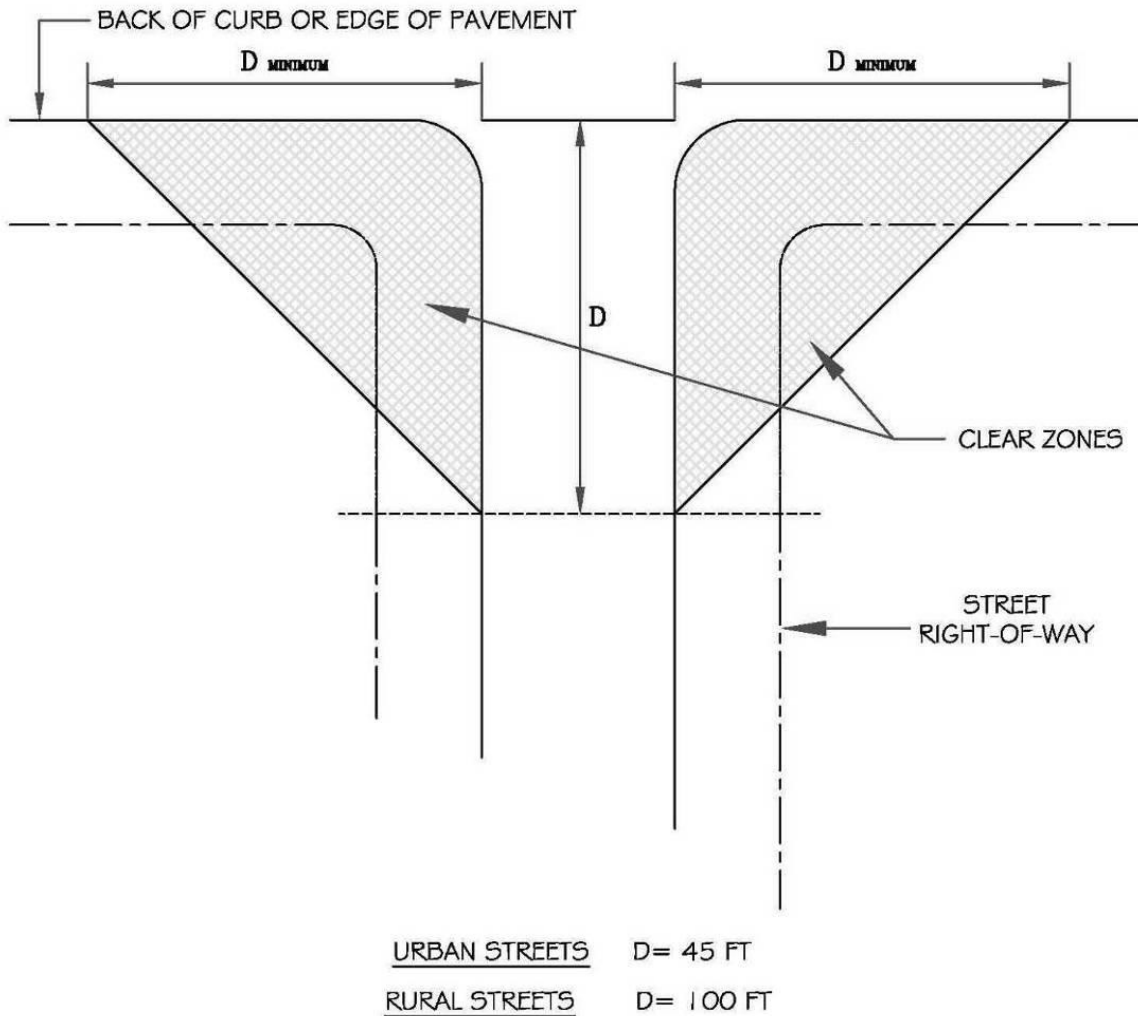


Figure 4. Clear View of Intersecting Streets

Section 906 Fee in Lieu of Parking and Parking Improvement Fund

- The Administrator or the Board may waive all or part of the on-site parking requirements of this Law for development meeting the requirements of this Section.
- Waivers shall only be allowed for development in the Garapan Core or Garapan East zoning districts.
- A waiver shall only be issued upon written request by the applicant to pay a fee into the parking improvement fund created pursuant to this section. This payment shall be in lieu of furnishing the required parking spaces.
- In making a determination on a waiver request, the Administrator or the Board shall consider:

- 1 (1) The extent to which the parking requirements of this Law impose a particular hardship
- 2 upon the applicant;
- 3 (2) Whether granting the request would be unreasonably burdensome to other property
- 4 owners in the area; and
- 5 (3) Whether granting the request would lead to a better overall result than would strict
- 6 adherence to the parking requirements of this Law for the purposes of encouraging
- 7 appropriate land uses, improving pedestrian circulation and achieving better parking
- 8 design.
- 9 (e) The fee to be paid in lieu of providing the required parking spaces shall be \$5,000 per space
- 10 required, or such other amount as the Zoning Board shall hereafter set by regulation. The fee
- 11 set by the Board shall be based on current values for the purchase of land and construction of
- 12 off-street parking spaces, or on a rental fee for each required space.
- 13 (f) The fee in lieu of parking spaces shall be paid in full into the Parking Improvement Fund
- 14 prior to the issuance of a zoning permit.
- 15 (g) **Parking Improvement Fund**
- 16 (1) There is hereby created in the CNMI Treasury a special fund designated the “Parking
- 17 Improvement Fund,” into which all in-lieu parking fees shall be deposited. Such funds
- 18 shall only be expended for public improvements listed in a parking improvement plan
- 19 to be adopted by the Board. The Board may from time to time direct that other
- 20 moneys be transferred into the fund to be used for the purposes of the fund.
- 21 (2) The fund shall be used exclusively for planning, acquisition, design, development,
- 22 construction and financing of parking facilities for use by the general public in the
- 23 vicinity of the Garapan Core or Garapan East zoning districts, all consistent with the
- 24 specific project priorities set forth in the parking improvement plan, as adopted or
- 25 thereafter amended by the Board.
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Article 10. Signs and Lighting

Section 1001 Purpose

The purpose of this Article is to:

- (a) Encourage signage that is both clear and of appropriate scale for the project.
- (b) Upgrade the visual character of commercial areas
- (c) Provide a comprehensive sign program that creates consistent design criteria for the entire Island of Saipan.
- (d) Enhance the visual quality of signage through the use of complementary sizes, shapes, colors, and methods of illumination.
- (e) Provide signage requirements that meet commercial tenant needs.
- (f) Preserve the right of free speech and expression.

Section 1002 Exemptions

The following are exempt from the requirements of this Law:

- (a) Artwork;
- (b) A sign that cannot be viewed from a public right-of-way, public park, public facility, or public open space;
- (c) A sign required by law or regulation;
- (d) A government sign regulating the flow of traffic;
- (e) A flag of a government entity;
- (f) A political campaign sign that is more than 50 ft from an intersection and no more than 6 ft high;
- (g) A sign integrated into or on a coin-operated machine, vending machine, gasoline pump or telephone booth;
- (h) A sign painted, mounted or displayed on a vehicle or equipment that is regularly moved in the normal day-to-day operations of an on-site business; and
- (i) A sign carried by a person.

Section 1003 General Requirements for Non-Single Family Development

A sign for non-single family development shall meet the requirements of this Section.

(a) Placement

- (1) A commercial sign shall not be placed in the ROW.
- (2) A personal or event sign may be placed in the ROW only if permitted by DPW.
- (3) A sign shall always complement a building's character and design (e.g., walls signs should avoid covering building columns). A new commercial building shall provide a specific place for signs, such as a reveal (inset) in the facade, a canopy with concealed wiring, etc. See Figure 2.

(b) **Language.** The text of a sign shall always be in English, Chamorro or Carolinian. Other languages are optional. If text in any other language is included, it shall be exactly translated into English in lettering at least as large as the foreign text.

(c) **Size.** The size of a sign shall be determined by the area of the smallest rectangle that can be scribed around all lettering, logos, and sign graphics (see Figure 1). Frames and supports outside this area do not count toward the sign size.

(d) **Height.** The height of a sign shall be measured from the average grade to the top of the sign lettering or graphics. The frame of a ground-mounted sign may extend 3 ft above the sign lettering or graphics if it involves a cornice or other finishing device, if approved by the Administrator or the Board.

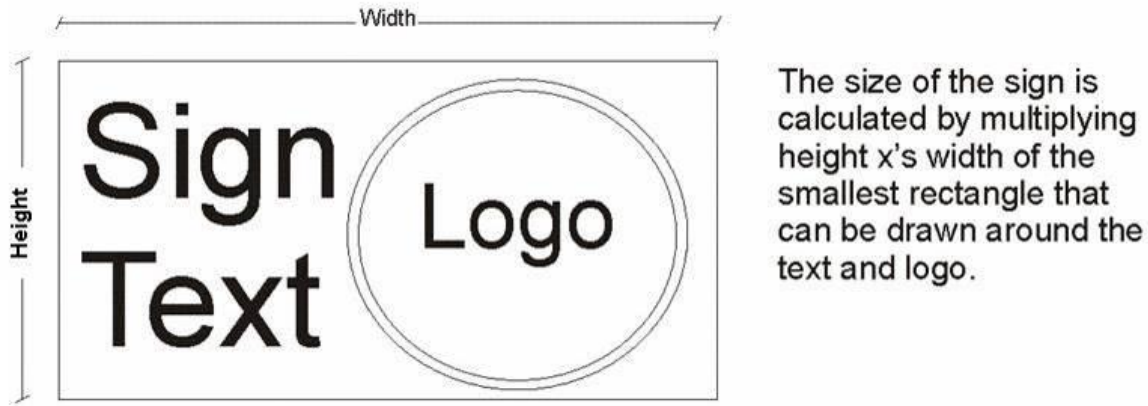


Figure 1. Method of measuring sign size



Figure 2. Appropriate sign location and size

Section 1004 Prohibited Signs

The following signs are prohibited:

- (a) A ground sign taller than 12 ft in height.
- (b) A neon sign is allowed, except a sign employing moving or flashing light or video is prohibited. An informational sign that scrolls is acceptable with letters that are one ft in height or less. A non-moving sign that indicates price changes is acceptable.
- (c) A sign employing an exposed electrical conduit.
- (d) A visible ballast box or other equipment.
- (e) An audible or odor-producing sign.
- (f) A building or ground sign made of cardboard or other material that resembles the structure of cardboard.
- (g) An above roof sign
- (h) An off-premises sign, including a billboard (except a public directional, a site identification sign, or a personal event sign for a garage sale or similar event), advertising a place, service, or a specific product that is provided off-site (outside the lot where the sign is placed).

