

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
ADA	Americans with Disabilities Act Requirements of Title III of the Americans with Disabilities Act (ADA) Regulations and the ADA Standards for Accessible Design (28 CFR Part 36)
APA	Administrative Procedure Act
APC	Areas of Particular Concerns
BECQ	Bureau of Environmental & Coastal Quality
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
DCRM	Division of Coastal Resources Management
CUC	Commonwealth Utilities Corporation
DEQ	Division of Environmental Quality
DFW	Division of Fish & Wildlife
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

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

4 (a) Has been left unattended on a highway, street, or alley or other public property outside a
5 designated parking space for a period of 48 hours; or

6 (b) Is within public view and is inoperable, partially or wholly dismantled, wrecked, junked,
7 discarded, or of similar condition, or any vehicle without a current license plate if required
8 by law, and is located outside of an enclosed building, garage, carport, wrecked motor
9 vehicle compound, or other place of business designated and lawfully used for the storage of
10 such inoperable vehicles, for a period exceeding 30 days.

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

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

15 **“Accessory Apartment”** means as defined in Section 406.

16 **“Accessory Structure”** means a structure that is an accessory use. .

17 **“Accessory Use”** means a use or structure that:

18 (a) Serves the principal building or use;

19 (b) Is subordinate in area, extent, and purpose to the principal building or use served; and

20 (c) Contributes to the comfort, convenience, or necessity of occupants of the principal building
21 or use served.

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

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

26 **“Administrative Law Judge”** means “Hearing Officer.”

27 **“Administrative Procedure Act” or “APA”** means CNMI Administrative Procedure Act, 1 CMC §
28 9101 et seq.

29 **“Administrator”** means the Zoning Administrator authorized by 2 CMC §7222.

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

35 **“Adult Cabaret”** means a nightclub, bar, restaurant, café, or similar commercial establishment that

1 regularly, commonly, habitually, or consistently features:

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

10 **“Adult Gambling Machine Business”** means a place of business:

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

31 **“Adult Motel”** means a hotel, motel or similar commercial establishment that principally offers short

32 term sleeping rooms, typically for fewer than 24 hours, and that:

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

41 **“Adult Motion Picture Theater”** means a commercial establishment where, for any form of

42 consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are

43 regularly, commonly, habitually, or consistently shown that are characterized by the depiction or

44 description of specified sexual activities or specified anatomical areas except an Adult Viewing Booth.

45 **“Adult Novelties”** means instruments, devices, or paraphernalia, either designed as representations of

46 human genital organs or female breasts, or designed or marketed primarily for use to stimulate human

47 genital organs, or that are designed or marketed for use in connection with specified sexual activities.

48 **“Adult Theater”** means a theater, concert hall, auditorium, or similar commercial establishment that

49 regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of

50 nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of specified

1 anatomical areas or by specified sexual activities except an Adult Viewing Booth.

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

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

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

15 **“Agricultural Zoning District”** means as described in Section 502.

16 **“Airport”** means as defined in Section 413(a).

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

19 **“Agriculture, Intensive”** means as defined in Section 405.

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

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

27 **“Amusement, Indoor”** means as defined in Section 412.

28 **“Amusement, Outdoor”** means as defined in Section 412.

29 **“Amusement, Outdoor Intensive”** means as defined in Section 412.

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

33 **“APC”** means Area of Particular Concern identified in accordance with the CNMI Coastal Resources
34 Management Act.

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

37 **“Aquaculture”** means as defined in Section 405.

38 **“Arena, Auditorium, Stadium”** means as defined in Section 412.

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

42 **“Art Studio”** means an artist’s workroom (with or without employees). This can be for the purposes
43 of painting, pottery (ceramics), sculpture, scapbooking, photography, graphic design, cinematography,
44 animation, or the creation of music or the practice of dance.