- (i) A back-lit translucent awning or backlit awning sign.
- (j) A mounted or freestanding reader-board sign is not permitted, except that a cinema or community center may have a changeable letter sign.
- (k) A sign, not required by law or regulation, that is attached to a light or utility pole, except as approved by CUC.

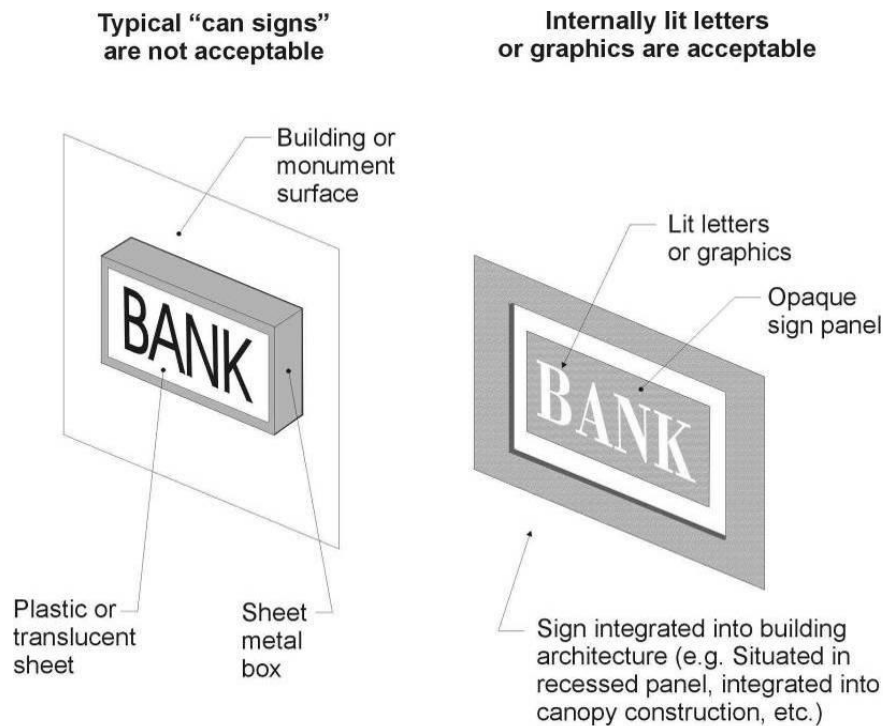


Figure 3. Illustration of an appropriate and inappropriate sign

Section 1005 Requirements for Specific Types of Signs

(a) Ground Sign

- (1) A ground sign shall meet the requirements of this Section. (example Figure 4)
 - (A) Only one ground sign is allowed per lot smaller than 1,000 sm. For a lot larger than 1,000 sm, more than one monument sign may be permitted as long as such signs are placed no closer than 150 ft apart along the street front.
 - (B) Landscaping shall be used in conjunction with a ground sign to enhance the appearance.
 - (C) A ground sign shall be set back at least 3 ft from any public ROW.
 - (D) The lettering and logos of a ground sign may be internally-lit but the background of the sign face shall not be internally illuminated.
 - (E) A ground sign may be externally illuminated only with steady, stationary, down-directed, and shielded light sources directed solely onto the sign.
 - (F) Ground Sign Size Limits
 - (i) A single tenant sign shall be no more than 10 ft in height and 40 sf in area per face (2 sign faces are allowed).
 - (ii) A multi-tenant (more than 3 tenants) sign shall be no more than 12 ft in height and 50 sf in area per face.

- (iii) A ground sign for a multifamily development shall be no more than 6 ft in height and 28 sf in total sign face area.



Figure 4. Example of a monument sign, one type of ground sign.

(b) Building Sign

A building sign shall meet all the requirements of this Section.

- (1) A building sign shall be designed and located to fit with the building's architecture. For example, a building sign might fit within a recessed panel or on a building element such as a fascia or canopy.
- (2) A building sign should not cover an architectural element such as a window or portion of a building's ornamentation or trim.
- (3) A building sign may include product advertising.
- (4) A building sign shall fit parallel to or project perpendicular from a building facade.
- (5) A projecting sign shall not extend more than 4 ft from the building facade and clear the sidewalk by at least 8 ft.
- (6) The maximum combined surface area of all building-mounted signs for a given facade is 25 sf plus 10% of the area of the building's main facade (see Figure 5).
- (7) A can sign is not permitted. Generally, this type of sign is of low quality, easily broken, and not integrated into the building's architecture.
- (8) A building sign with back-lit letters or graphics that are part of a sign that is integrated into the building's architecture is permitted (see example in Figure 3).
- (9) A building sign made of molded plastic or other high quality, durable material, with or without internal lighting, that is provided by a brand name product manufacturer is permitted.
- (10) The lettering and graphic(s) of a building sign may be internally-lit but the background of the sign face shall not be internally illuminated (it shall be opaque).
- (11) A building sign may be externally illuminated only with steady, stationary, down-directed, and shielded light sources directed solely onto the sign.
- (12) One or more internally lit letters or graphics are acceptable.
- (13) Each building tenant is allowed only one building sign per building face. A miscellaneous tenant sign is allowed in addition to a building sign.
- (14) A portable sign shall be placed within 10 ft of the individual tenant entrance if

possible, and if not, within 10 ft of the main building entrance.

(c) **Window sign**

- (1) A permanent window sign shall be fabricated of permanent, durable material that does not fade or degrade in direct sunlight
- (2) A temporary window sign, including a banner sign on or in a window, may be displayed for up to 60 days. A temporary window sign shall contain the date of posting in letters at least 2 inches tall as follows: Posted: [date].
- (3) A window sign may include product advertising.
- (4) The total of all window signs in a given window shall not cover or obscure more than 20% of the window area.

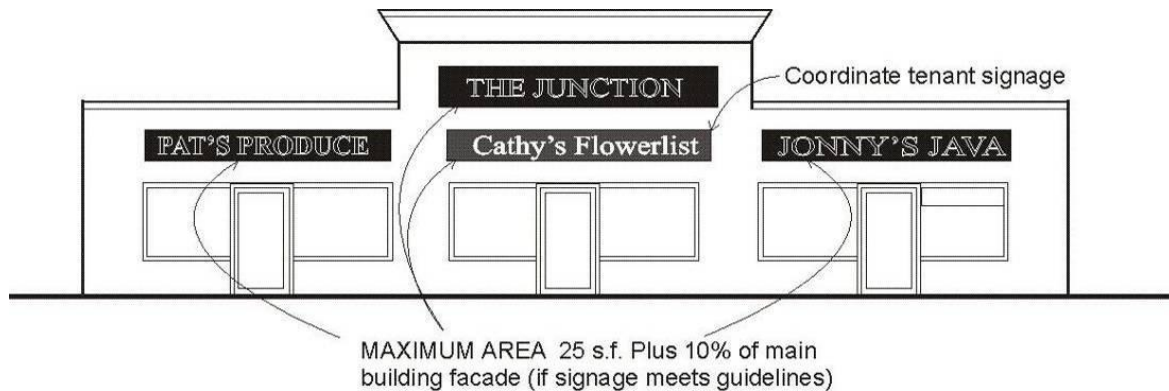


Figure 5. Illustration of maximum size of building signs

(d) **Public and Directional Sign**

- (1) A public and directional sign includes a directional sign, street name marker, pedestrian trail marker, project tenant directory, kiosk, theme element, and miscellaneous exterior site signage. These types of signs should share consistent design patterns and express the character of a sub-area.

(e) **Personal or Event Sign**

- (1) A personal or event sign may be erected without a sign permit provided it:

- (A) Has the installation date printed in letters at least 2 inches high;
- (B) Is displayed for less than 30 days;
- (C) Is removed within 5 days after the event; and
- (D) Does not, except as provided in subsection (h):
 - (i) Advertise a brand-name product;
 - (ii) Contain a brand name symbol or logo; or
 - (iii) Contain a product price.

- (2) A personal sign includes:

- (A) Garage sale sign;
- (B) Yard sale sign;
- (C) Moving sale sign;
- (D) For rent sign;
- (E) For-sale-by-owner sign; or
- (F) Lost pet sign.

- (3) An event sign includes:

- (A) Parade sign;
- (B) Farmers market sign;

- 1 (C) Church meeting or social sign;
- 2 (D) Rosary or wake sign; or
- 3 (E) Concert, festival or entertainment sign.
- 4 (4) A pole mounted personal or event sign is not permitted.
- 5 (f) **Portable Sign. A portable sign shall:**
- 6 (1) Be constructed of safe materials;
- 7 (2) Be securely anchored;
- 8 (3) Use only approved electrical systems;
- 9 (4) Not obstruct pedestrian movement; and
- 10 (5) Not obstruct or be dangerous to motor vehicle traffic.
- 11 (g) **Banner Sign**
- 12 (1) A banner sign, except as window sign, shall not:
- 13 (A) Advertise a brand-name product;
- 14 (B) Contain a brand name, symbol or logo; or
- 15 (C) Contain a product price.
- 16 (2) Provided, a banner sign for an event (not including an event related to retail sale
- 17 of a product) may include a brand name, logo, or symbol on no more than 40%
- 18 of the total sign area.

19 **Section 1006 Lighting**

- 20 (a) All street lighting, parking lot lighting and area lighting shall either be full cut-off “dark
- 21 sky” lighting or “pedestrian-oriented” lighting (see Section 103 under “pedestrian-oriented
- 22 space”).
- 23 (b) Provided, that uplighting of landscape features is permitted.
- 24 (c) “Pedestrian-oriented lighting” shall be no taller than 15 ft mounting height.

Article 11. Land Development and Subdivision

Section 1101 Purpose and Applicability

The purpose of this article is to provide for orderly growth and harmonious development on the island of Saipan, to provide minimum standards for the design, development, and improvement of all new subdivisions of land, and to ensure that adequate public facilities can be provided to promote the public health, safety and general welfare of the citizens of Saipan.

The requirements of this section are not applicable to divisions made by testamentary provisions or the laws of descent provided that this exemption shall not be construed to permit *inter vivos* transfers, and provided further, that any structure or use on the property shall comply with all other applicable regulations. In cases where the subdivision provisions do not apply, the subdivision of property must include only easements to provide vehicular access, water lines, sanitary sewers, storm water drainage, power lines, and other utilities as required by the DPW and/or the CUC. Where feasible, a utility easement may be included in the road ROW.

Section 1102 Inspection and Access

All final subdivision development plans and plats shall contain a signed statement granting the Administrator and staff right of reasonable access to view, enter, and inspect the property, uses, or buildings thereon both during construction and after completion to determine compliance with this Law.

Section 1103 Minor Subdivisions

- (a) **Applicability.** All minor subdivisions, as defined in Article 1, shall meet the requirements of this Section and this Law.
- (b) **Pre-application Conference**
 - (1) A pre-application conference shall be held with the Administrator or his/her staff regarding a proposed minor subdivision. This conference is to assist the subdivider in understanding the requirements for the minor subdivision.
 - (2) Following the conference, the Administrator or his/her staff shall provide a report to the subdivider summarizing the results of the conference and any understandings arrived at during the conference.
 - (3) A copy of the report shall be retained in the permanent files of the Administrator as a public record. Following this conference, the subdivider may proceed to prepare the final plat of the subdivision.
- (c) **Final Plat Requirements**
 - (1) A proposed final plat for a minor subdivision shall be prepared by a land surveyor licensed to practice in the CNMI.
 - (2) A final plat shall be clearly and legibly drawn on such media, sheet size and, format and with such information as are required by the official final plat application form provided by the Administrator and approved by the DLRS.
- (d) **Decision to Approve or Deny**
 - (1) Within 7 days of a complete filing, the Administrator shall transmit the application to DLRS for review. Upon receipt of the response, the Administrator shall within 14 days (2 weeks) by written decision approve, deny, or approve with conditions the minor subdivision plat.
 - (2) Within 14 days (2 weeks) of approval, the Administrator shall submit the final plat for clearance to DLRS. After clearance, the applicant shall file the plat with the Commonwealth Recorder's Office.
 - (3) Within 7 days (1 week) of recording, the applicant shall give a copy of the

recorded plat to the Zoning Administrator and give the original survey map, plat and subdivision map to DLRS which shall retain permanent custody.

- (e) **Improvement Agreement.** A subdivider improvement agreement and guarantee shall be filed with the final plat based on the required forms provided by the Administrator. The agreement may require assurance of completion to ensure that all required improvements are completely installed by the developer at no cost to the CNMI.
- (f) **Forms of Plat Certification.** The standard forms of final plat certification shall be included with or on the face of the final plat indicating those items as specified by the official application form for a final plat provided by the Administrator.
- (g) **Minimum Time Requirement for Successive Platting Of Minor Subdivisions.** A minor subdivision shall not be approved for any lot or parcel of land that has already been granted an approved minor subdivision. Any further division of property that has been previously granted minor subdivision approval will be considered a major subdivision and shall meet all applicable requirements for major subdivision approval.

Section 1104 Major Subdivisions

- (a) **Applicability.** All major subdivisions, as defined in Article 1, shall meet the requirements of this Section and this Law.
- (b) **Pre-Application Conference**
 - (1) A conference shall be held with the Administrator or his/her staff regarding a proposed subdivision. This conference is to help the subdivider plan for a development. During the course of the conference, an understanding may be reached about how the subdivider may design the subdivision.
 - (2) Following the conference, a letter shall be written to the subdivider summarizing the results of the conference and any understandings arrived at during the conference.
 - (3) A copy of this letter shall be retained in the permanent files of the Administrator as a public record.
- (c) **Sketch Plan Preparation.** A sketch plan may be submitted to the Administrator. The Administrator shall review the sketch plan relative to the general requirements of this Law and provide written comments to the applicant. The sketch plan shall:
 - (1) Show a clear representation of the area in which the proposed project is located;
 - (2) Be drawn to a scale acceptable to the Administrator;
 - (3) Show an area extending at least 200 m in each direction beyond the boundaries of the proposed subdivision; and
 - (4) Indicate, at a minimum, the information requested on the official sketch plan application form provided by the Administrator.
- (d) **Preliminary Plat**
 - (1) **Application Requirements**
 - (A) A preliminary plat shall be filed containing all information required by this Law and any additional information required on the application form provided by the Administrator.
 - (B) Preliminary plats shall meet the following minimum requirements:
 - (i) Show the location and boundaries of the proposed subdivision, including a traverse of the monumented perimeter of the proposed subdivision prepared by a land surveyor licensed to work in the Commonwealth of the Northern Mariana Islands.
 - (ii) Show at least 2 survey ties into the Commonwealth land survey system or other established permanent marker as acceptable to the Administrator. Said boundary shall also identify the survey monuments

proposed to be used for survey control during subdivision construction.
(iii) Show elevations marked on contour lines and/or spot elevations based on the Commonwealth accepted mean sea level vertical datum for Saipan. If the error in the latitude and the departure of closure of the survey, or any part thereof, is greater than the ratio of one in 3,000, the plat may be rejected.

(iv) Meet the requirements of DLRS.

(v) Use the correct street names.

(C) All contiguous property shall be under the control of the subdivider or leaseholder, even though only a portion is being subdivided. Except, contiguous parcels of land owned or leased by more than one property owner or lessee may be subdivided and included as one subdivision plat provided that all landowners and lessees join in any land dedication and sign all signature blocks of the preliminary and final subdivision plat.

(2) **Decision to Approve or Deny**

(A) Within 7 days of a filing, the Administrator shall transmit the preliminary application to DLRS for review.

(B) The Administrator shall review and report to the Board on the preliminary plat's compliance with this Law and the requirements of DLRS.

(C) The Board shall approve or reject the preliminary plat within 45 days after its receipt for review.

(D) Based on the Board's decision, the Administrator may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made before submission of the final plat.

(E) Approval of the preliminary plat is required before the final plat may be submitted.

(3) **Expiration of Preliminary Plat**

(A) An approved preliminary plat shall only be valid for a period of one year following its approval date.

(B) If the final plat covers only a portion of the land within a preliminary plat and active progress is being made on the remainder of the subdivision, such approval of the preliminary plat shall be automatically renewed for an additional period of one year following the date of approval of each subsequent final plat. Except, automatic renewal shall not apply if the Administrator notifies the subdivider in writing to the contrary for reasons of negligence, nonconformance with the provisions of this Law, or failure to diligently pursue the completion of the plat or the installation of utilities or facilities.

(e) **Final Plat**

(1) **Final Plat Submittal Requirements**

(A) A final plat for all subdivisions shall be prepared by a land surveyor licensed to practice in the Commonwealth of the Northern Mariana Islands.

(B) A final plat shall be clearly and legibly drawn on such media, sheet size and format, and with such information as are required by the official final plat application form provided by the Administrator and approved by DLRS.

(C) The final plat shall meet all the requirements of this Law.

(D) The final plat shall meet the conditions of the approved preliminary plat. It shall contain all of the information required thereon and as specified by the official application form for a preliminary plat provided by the Administrator.

- (E) A subdivider improvement agreement and guarantee shall be filed with the final plat based on the required forms provided by the Administrator. The agreement may require assurance of completion to ensure that all required improvements are completely installed by the developer at no cost to the CNMI.
- (2) **Final Plat Decision to Approve or Deny**
- (A) Within 5 days of a complete filing, the Administrator shall transmit the application to DLRS for review. Upon receipt of the response, the Administrator shall forward a recommendation to the Board.
- (B) The Board has final authority to approve or deny a subdivision plat.
- (C) Final plat review, and approval or denial, shall be completed within 30 days after receipt of the Administrator's recommendation. Any denials must be based on the final plat not meeting specified requirements of this Law and of DLRS.
- (D) All approvals and denials of final plats must be stated in writing. Final plat denials must state the reasons for denial.
- (E) Acceptance of the final plat by the Board shall constitute final approval.
- (F) Within 14 days (2 weeks) of approval, the Administrator shall submit the final plat for clearance to DLRS. After clearance, the applicant shall file the plat with the Commonwealth Recorder's Office.
- (G) Within 7 days (1 week) of recording, the applicant shall give a copy of the recorded plat to the Zoning Administrator and give the original survey map, plat and subdivision map to DLRS which shall retain permanent custody.
- (f) **Installation of Improvements**
- (1) **Subdivider Responsibility.** Regardless of contracts, agreements or inspections performed, the subdivider shall be responsible for the installation of improvements in accordance with the applicable requirements and at the subdivider's expense without reimbursement by the CNMI.
- (2) **Temporary Improvements.** The subdivider shall install and pay all costs of required temporary improvements. Prior to construction of temporary facilities, the subdivider shall file with the Administrator a separate suitable performance guarantee for each temporary facility. The performance guarantee shall ensure that the temporary facilities are properly constructed, maintained, and ultimately removed.
- (g) **Performance Guarantee**
- (1) For private developments, a performance guarantee shall be provided in a form acceptable to the Attorney General.
- (2) The Administrator, in association with the appropriate agency responsible for the improvement, shall act as the agent in all matters relating to the performance guarantee.
- (3) The Administrator may also require restrictive covenants as an additional performance guarantee where the performance guarantee is deemed inadequate to protect the public interest.
- (4) The amount of the performance guarantee should be equal to 130% of the estimated cost of construction of the improvements. The amount of the performance guarantee shall include the cost by the CNMI of administering the completion of the improvements in the event that the subdivider defaults on completing the improvements.