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

- 1 not considered artwork.
- 2 **“Asphalt or Concrete Plant”** means as defined in Section 413.
- 3 **“Assembly Hall”** means as defined in Section 411.
- 4 **“Beach Road Zoning District”** means as described in 503.
- 5 **“Bed and Breakfast”** means as defined in Section 408.
- 6 **“Beneficial Use”** means a use that provides the property owner with an economic benefit or product.
- 7 **“Board”** means Zoning Board.
- 8 **“Building”** means a structure having a roof that is built permanently on a lot and intended to shelter
- 9 people, animals, property, or business activity, or a structure used or intended to be used for supporting
- 10 or sheltering any use or occupancy. The word "building" shall be construed as if followed by the words
- 11 "or part or parts thereof and all equipment therein."
- 12 **“Building Front”** means that exterior wall of a building that faces the front lot line.
- 13 **“Building Height”** means the maximum height of a building permitted to be built on a lot. Building
- 14 height is determined from the vertical distance as measured from the ground elevation to the highest
- 15 point on the building. An elevator shaft shall be considered part of a building. If the elevator shaft is
- 16 the highest portion of the building, the maximum building height shall be measured from the ground
- 17 elevation to the highest point of the elevator shaft.
- 18 **“Building Line”** means that line formed by the rear, side, and front yard setbacks.
- 19 **“Building Safety Code”** means CNMI Building Safety Code, 2 CMC § 7101 et seq., and
- 20 implementing regulations.
- 21 **“Cannabis (Retail, Lounge, or Farm)”** the retail, lounge, or farm uses of the Cannabis plant and its
- 22 derivatives (also known as marijuana).
- 23 **“Cargo Container”** means a large container for freight, ordinarily a large metal boxlike object of
- 24 standardized dimensions that can be loaded from one form of transport to another.
- 25 **“Catering Service, Social or Home”** means as defined in Section 410.
- 26 **“Cemetery”** means as defined in Section 411.
- 27 **“Certificate of Occupancy”** means an official certification indicating that a use or building (as built)
- 28 conforms to the provisions of the Building Safety Code and may be used or occupied.
- 29 **“Church or Place of Worship”** means as defined in Section 411.
- 30 **“Coastal Resources Management Act” or “CRMA”** means the CNMI Coastal Resources
- 31 Management Act, 2 CMC §1501 et seq.
- 32 **“Communication Tower, Standard”** means as defined in Section 414.
- 33 **“Communication Tower, Stealth”** means as defined in Section 414.
- 34 **“Constitution”** means the Constitution of the Commonwealth of the Northern Mariana Islands.
- 35 **“Contractor’s Office and Storage”** means as defined in Section 413.
- 36 **“Conversion, Building or Use”** means the process by which the original use of a building or land is
- 37 changed to a different use.
- 38 **“Copy”**, in addition to meaning “duplicate,” means letters, numbers, symbols or pictures on a sign
- 39 surface.
- 40 **“Copy, Changeable”** “means sign copy that changes at intervals of more than once every six seconds.
- 41 **“Day Care Facility”** means as defined in Section 411.
- 42 **“Decision”** means the adoption of a plan, regulation, rule, resolution, opinion, order or directive.
- 43 Typically a decision is reduced to writing and includes a description or discussion of the reasons for it.
- 44 **“Dedication”** means the transfer of private property to public ownership for a public purpose.

1 **“Delivered” or “Presented”** means:

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

7 **“Development”** for purposes of this Law means any of the following:

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

18 **“Drainage”** means the process of removing surface water, usually from rainfall, from land surface.
 19 Drainage can be accommodated by either natural or man-made facilities. Proper man-made drainage
 20 includes facilities designed to remove surface water to an appropriate receptor without causing adverse
 21 effects to adjacent land uses or streets.

22 **“Duplex”** means as defined in Section 406.

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

25 **“Dwelling Unit”** means a room or group of rooms that provide, or are intended to provide, living
 26 quarters for not more than one family.

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

- 29 (a) a victim of a disaster that has been declared by the Governor; or
- 30 (b) a child who is placed under custody of the CNMI Division of Youth Services as a result of
- 31 child abuse and/or neglect; or
- 32 (c) a victim of domestic violence, sexual assault, or human trafficking.

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

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

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

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

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

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

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

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

51 **“Facade”** means that exterior side of a building that faces, and is most nearly parallel to, a public or