- 1 (5) Delinquency
2 (A) The Administrator shall give notice of delinquency to the subdivider or
3 surety if:
4 (i) A subdivider fails to perform the work with sufficient workmen and
5 equipment or with sufficient materials to ensure the completion of said
6 work within the specified time;
7 (ii) A subdivider performs the work unsuitably as determined by the
8 Administrator or the agency responsible for the improvement; or
9 (iii) A subdivider discontinues the execution of such work.
10 (B) If substantial activity has not commenced within 28 days (4 weeks) from
11 the date of the delinquency notice, the Administrator shall call on the
12 performance guarantee to have the work completed in accordance with the
13 terms of the performance guarantee.
14 (6) **Release of Guarantee.** The Administrator shall only release the performance
15 guarantee after:
16 (A) All required improvements have been completed;
17 (B) The agency responsible for owning and maintaining any publicly-owned
18 improvements has formally accepted the improvements in writing; and
19 (C) A 3 year maintenance guarantee for any privately owned improvements has
20 been submitted to the Administrator.
21 (h) **Maintenance of Privately-Owned Improvements**
22 (1) All maintenance failures that occur within the 3 year maintenance guarantee
23 period shall be corrected by the subdivider and restored to satisfactory working
24 condition, subject to the approval of the particular agency having jurisdiction.
25 (2) The Administrator shall give notice of delinquency to the subdivider or surety
26 if:
27 (A) A subdivider fails to perform the work with sufficient workmen and
28 equipment or with sufficient materials to ensure the completion of said
29 work within the specified time;
30 (B) A subdivider performs the work unsuitably as determined by the
31 Administrator or the agency responsible for the improvement; or
32 (C) A subdivider discontinues the execution of such work.
33 (3) If substantial activity has not commenced within 28 days (4 weeks) from the
34 date of the delinquency notice, the Administrator shall call on the performance
35 guarantee to have the work completed in accordance with the terms of the
36 performance guarantee.

37 Section 1105 Other Requirements Related To Subdivisions

- 38 (a) **Sale or Lease of Land in Subdivisions.** No owner or agent of the owner of any land
39 located within a subdivision created after the effective date of this Law shall transfer, sell
40 or lease, or agree to sell or lease any land by reference to, exhibition of, or by the use of a
41 plan or plat of subdivision before such plan or plat has been approved and recorded in the
42 manner prescribed in this Article. The description of such lot or parcel by metes and
43 bounds in the instrument of transfer or other documents used in the process of selling or
44 transferring shall not exempt the transaction from the provisions of this Article. However,
45 this Article shall not apply to condominium and townhouse projects that have received
46 preliminary plat approval in accordance with the requirements of this Law.
47 (b) **Building or Occupancy Permits.** The Building Safety Official of the DPW shall not issue
48 a Building Permit or Occupancy Permit for any structure on a lot in a subdivision for
49 which a final plat has not been approved and recorded in a manner prescribed by this Law.
50

1 (c) **Acceptance of Land Dedication and Maintenance**

2 (1) The Administrator in association with the agency responsible for the dedication
3 shall have the exclusive right to either accept or reject the dedication of any
4 land as public land prior to final platting. Any acceptance also depends on the
5 acceptability of the land dedication and maintenance to the Commonwealth
6 agency that will ultimately be the maintenance provider. Any acceptance or
7 rejection of any dedication of land shall be in a legal form acceptable to the
8 Attorney General.

9 (2) The approval of a subdivision shall not constitute the acceptance by the
10 Commonwealth of the Mariana Islands for the maintenance of roads and/or
11 streets or public sites shown as dedicated on the plat. The acceptance of
12 maintenance shall be by specific action of the Administrator, or its designated
13 officials, upon their completion in accordance with required subdivision
14 improvement agreements and the requirements of this Article.

15 (d) **Condominium Subdivisions with Attached Dwelling Units.** Both a preliminary and final
16 plats are required to be filed for condominium subdivisions involving attached dwelling
17 units. Preliminary and final plats shall describe both vertical and horizontal property
18 boundaries as well as common open space areas. Said plats shall be accompanied by
19 specific reference to any additional documents such as condominium declarations, deed
20 restrictions and protective covenants, leases, easements, homeowners' association
21 documents including by-laws, and maintenance documents.

22 (e) **Plat Abandonment**

23 (1) The abandonment of a right-of-way, easement, lot line, or any element
24 established by a recorded plat may be obtained if it is applied for and receives
25 approval by the Administrator and DPW, and if it meets all of the criteria below
26 if applicable:

27 (2) The abandonment is approved by adjacent property owners.

28 (3) The abandonment is for the public and private good as determined by the
29 Administrator and DPW.

30 (4) The abandonment combines properties under the same ownership, or leasehold,
31 into one parcel.

32 (5) The abandonment provides for property development without structures
33 overlying property lines.

34 **Section 1106 Lot Line Adjustment**

35 (a) The Zoning Administrator may approve a lot line adjustment, with or without conditions, if
36 all requirements of this Section are met.

37 (b) A lot line adjustment shall follow the same application review and approval procedure as a
38 minor subdivision.

39 (c) A lot line adjustment shall not create more parcels than originally existed.

40 (d) The parcels resulting from a lot line adjustment and development on those parcels shall
41 conform to applicable requirements of this Law.

42 (e) A lot line adjustment shall not result in existing conforming development becoming
43 nonconforming.

44 (f) A lot line adjustment shall not create more nonconforming parcels than existed before
45 adjustment unless the adjustment would substantially improve the conditions of the pre-
46 adjustment parcel and development.

47 (g) A lot line adjustment shall not cause a parcel that was nonconforming before the
48 adjustment to become more nonconforming unless the adjustment will substantially
49 improve the conditions of the pre-adjustment parcel and development.
50

- 1 (h) Where existing development was nonconforming before the adjustment, an adjustment
- 2 shall not increase the nonconformity unless the adjustment will substantially improve the
- 3 conditions of the pre-adjustment parcel and development.
- 4 (i) Existing utilities, infrastructure, and easements (e.g. a street, driveway, sewer main, water
- 5 main, or electrical line) shall not be adversely affected by the lot line adjustment unless
- 6 conditions have been applied to the approval of the adjustment to facilitate their relocation.
- 7
- 8

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

- 1 (3) It meets the front, side, and rear yard requirements listed in Section 602 and
2 Section 603 or a variance is approved.
3 (c) **Private Lot.** A non-homestead nonconforming lot that was a lot of record (see Article 1)
4 as of the effective date of this Law may only be developed if it meets the front, side, and
5 rear yard requirements listed in Section 602 and Section 603 or a variance is approved.
6

7 **Section 1206 Nonconforming Signs**

- 8 (a) **Continuance of a Nonconforming Sign.**
9 A nonconforming sign, except a banner sign, that was otherwise lawful on the effective
10 date of this Law may be continued. The Board shall determine whether eliminating, or
11 expediting elimination of, a nonconforming sign is reasonable and may provide for
12 amortization schedules for elimination.
13 (b) **Nonconforming Sign Not Altered.** No person may cause an increase in the extent of
14 nonconformity of a nonconforming sign. Illumination shall not be added to a non-
15 conforming sign.
16 (c) **Moving or Replacing a Nonconforming Sign.** A nonconforming sign may not be moved
17 or replaced, except to bring the sign into conformity with this Law.
18 (d) **Damage to a Nonconforming Sign.** If a nonconforming sign is destroyed by natural
19 causes, it may not thereafter be repaired, reconstructed, or replaced. A nonconforming sign
20 is "destroyed" if the cost of repairing the sign to its former condition is greater than 25% of
21 the cost of replacing it.
22 (e) **Changing Message of a Nonconforming Sign.** The message of a nonconforming sign
23 may be changed so long as this does not create a new nonconformity (for example, by
24 creating an off-premise sign).
25 (f) **Repair and Renovation of a Nonconforming Sign.**
26 (1) Subject to the other provisions of this Section, a nonconforming sign may be
27 repaired and renovated so long as the cost of such work does not exceed, within
28 a 12 month period, 50% of the value of such sign. A permit shall be required for
29 repair or renovation. Proof of value shall be required as a condition to receive
30 the permit.
31 (2) A nonconforming can sign shall only be repaired or replaced with a display that
32 has lit letters or graphics and an opaque background (instead of a white
33 background with dark letters or graphics).
34 (g) **Abandonment of a Sign**
35 (1) If a nonconforming sign, other than a billboard, advertises a use that is no
36 longer operating, that sign shall be considered abandoned and shall be removed
37 immediately.
38 (2) If a nonconforming billboard remains blank for a continuous period of 90 days,
39 that billboard shall be deemed abandoned and shall be immediately removed.
40 For purposes of this Section, a billboard is "blank" if:
41 (A) It advertises a business, service, commodity, accommodation, attraction, or
42 other enterprise or activity that is no longer operating;
43 (B) The advertising message it displays becomes illegible in whole or
44 substantial part; or
45 (C) The advertising copy paid for by a party other than the sign owner or that
46 promotes an interest, other than the rental of the sign, has been removed.
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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 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).
- (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.

- 1 (f) **Removal.** All public nuisances shall be removed within 28 days (4 weeks) of receipt of
2 notice from the Administrator, except that exigent circumstances, including an imminent
3 hazard to the public health, safety or welfare, may support the requirement of expedited
4 removal.
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Article 13. Application Processes and Decision Procedures

Section 1301 Purpose

This Article contains procedures for applications and decision-making on permits and other approvals (except subdivisions covered under Article 11) authorized by this Law.

Section 1302 General Review Procedures

(a) **General Provisions.** This Section applies to all development applications and procedures under this Law, as set forth in Article 2, unless otherwise stated.

(b) **Authority to File Applications**

(1) An application under this Law shall be submitted to the Administrator by the owner or other person having an interest in the land for which the development is proposed, or by the authorized agent.

(c) **Concurrent Processing Preferred**

(1) Whenever two or more forms of review and approval are required under this Law (e.g., a site plan permit and a zoning permit), the applications for those development approvals may, at the determination of the Administrator, be processed concurrently, so long as all applicable requirements are satisfied for both applications. Concurrent processing is favored.

(2) Except that, whenever two types of sequential review are required for the same approval (e.g., a master plan for subdivision and a final plat for the subdivision), those two review and approval procedures shall be completed as separate steps in the order specified.

(d) **Form of Application.** An application required under this Law shall be submitted on a form that the Administrator has adopted and made available to the public. At a minimum, an application shall:

- (1) Identify principals and authorized representatives;
- (2) Specify the location and nature of the proposed development;
- (3) Include calculations and details of design, construction, or operation of the proposal and nature of surrounding properties and features sufficient to evaluate whether the proposal meets all of the requirements of this Law;
- (4) Use English language text;
- (5) Be submitted in electronic format, if specified;
- (6) Be stamped by a licensed engineer or surveyor, if required;
- (7) Include drawings, if required, at a scale of 1 inch = 50 ft unless an alternate scale is required; and
- (8) Be accompanied by proof of payment of the appropriate fee, if required.

(e) **Pre-application Conference.** All developers and members of the public are entitled to a Pre-application meeting with Zoning staff. The purpose of a pre-application conference is to familiarize the applicant and the Administrator's staff with the provisions and effects of the application and with the applicable legal requirements and to determine how to make the review process most efficient.

(f) **Determination of Complete Application**

(1) **Deadline for Determination.** Within 14 days (2 weeks) of submission of an application, the Administrator shall determine in writing whether the application is sufficiently complete to accept it for filing. If the Administrator has not made such determination within this time period, a permit application shall be deemed complete for filing and shall be recorded as filed. If the Administrator rejects the filing as incomplete, the rejection shall specify the missing information. The acceptance of an application for filing as complete

- 1 shall not bar the Administrator from requiring additional information.
- 2 (2) **Subsequent Amendment.** If the applicant subsequently substantially amends
- 3 the application, or reasonably should have, the Administrator may declare the
- 4 initial application rejected for all purposes except payment of the fee, and shall
- 5 accept the amended application as a newly filed application, with credit for the
- 6 fee paid.
- 7 (3) **Additional Information.** A determination of completeness shall be made when
- 8 the application is sufficient for continued processing even though additional
- 9 information may be required or the project modified. The Administrator's
- 10 determination of completeness shall not preclude the Administrator from
- 11 requesting additional information either at the time of the determination of
- 12 completeness or at some later time.
- 13 (4) **Incomplete Application**
- 14 (A) If the Administrator determines the application is not complete, the
- 15 Administrator shall provide a written notice to the applicant specifying the
- 16 application's deficiencies. No further action shall be taken on the
- 17 application until the deficiencies are remedied. The determination of
- 18 incompleteness shall be considered a final decision of the Administrator
- 19 for the purposes of appeal.
- 20 (B) Upon a determination of incompleteness, the applicant shall have 84 days
- 21 (12 weeks) to submit the necessary information to the Administrator.
- 22 Within 14 days (2 weeks) after an applicant has submitted the requested
- 23 additional information, the Administrator shall prepare a written
- 24 determination regarding completeness as described in the preceding
- 25 subsection, and notify the applicant in the same manner.
- 26 (C) If the applicant fails to submit the required information within the 84-day
- 27 period, the Administrator shall find and determine that the application has
- 28 lapsed for failure to submit the necessary information in a timely manner,
- 29 and shall close the project permit application file. For good cause shown,
- 30 the Administrator may grant time extensions to submit the required
- 31 information, not to exceed an additional 84 days.
- 32 (g) **Refund of Fee.** When the application has lapsed or when the applicant requests the
- 33 application to be withdrawn, the applicant may obtain a refund of the unused portion of the
- 34 application fee by written request.
- 35 (h) **Decision Procedure**
- 36 (1) After finding that the application is complete, i.e., all deficiencies identified by
- 37 the Zoning Office have been adequately addressed by the applicant, the
- 38 Administrator shall issue a decision in writing to accept, deny, or accept the
- 39 application with conditions. The decision shall rest on findings and conclusions.
- 40 The applicant may submit as many plan revisions, as necessary, to the Zoning
- 41 Office until the Administrator determines that the plan and project comply with
- 42 the Saipan Zoning Law. After the third (3rd) revision, the Zoning Office shall
- 43 charge an additional \$50.00 review fee per revision.
- 44 (2) The Administrator shall make deliberate effort to issue the decision within 28
- 45 days (4 weeks) unless:
- 46 (A) Specifically stated otherwise in this Law; or
- 47 (B) The Administrator extends the deadline upon a finding of good cause.
- 48 (3) The failure to make a decision within the time specified shall constitute
- 49 approval, unless an extension is provided.
- 50

Section 1303 Fees

- (a) The Board shall provide for fees to accompany applications and other filings. Each fee shall be reasonably related to the full cost of evaluating, investigating, hearing and processing.
- (b) No application shall be processed until the fee has been paid.
- (c) Application fees are not refundable except when the Administrator determines that an application has been accepted in error, or the fee paid exceeded the amount due, or the application was withdrawn before evaluation or substantial processing. In such cases, the amount of the overpayment or unused portion of the application fee shall be refunded to the applicant.

Section 1304 Procedure for Zoning Permits

- (a) **Purpose.** A zoning permit demonstrates that a development meets the requirements of this law when other types of zoning permits are not required.
- (b) **Applicability.** A development, including a single family dwelling, that does not require a permit under other provisions of this Law shall be required to have a zoning permit prior to development and/or issuance of a building permit.
- (c) **Procedures**
 - (1) The Administrator shall publish a zoning permit application form and shall specify filing procedures and requirements.
 - (2) An applicant may file an application for a zoning permit concurrent with other permits required under this Law.
 - (3) Within 21 days of filing, the Administrator shall determine in writing whether the application complies with the requirements of this Law.
 - (4) If the Administrator finds that the application complies with the requirements of this Law, the zoning permit shall be issued.
 - (5) If the Administrator makes any other determination, the applicant shall have 28 days (4 weeks) to respond in writing with a second submittal.
 - (6) The Administrator shall review the second submittal within 14 days (2 weeks) and approve, disapprove, or approve with conditions.
- (d) **Requirements.** The Administrator shall approve a zoning permit only when all of the requirements of this Law are met.
- (e) **Expiration.** A zoning permit shall expire at the end of one year after the date of its initial approval if an application for a building permit has not been approved, or, if the use does not require a building permit, the use is not established, ongoing, and in operation. Upon written request, the Administrator may, for good cause shown, grant one 12- month extension of the zoning permit.
- (f) **Amendment.** A zoning permit may be amended, extended or modified only in accordance with the procedures and requirements established for its original approval.

Section 1305 Procedure for Temporary Use Permits

- (a) **Purpose.** A temporary use permit is required to ensure that the design, construction, and operation of the proposed use meet the appropriate requirements of this law.
- (b) **Applicability.** A temporary use shall be required to have a temporary use permit prior to development and/or issuance of a building permit. The provisions of this Section shall apply to all proposed temporary uses unless otherwise specifically exempted.
- (c) **Procedures**
 - (1) The Administrator shall publish a temporary use application form and shall specify filing procedures and requirements.
 - (2) Within 7 days of filing the Administrator shall determine in writing whether the

- 1 application complies with the requirements of this Law.
- 2 (3) If the Administrator finds that the application complies with the requirements of
- 3 this Law, the temporary use permit shall be issued.
- 4 (4) If the Administrator makes any other determination the applicant shall have 7
- 5 days to respond in writing with a second submittal.
- 6 (5) The Zoning Administrator shall review the second submittal within 7 days and
- 7 approve, disapprove, or approve with conditions.
- 8 (d) **Compliance.** Following the issuance of the temporary use permit, the Administrator shall
- 9 ensure that establishment and discontinuance of the temporary use are undertaken in
- 10 compliance with the permit.
- 11 (e) **Effective Date and Expiration.** A temporary use permit shall be effective beginning on
- 12 the date of approval, and shall expire in no more than 364 days (52 weeks). Upon written
- 13 request, the Administrator may grant an extension for good cause shown.
- 14 (f) **Amendment.** A temporary use permit may be amended, extended or modified only in
- 15 accordance with the procedures and requirements established for its original approval.

16 Section 1306 Procedure for Site Plan Permits

- 17 (a) **Purpose.** Site plan review is required to ensure that the proposed layout and general design
- 18 of proposed development complies with the appropriate requirements of this Law and that
- 19 the proposed development is compatible with surrounding land uses.
- 20 (b) **Applicability.** All development shall be required to have an approved site plan prior to
- 21 development and/or the issuance of a building permit, except for development exempted
- 22 from site plan review
- 23 (c) **Exemptions.** The following development or activities shall be exempted from the
- 24 requirements of this Section if they are otherwise permissible:
- 25 (1) A single family home and accessory building located on an individual lot.
- 26 Provided that such development shall obtain a Zoning Permit.
- 27 (2) An apartment building or townhouse containing 4 or fewer units.
- 28 (3) A duplex or residential condominium. Each building type is located on its own
- 29 lot.
- 30 (4) A permitted temporary use.
- 31 (5) The expansion, normal maintenance, repair, demolition, or re-use of existing
- 32 buildings, structures, or land.
- 33 (6) Except that the following are not exempted under this Subsection:
- 34 (A) Enlargement of a building or structure that amounts to a major expansion.
- 35 (B) Expansion of the number of parking spaces by more than 5;
- 36 (C) The addition of a new building or structure.
- 37 (d) **Eligible Applicants.** The owner(s) of record, contract tenant or lessee, or an authorized
- 38 representative or agent may apply for a site plan review.
- 39 (e) **Definition of Minor and Major Site Plans**
- 40 (1) The Board shall, by regulation, establish procedures for the review and approval
- 41 of minor and major site plans.
- 42 (2) A major site plan shall include a project that involves construction of a new
- 43 building or major expansion of an existing structure.
- 44 (3) A minor site plan shall include a project that involves the development of a
- 45 fence, retaining wall, accessory building, or parking lot addition/expansion, and
- 46 similar structures for development not exempted under Section 1306.
- 47 (f) **Applications.** The Administrator shall publish application forms for site plan approval and
- 48 shall specify filing procedures and requirements.
- 49 (g) **Approval of a Minor Site Plan**
- 50 (1) Within 21 days of filing, the Administrator shall make an initial determination

- 1 in writing whether the application complies with the requirements of this Law.
- 2 (2) The applicant may submit as many plan revisions, as necessary, to the Zoning
- 3 Office until the Administrator determines that the plan and project comply with
- 4 the Saipan Zoning Law. After the third (3rd) revision, the Zoning Office shall
- 5 charge an additional \$50.00 review fee per revision.
- 6 (3) After finding that the application is complete, i.e., all deficiencies identified by
- 7 the Zoning Office have been adequately addressed by the applicant, the
- 8 Administrator shall issue a decision in writing to accept, deny, or accept the
- 9 application with conditions within 14 days (2 weeks).
- 10 (h) **Processing and Approval of a Major Site Plan Application**
- 11 (1) A major site plan application shall be submitted and decided in accordance with
- 12 Section 1302 unless there is a conflict with more stringent requirements of this
- 13 Section.
- 14 (i) **Recording.** The Administrator shall keep approved site plans on record in the Zoning
- 15 Office.
- 16 (j) **Requirements for Site Plan Review.** A site plan shall not be approved if it fails to meet
- 17 all the requirements of this Law for the proposed use in the proposed zoning
- 18 district.
- 19 (k) **Permit Approval Time Limitations.**
- 20 (1) A site plan permit approval shall remain valid for 5 years provided that physical
- 21 improvements consistent with the site plan permit and phasing schedule have
- 22 been commenced within 3 years of the date of the site plan notice to proceed.
- 23 “Physical improvements” means utility or transportation improvements, final
- 24 grading, building permits and start of construction, or other similar activities
- 25 determined by the Administrator.
- 26 (2) If the first phase of physical development of the site plan permit has not been
- 27 started within the applicable time period, the site plan approval shall become
- 28 null and void without further action or notice. Subsequent development shall be
- 29 reviewed pursuant to the Law and the regulations in effect at the time of the
- 30 new application.
- 31 (3) Development phases identified and approved in a site plan permit shall be
- 32 commenced and completed in accordance with the approved phasing plan.
- 33 (l) **Financial Assurance.** The Administrator or Board may require financial assurance to
- 34 guarantee compliance with permit conditions, protection of public facilities and
- 35 conformance with other applicable requirements of this Law.
- 36 (m) **Modification of an Approved Permit**
- 37 (1) A subsequent permit application may contain minor modifications to an
- 38 approved site plan permit application. The Administrator and/or the Board shall
- 39 consider a minor modification to be one that substantially presents
- 40 characteristics that include:
- 41 (A) The building floor area is not increased by more than 10%;
- 42 (B) Stormwater runoff or the potential for erosion is not likely to be
- 43 significantly increased;
- 44 (C) There is no change in the number of ingress and egress points to the site or
- 45 a resulting insufficient amount of parking and/or loading facilities;
- 46 (D) There is no significant increase in unmitigated traffic impacts of peak hour
- 47 trips to and from the site;
- 48 (E) There is no reduction or adverse/significant change in the pedestrian
- 49 circulation system; and
- 50 (F) There is no significant extension of time for commencement or completion
- 51 of development phases.

- (2) Modifications other than minor modifications shall require a new site plan permit.

Section 1307 Procedure for Sign Permits

- (a) **Purpose.** A sign permit is required to ensure that the proposed design, construction, and location meet the requirements of this Law.
- (b) **Applicability.** Unless specifically exempted by Article 10, no sign shall be erected, altered, or relocated after the effective date of this Law until a sign permit has been secured from the Administrator. Provided, that a separate sign permit shall not be required for a sign that is included in a site plan permit application.
- (c) **Procedures**
- (1) Applications shall be made in writing on forms supplied by the Administrator.
 - (2) The Administrator shall approve, approve with conditions, or deny the application within 21 days of filing.
 - (3) If the Administrator finds that the application complies with the requirements of this Law, the sign permit shall be issued.
 - (4) If the Administrator makes any other determination the applicant shall have 28 days (4 weeks) to respond in writing with a second submittal.
 - (5) The Zoning Administrator shall review the second submittal within 14 days (2 weeks) and approve, disapprove, or approve with conditions.
- (d) **Requirements.** The Administrator shall approve a sign permit only when all of the requirements of this Law are met.
- (e) **Expiration.** A sign permit shall expire at the end of one year after the date of its initial approval if an application for a building permit has not been approved, or, if the use does not require a building permit, the sign is not constructed and in operation.

Section 1308 Procedure for Conditional Use Permits

- (a) **Purpose.** Conditional use permits shall be obtained for certain uses that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions and siting in specific locations within a zoning district, but that would not be allowed under the general conditions of the zoning district as stated in this Law. The Board shall decide these applications.
- (b) **Application**
- (1) The Administrator shall publish application forms for conditional uses and shall specify filing procedures and requirements.
 - (2) Complete application. The Administrator shall determine when the application is complete in accordance with Article 13.
- (c) **Decision by the Board.** An application for a conditional use permit shall be determined as follows:
- (1) A public hearing preceded by notice shall be held within 42 days of the filing of a completed application. Provided, the Board may delay the public hearing upon a finding of good cause or at the request of the applicant.
 - (2) The Board shall decide the application within 35 days after the close of the record. Provided, upon good cause shown, the Board may extend the date of decision.
- (d) **Criteria for approval.** No application for a conditional use shall be granted unless the application is consistent with the requirements of Article 7.
- (e) **Expiration.** A conditional use permit shall expire 12 months from the date of issuance unless the permit has been exercised. The permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial

- 1 construction accomplished.
- 2 (f) **Modification of Plan.** Modification of a plan submitted and approved as part of the
- 3 original conditional use application may be approved, provided the modification does not
- 4 violate the original intent of the plan, a condition of approval, or the public health, safety or
- 5 general welfare.

6 **Section 1309 Procedure for Correction of Technical Errors**

7 The Board shall have the power and authority without further procedure to correct the text of

8 this Law and/or the Official Saipan Zoning Map for drafting or other technical error by

9 resolution at a meeting of the Board. This provision shall only apply to minor technical and

10 non-substantive amendments that are strictly necessary to effectuate the intent of the legally

11 approved SNILD provision.

12 **Section 1310 Procedure for Beneficial Use Determination**

- 13 (a) **Purpose.** Every landowner should enjoy a beneficial use of property provided such use
- 14 does not require a public subsidy to protect the property, its structures, or inhabitants from
- 15 damages.
- 16 (b) **Appeal for Relief Procedure.** A claim regarding the denial of the beneficial use of
- 17 property due to this Law shall be brought to the Board for a decision. This is an
- 18 administrative remedy that shall be exhausted prior to an action in the courts. The Board
- 19 shall provide for notice and an opportunity for a hearing regarding the claim.
- 20 (c) **Deprivation Requirements.** In determining if an applicant has been deprived of all
- 21 beneficial use of the land in question, the Board shall explicitly consider all the following
- 22 factors:
- 23 (1) **Diminution in Value.** The value of the land, without the regulation, that caused
- 24 the applicant to apply for relief shall be compared to the value of the land with
- 25 the regulation applied. A mere diminution in value does not deprive the owner
- 26 of a beneficial use; the diminution shall be so drastic that it effectively deprives
- 27 the owner of any significant use or enjoyment of the land.
- 28 (2) **Similar Application of District to Adjoining Properties.** The zoning of the
- 29 property is applied to adjoining properties, and the parcel has not been uniquely
- 30 singled out for different treatment.
- 31 (3) **External Costs**
- 32 (A) The amount or nature of any subsidy that may be required by government,
- 33 neighbors, purchasers, tenants, or the public at large if the remaining use is
- 34 beneficial.
- 35 (B) Any other adverse effects on other property owners, the public or the
- 36 environment of permitting greater development. Specifically, the following
- 37 shall be evaluated:
- 38 (i) Increased stormwater or flooding;
- 39 (ii) Impact of debris moved by water or wind;
- 40 (iii) Decreased water supply or decreased quality of water; and
- 41 (iv) Impact of noise, dirt or airborne pollutants on adjoining properties,
- 42 waterbodies, or streets.
- 43 (4) **Revenues to Property**
- 44 (A) All revenues that can be obtained through the zoned use of the land.
- 45 (B) Any revenues from other government sources under the provision of this
- 46 Law.
- 47 (d) **Granting of Relief**
- 48 (1) If the finding is that a landowner has been denied all beneficial use of a

- 1 property, then relief shall be recommended.
- 2 (2) In recommending the granting of relief, the landowner shall be given the
- 3 minimum increase in use intensity or other possible concessions pursuant to this
- 4 Law to permit a beneficial use of the land. The highest use, or even an average
- 5 or generally reasonable expectation, is not required or intended. The following
- 6 requirements shall be used for determining the minimum beneficial use of a
- 7 parcel and, therefore, the amount of relief to be granted a landowner to reach
- 8 that minimum.
- 9 (A) A minimum beneficial use of the land should be one that does not have any
- 10 governmental subsidy attached to the long-term safe occupation of the site.
- 11 If such a subsidy is needed, then that should be reflected by lowering the
- 12 use intensity that is considered minimum beneficial use on a valuation
- 13 basis.
- 14 (B) A use common to Saipan, although it may not involve further development
- 15 of the land, is considered a beneficial use. Attention shall also be given to
- 16 land uses that are considered to be the lowest intensity in Saipan and still
- 17 provide for occupation and living within Saipan.
- 18 (C) If a use is in an area that has frequently flooded and received insurance or
- 19 emergency assistance, then the use has been government-subsidized. If a
- 20 use is government-subsidized (for example a homestead lot), then that
- 21 subsidy should be reflected in a beneficial use determination by lowering
- 22 the use intensity that would otherwise be considered a minimum beneficial
- 23 use on a valuation basis. That is, if the owner does not have as great an
- 24 investment in a piece of property because of government assistance to the
- 25 owner, then the property cannot be valued as highly as property bought by
- 26 the owner at fair market value.
- 27 (D) The limits posted on development by the natural condition of the land shall
- 28 be considered. If the land is such that it cannot safely accommodate
- 29 development with normal grading and clearing practices, this fact shall
- 30 lower the intensity of use that is considered a minimum beneficial use.
- 31 (E) The degree to which extraordinary site preparation costs are needed to
- 32 safely build on a property shall also be used to decrease the use intensity of
- 33 the minimum beneficial use.
- 34 (F) The potential for damages to either residents or property shall be assessed
- 35 in determining beneficial use. The need for a government subsidy to future
- 36 landowners shall be considered, and the cost of such subsidy shall be
- 37 deducted from the otherwise established minimum beneficial use.
- 38 (G) Expectations shall, in general, not be considered unless they are backed by
- 39 investments substantially above the cost of the land and normal planning
- 40 investments.

41 Section 1311 Procedure for Variances

- 42 (a) **Purpose.** A variances is a deviation from the dimensional requirements in the applicable
- 43 zoning district when, owing to special circumstances or conditions (like exceptional
- 44 topographical conditions, narrowness, shallowness, or the shape of a specific piece of
- 45 property), the literal enforcement of this Law would result in peculiar and practical
- 46 difficulties to, or exceptional and undue hardships on the owners of the property, and the
- 47 deviation would not be contrary to the public interest. This Section sets forth the
- 48 procedures and conditions for application, review, and permission of variances from the
- 49 requirements of this Law.
- 50 (b) **Procedures for a Petition for a Variance**

- (1) An application for a variance may be made by a person:
 - (A) Aggrieved by any decision of the Administrator or the Board; or
 - (B) Who seeks relief from a provision of this Law.
 - (2) The person may request an administrative variance when it appears that the variance will be minor.
- (c) **Notice and Hearing.** The Board shall provide notice and an opportunity for hearing to each interested person.
- (d) **Repeated Applications.** The Board shall not be required to consider another application for substantially the same proposal until after one year from the date of its decision.
- (e) **Requirements**
 - (1) In authorizing a variance, the Board may attach such conditions regarding the location, character, and other features of the proposed structure or use as it deems necessary in the interest of furthering the purposes of this Law and in the public interest.
 - (2) In authorizing a variance the Board shall require such evidence and guarantee or bond as it may deem necessary to ensure compliance with the attached conditions.
 - (3) No variance shall be granted unless all of the following considerations apply:
 - (A) A special property condition exists (like exceptional topography, narrowness, shallowness, or shape) that is peculiar to the land or structure for which the variance is sought, and that is not applicable to other land or structures in the same zoning district;
 - (B) The special circumstance is not the result of the actions of the applicant;
 - (C) The literal interpretation and enforcement of the terms and provisions of this Law would deprive the applicant of rights commonly enjoyed by other land in the same zoning district and would cause an unnecessary and undue hardship;
 - (D) The granting of the variance is the minimum action that will make possible a use of the land or structure that is not contrary to the public interest;
 - (E) The granting of the variance will not materially affect adjacent land adversely; and
 - (F) The granting of the variance will be consistent with the purposes and intent of this Law.
- (f) **Limited Effect of a Variance**
 - (1) A variance permit shall authorize only the particular variation that is approved in the variance permit.
 - (2) A variance permit shall not run with the land unless the new property owner signs a request for transfer of the variance permit, promises acceptance of any applicable conditions and submits same to the Administrator.
- (g) **Limitations on Granting a Variance.** No variance shall be allowed for any of the following:
 - (1) Permitting a use that is not otherwise permitted in a zoning district;
 - (2) Curing an asserted taking or deprivation of all beneficial use of a property;
 - (3) With respect to floodplain and floodway variances:
 - (A) Permitting a lower degree of flood protection in the floodplain than the flood protection elevation specified by the Federal Emergency Management Agency (FEMA) in its most recent National Flood Insurance Program flood insurance maps for the Commonwealth or
 - (B) Allowing any floor, basement, or crawlspace below the FEMA-established flood elevation for residential or commercial structures.
 - (C) Except that a floodplain or floodway decision shall recognize the

- 1 difference between a riverine flood plain and an ocean-related storm surge
 2 flood plain.
- 3 (4) Changing use to a category not permitted in the district; or
 4 (5) Hardship of a financial nature, hardship that is self-created, and hardship that is
 5 personal to the user and not to the property.
- 6 (h) **Administrative Variance.** The Administrator may grant an administrative variance in the
 7 following circumstances:
- 8 (1) If the variance does not increase the use's nonconformity; and
 9 (2) The variance is for either:
- 10 (A) Repair or other alteration which does not change the use, footprint or square
 11 footage; or
 12 (B) One of the following changes:
- 13 (i) A decrease of up to 50% of the required dimension requirements,
 14 size of the lot or front yard, side yard, or rear yard setback.
 15 (ii) A change in fence height or requirements regarding specific decorative
 16 elements required by the law, such as building façade design; or
 17 (iii) A decrease of up to 33% in the number of required parking spaces; or
 18 (iv) An increase of up to 20% in the number of compact parking spaces
 19 allowed on a site.
- 20 (i) **Amendment to a variance.** A variance permit may be amended, extended or modified
 21 only in accordance with the procedures and requirements for its original approval. A
 22 change in a condition of approval of a variance permit shall be considered an amendment.
- 23 (j) **Lapse of Permit.** If development occurs pursuant to a variance permit and the
 24 development is discontinued for any reason for a period of 12 months, the variance permit
 25 shall automatically become null and void and the permitted development may not be
 26 resumed. Upon written application during the 12-month period and upon a showing of
 27 good cause, the Board may grant an extension.

28 **Section 1312 Revocation or Suspension of Permits**

- 29 (a) The violation of any provision of this Law or of any permit or approval condition granted
 30 under this Law shall be grounds for the suspension or revocation of any permit, rezoning,
 31 variance, or approval granted pursuant to this Law.
- 32 (b) Summary suspension or revocation.
- 33 (1) When there is an immediate danger to health, safety or welfare of:
- 34 (A) The public; or
 35 (B) A neighboring use or property;
- 36 (2) The Board or Zoning Administrator may summarily suspend or revoke any
 37 permit, rezoning, variance, or approval granted pursuant to this Law,
 38 (3) Without public notice if provision is made for public notice and an opportunity
 39 for a hearing as soon as practicable thereafter, pursuant to one of the procedures
 40 presented in Article 14 Section 1409(c).
 41

Article 14. Hearings, Appeals and Other Procedures

Section 1401 Purpose

This Article addresses procedures for hearings and appeals before the Board and to the courts. Public hearings, hearings on applications, and petitions and hearings on appeals are addressed.

Section 1402 Powers Regarding Hearings

The Board, the Administrator, and/or their designees, shall have the complete jurisdiction, power, and authority to conduct a contested or public hearing, including:

- (a) Determine the appropriate nature and means of transmittal of notices and filings;
- (b) Administer oaths and affirmations;
- (c) Issue and enforce subpoenas compelling the attendance of a person and/or the presentation of things with civil penalties;
- (d) Rule on offers of proof and receive relevant evidence;
- (e) Take depositions or have depositions taken;
- (f) Regulate the course of the hearing;
- (g) Hold conferences for the settlement or simplification of the issues;
- (h) Dispose of procedural requests or similar matters;
- (i) Make or recommend orders or decisions;
- (j) Take or review summary action; and
- (k) Take such other action authorized by agency rule or regulation.

Section 1403 Hearings

- (a) When a contested case hearing on an application is required, an applicant and/or an appellant to the Board, and/or a person with an interest in an application or an appeal, shall be entitled to notice and an opportunity to be heard.
- (b) When an application is subject to a hearing by the Board, the hearing shall be scheduled so there is sufficient time for a report of the Administrator to be prepared and for the public notification requirements to be satisfied.
- (c) The Board may schedule public hearings as appropriate or required.

Section 1404 Notice and Interested Persons

When notice is required, the Administrator and/or the Board shall provide for notice in accordance with this Section.

- (a) **Type of Notice.** Notice shall be given in a way, or ways, calculated to provide actual, cost-effective notice, including by electronic means, posting, newspaper publication, or by personal delivery. The Board shall by regulation determine the notice required for each type of application, approval, or petition.
- (b) **Content.** A notice for hearing shall include the nature of the request, the location of the property, the time and place of hearing, and the address, e-mail address, and phone number of the Board.
- (c) **Recipients**
 - (1) Notice shall be given to each interested person.
 - (2) The Administrator shall determine who qualifies as an interested person affected by a matter, including an application or appeal. In making such determination, s/he shall consider:

- (A) Proximity;
 - (B) Direct impacts, including drainage, views, noise, and air quality;
 - (C) Indirect impacts, including public uses;
 - (D) Financial effects; and
 - (E) Extent to which the person represents an important interest that would otherwise not be heard.
- (3) The Administrator shall provide for creation of a service list.
- (4) An interested person shall include at least each owner and/or lessee and sub-lessee subject to the application, and each owner and lessee of a lot within 300 ft of the subject property.
- (d) **Mailed Notice.** When a notice is mailed, it shall be mailed at least 14 days (2 weeks) before the public hearing. Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid.
- (e) **Means for Giving Notice.** The Administrator may require an applicant or appellant to supply the means to give notice, including a database listing of all interested persons, first class stamped addressed envelopes, the costs of newspaper publication, and/or the resources to provide for hand-delivery.
- (f) **List of Contact Information.** The Administrator may require that an applicant or appellant shall sign and provide to the Administrator an affidavit identifying all interested persons including contact information for each interested person, including name and address.
- (g) **Content of Notice.** When notice is published, the Administrator shall prepare the content of the notice and provide for publishing the notice in a newspaper of general circulation two weeks prior to the public hearing.
- (h) **Posted Notice**
 - (1) When notice is posted, the Administrator shall provide for posting the notice at least 14 days (2 weeks) before the public hearing. The notice shall be on a weatherproof sign.
 - (2) The posting shall be in a conspicuous location on the subject property. Where the property does not have frontage on a public street, the posting shall also be on the nearest public street, with a notation indicating the subject property's address, or if no address, its location, and the direction and distance to it.

Section 1405 Decisions

The decision maker on a matter shall make all deliberate effort to issue a decision, or recommended decision, within 56 days (8 weeks) of the availability of the record unless stated otherwise specifically in this Law.

Section 1406 Board Review of Administrator Decisions

- (a) A decision of the Administrator shall be final unless:
 - (1) The Board, on its own motion, decides to review the decision within 35 days; or
 - (2) An appeal is taken to the Board within 35 days of the decision.
- (b) The Board shall provide, by regulation, for appeal procedures.
- (c) An appeal of the Administrator's action or inaction shall be treated as an appeal, and not as an original action, and matters therein shall not be subject to discovery. Except that the Board may decide for good cause to take additional evidence.
- (d) The Board shall decide an appeal within 56 days (8 weeks) of receiving the record.
- (e) The Board may, on good cause shown, extend the decision period.

Section 1407 Appeals of Board Decisions.

- (a) An appeal of the Board's action or inaction shall be conducted pursuant to the APA.
- (b) An appeal of the Board's action or inaction shall be treated as an appeal, and not as an original action, and matters therein shall not be subject to discovery, except for those limited matters that the reviewing court has by written order set for a trial de novo.

Section 1408 Bond Not Required

Bond or other security shall not be required of the Board, including:

- (a) To enforce the provisions of this Law and its regulations;
- (b) To restrain any violation thereof; or
- (c) On appeal.

Section 1409 Abating Unauthorized Uses and Public Nuisances at Owner's Expense**(a) Removal of an Unauthorized Use or Public Nuisance**

- (1) In order to remove an unauthorized use or public nuisance, the Administrator shall use the standard removal procedure described below, Subsection (c) of this Section, except as provided otherwise.
- (2) Except, if the Board finds that exigent circumstances require expedited removal of an unauthorized use or public nuisance the Administrator may utilize the expedited procedure described in Subsection (c) of this Section. In order to find exigent circumstances the Board must certify that expedited removal is required to:
 - (A) Respond to a health or safety emergency;
 - (B) Eliminate a condition creating substantial immediate risk of harm;
 - (C) Protect public property from a substantial immediate risk of harm;
 - (D) Allow works designed to protect the public health or safety; or
 - (E) Advance a public works project designed to benefit the public safety, health or welfare and that, on balance, the public benefits in proceeding on an expedited basis outweigh the costs of following the standard removal procedure.

(b) Administrative Remedies**(1) Removal**

- (A) An unauthorized use or public nuisance shall be removed and abated, and, upon the Administrator's determination, at the owner's expense.
- (B) An unauthorized use or public nuisance which provides a serious and immediate threat to the public health, safety or welfare shall be removed immediately and, upon the Administrator's determination, at the owner's expense.
- (C) The Administrator may order the person responsible for an unauthorized use or public nuisance to remove and abate, or the Administrator may remove and abate, through: his/her staff; by agreement for the use of the staff of another instrumentality of the Commonwealth government; and/or through a contractor.

- 1 (2) **Costs, Recovery, or Compensation**
- 2 (A) The Administrator or the Board may recover the costs of
- 3 abatement from the person who caused the unauthorized use or
- 4 public nuisance, and/or may secure a lien against the offending
- 5 real estate, if any, in the amount thereof.
- 6 (B) The Administrator or the Board may compensate for injury to a
- 7 person's property proximately caused by negligence, recklessness,
- 8 or excessive removal or abatement that the Administrator or the
- 9 Board has caused, as follows:
- 10 (i) Paying money;
- 11 (ii) Repairing the injury and/or replacing the injured property;
- 12 (iii) replacing the injured property with property of
- 13 substantially similar value and use; and/or
- 14 (iv) Providing a formal apology
- 15 (v) Except that there shall be no compensation for such injury
- 16 to: a public nuisance; unauthorized use, structure or sign;
- 17 or other zoning violation.
- 18 (3) **Expedited entry upon private land.** If the Board finds exigent
- 19 circumstances, as provided in Subsection (a)(2) of this Section, and
- 20 notice is given thereafter pursuant to Subsection (c)(1)(A) of this
- 21 Section, the Administrator, may enter upon private land on an expedited
- 22 basis.
- 23 (c) **Administrative Procedure for Removal of Unauthorized Use or Public**
- 24 **Nuisance and for Suspensions, Revocations and Fines**
- 25 (1) **Standard procedure for removal**
- 26 (A) Except as otherwise provided in this Law, the Administrator shall
- 27 provide a person with notice and the opportunity for a hearing
- 28 prior to action to remove an unauthorized use or public nuisance.
- 29 Such hearing shall be conducted in order to provide a speedy,
- 30 final, and effective determination of the limited matters governed
- 31 by this Law.
- 32 (B) Notice. Ordinarily reasonable advance notice shall be given to the
- 33 last known address of the owner of, or other person responsible
- 34 for, the unauthorized use or public nuisance and shall be posted on
- 35 or near the unauthorized use or public nuisance in a conspicuous
- 36 place.
- 37 (C) Hearing. Except as otherwise provided in this Law, the
- 38 Administrator shall provide a person with the opportunity for a
- 39 contested case hearing that comports with the requirements of the
- 40 APA; and
- 41 (D) The Administrator shall determine with respect to the action:
- 42 (i) The location of the unauthorized use, structure, or sign, or
- 43 public nuisance which gives rise to the proposed action;
- 44 (ii) A short summary of the action and the reasons for it;
- 45 (iii) Whether the location is in a public right-of-way, or
- 46 whether another person has superior right to the interest in
- 47 real property on which the unauthorized use or public
- 48 nuisance is present;
- 49 (iv) The nature of the person's property interest;
- 50 (v) The public need for removal of the unauthorized use or
- 51 public nuisance;

- (vi) The Government's related proposed works, if any;
 - (vii) The schedule for the related proposed works, if any;
 - (viii) The respective costs of government action and/or inaction;
 - (ix) The effect of abatement on the person's property;
 - (x) The public interest for and/or against the abatement, if any;
 - (xi) The damages and/or other injuries to the parties, if any; and
 - (xii) Whether the Administrator shall take the proposed action.
 - (E) The Administrator or other government employee having personal knowledge of the relevant circumstances shall attest by signature that the determination is true and correct to the best of his/her knowledge, information and/or belief.
- (2) **Summary pre-removal hearing**
- (A) The Board or Administrator may summarily order removal as follows.
 - (B) The Board first determines that:
 - (i) Expedited removal is required;
 - (ii) But the time allows and the public safety, health and welfare will not be adversely affected if a limited hearing is scheduled and held.
 - (C) The Administrator may hold a summary pre-removal hearing, the issues of which shall be limited to:
 - (i) The location of the unauthorized use or public nuisance which gives rise to the proposed action;
 - (ii) A short summary of the action and the reasons for it;
 - (iii) Whether the location is in a public ROW, or whether another person has superior right to the interest in real property on which the unauthorized use or public nuisance is present;
 - (iv) The public need for removal of the unauthorized use or public nuisance;
 - (v) The schedule for the government's related proposed works, if any;
 - (vi) The effect of abatement on the person's property; and
 - (vii) Whether the Administrator shall take the proposed action.
 - (D) The Administrator shall give the best notice which s/he determines feasible in the circumstances;
 - (E) The Administrator shall provide the opportunity for a full, contested case hearing after the abatement is undertaken.
- (3) **Expedited procedure for abatement before a hearing**
- (A) Upon determination that exigent circumstances require expedited action, the Administrator may immediately, without a pre-hearing, abate the unauthorized use or public nuisance if s/he gives the best notice which s/he determines feasible in the circumstances.
 - (B) Thereafter, s/he shall provide as soon as convenient to the owner of, or other person responsible for, the unauthorized use or public nuisance, and/or other claimant, the opportunity for a post-abatement hearing that otherwise follows the standard procedure of this Law for contested case hearings.

- 1 (4) **Summary procedures for suspending or revoking a permit**
2 (A) Upon the determination that exigent circumstances require
3 expedited action, the Administrator may immediately, without a
4 pre-hearing, suspend or revoke a permit related to the unauthorized
5 use or public nuisance if s/he gives the best notice which s/he
6 determines feasible in the circumstances.
7 (B) Thereafter, s/he shall provide as soon as convenient to the owner
8 of, or other person responsible for, the unauthorized use or public
9 nuisance, and/or other claimant, the opportunity for a hearing that
10 otherwise follows the standard procedure of this Law for contested
11 case hearings.
12 (5) **Waiver.** Failure to appear at the contested case hearing, or timely effort
13 to secure an excused absence and rescheduled hearing, shall waive the
14 right to contest the action.
15 (6) **Immediate effect.** A determination and/or order of the Administrator
16 shall take immediate effect unless stayed by the Administrator, the
17 Board or a reviewing court.
18 (7) **Notice of effect and appellate procedures.** The Administrator shall, in
19 his/her final order or other final determination, give notice to each
20 affected party of the party's right to appeal, the place/address of the
21 appeal, and the time within which the appeal must be filed.
22 (8) If no internal administrative appeal to the Board is timely filed, and no
23 good cause is shown to excuse the failure to appeal timely, the
24 determination of the Administrator shall become final.
25 (d) **Enforcement of Penalties**
26 (1) The Administrator and the Board may enforce penalties to the extent
27 provided by law.
28 (2) The Administrator and the Board shall secure the assistance of the
29 Attorney General to implement penalties through an action in the
30 courts.

31 **Section 1410 Court Actions**

- 32 (a) In the case of a violation, the Board, the Administrator, or any person who would
33 be damaged by such violation may institute appropriate court action for damages
34 or for injunctive relief, including an order that would cause a structure or use to be
35 suspended, permanently stopped, vacated or removed.
36 (b) In the enforcement of this Law in the courts, the Administrator shall exercise all
37 the powers authorized by law to ensure compliance with and abate any violation of
38 this Law.
39 (c) The Attorney General or the Board's counsel shall enforce this Law in the courts,
40 except in cases involving small claims, in which the Administrator or his designee
41 may enforce the Law in the courts.

42 **Section 1411 Criminal and Civil Penalties**

43 See the Zoning Code (2 CMC §7254).

44 **Section 1412 Remedies by Private Action**

45 See the Zoning Code (2 CMC §7201 et seq.).
46

Section 1413 Liens and Foreclosure

- (a) An unpaid fee, fine or other penalty applicable to a property shall be a lien on the property.
- (b) If the property is transferred, the lien shall be paid first, by proceeds from the exchange. The Board may further enforce payment by judgment lien to be satisfied upon sale or lease of the property.

Section 1414 Disposition of Fines and Fees Collected

- (a) All fines and fees collected pursuant to this Law shall be expended for the operations of the Board and the Administrator.
- (b) The Board shall report annually to the Legislature on the amount of fines and fees collected, and the cost of the zoning program.