- 1 private street. The facade includes the entire building wall, including wall faces, parapets, fascia,
- 2 windows, doors, canopies, and visible roof structures of one complete elevation.
- 3 **“Family”** means one or more persons related by blood, marriage, or law occupying a dwelling unit and
- 4 living as a single housekeeping unit. A family may include one servant having common housekeeping
- 5 facilities with the family, and such servant is part of the family for the purposes of this Law.
- 6 **“Farms”** means as defined in Section 405.
- 7 **“Fascia”** means a band located at the top edge of a building but below the actual roofline and above
- 8 the building wall. Fascia material is typically of a different type than either the actual roof or the
- 9 building wall.
- 10 **“Fence”** means an artificially constructed barrier of any material or combination of materials erected
- 11 to enclose, screen or separate areas.
- 12 **“Filling”** means the depositing on land, whether submerged or not, of sand, gravel, earth, or other
- 13 materials. Biodegradable materials and other materials subject to decomposition or significant settling
- 14 (such as garbage and other organic matter) are not included.
- 15 **“Forestry”** means as defined in Section 405.
- 16 **“Foot candle”** means a unit of illumination produced on a surface, all points of which are one foot
- 17 from a uniform point source of one candle.
- 18 **“Frontage”** means the measure of the width of a lot on the property line that abuts and faces its access
- 19 road.
- 20 **“Full Cut-Off lighting”** means any outdoor light fixture shielded in such a manner that all light
- 21 emitted by the fixture is projected below the horizontal as determined by a photometric test or certified
- 22 by the manufacturer.
- 23 **“Funeral Home”** means as defined in Section 410.
- 24 **“Gas Station, Light repair”** means as defined in Section 410.
- 25 **“Gas and Fuel, Wholesale”** means as defined in Section 413.
- 26 **“Garapan Core Zoning District”** means as described in Section 505.
- 27 **“Garapan East Zoning District”** means as described in Section 504.
- 28 **“Golf Course”** means as defined in Section 412.
- 29 **“Government Service”** means as defined in Section 411.
- 30 **“Grade”** means the natural level of the ground adjoining the object whose height is to be measured.
- 31 For the purpose of determining sign height, grade shall be the elevation of the public street closest to
- 32 the sign as measured at the street centerline.
- 33 **“Greenhouse or Nursery”** means as defined in Section 405.
- 34 **“Ground Cover”** means a meadow or grassland or other type of soil-stabilizing vegetation.
- 35 **“Hearing Officer”** means the administrative official who presides at a public hearing, including
- 36 hearings held pursuant to Article 14 of this Law and the Administrative Procedure Act. Such person
- 37 may be titled “Hearing Officer”, “Administrative Hearing Officer”, or “Administrative Law Judge” or
- 38 some other title.
- 39 **“Helipad or Helipad”** means as defined in Section 413.
- 40 **“Hospital”** means as defined in Section 411.
- 41 **“Hotel/Motel”** means as defined in Section 408.
- 42 **“Impervious Surface”** means a building or solid paving (cement or asphalt typically) that covers land
- 43 to the extent that no surface water can drain into the underlying soil.
- 44
- 45 **“Individual Wastewater Disposal System”** means a system designed and installed to treat and
- 46 dispose of sewage from a single structure or group of structures using a septic tank together with a

- 1 leaching field or seepage pit.
- 2 **“Industrial Zoning District”** means as described in Section 506.
- 3 **“Institutional Residential”** means as defined in Section 406.
- 4 **“Junkyard”** means as defined in Section 413.
- 5 **“Land”** means areas landward of the ordinary high water mark.
- 6 **“Landowner”** means a person who has, in whole or in part;
- 7 (a) Legal or equitable title to the parcel;
- 8 (b) Charge, care or control of the parcel as agent of the owner or as executor, administrator,
- 9 trustee, or guardian of the estate of the beneficial owner; or
- 10 (c) An option or contract to purchase.
- 11 **“Live Theatrical Performance”** means a play, skit, opera, ballet, concert, comedy, or musical drama.
- 12 **“Lot”** means a unit of land that can be described legally, as by metes and bounds.
- 13 **“Lot Area”** means the area contained within the boundary lines of a lot, not including easements for
- 14 publicly dedicated or accepted rights-of-way.
- 15 **“Lot Depth”** means the measurement distance between the midpoint of the front lot line and the
- 16 midpoint of the rear lot line.
- 17 **“Lot, Flag”** means a lot that has access to a public right-of-way by means of a narrow strip of land.
- 18 **“Lot Line”** means a line of record bounding a lot that divides one lot from another adjoining lot or
- 19 from a public or private street or any other public space.
- 20 **“Lot Line Adjustment”** means a modification of a boundary line between, or consolidation of, two or
- 21 more legal parcels.
- 22 **“Lot Line, Front”** means a lot line separating a lot from a street right-of-way.
- 23 **“Lot Line, Rear”** means a lot line opposite and most distant from the front lot line, or, in the case of
- 24 triangular or otherwise irregularly shaped lots, a line at least 10 feet in length entirely within the lot,
- 25 parallel to, and at a maximum distance from, the front lot line.
- 26 **“Lot Line, Side”** means any lot line other than a front or rear lot line.
- 27 **“Lot, Nonconforming”** means a lot that does not meet the requirements of the zoning district in which
- 28 it is located.
- 29 **“Lot of Record”** means a validly recorded lot or parcel of land that at the time of its recording with the
- 30 Commonwealth Recorder’s Office complied with all applicable laws and regulations.
- 31 **“Lot Width”** means the distance between the midpoint of one side lot line to the other side lot line.
- 32 **“Mail”** means one of the following mail services: U. S. Postal Service (USPS) first class mail, or
- 33 priority mail, or Express Mail; overnight mail by one of the following private carriers if they serve the
- 34 CNMI: Airborne Express; DHL; FedEx; UPS; or the national postal services of the following
- 35 countries, using service equivalent to or better than USPS airmail: Australia; China; Japan; Korea;
- 36 Republic of the Philippines; any FAS state.
- 37 **“Manufacturing and Processing”** means as defined in Section 413.
- 38 **“Marquee”** means a permanent structure other than a roof attached to, supported by, and projecting
- 39 from a building and providing protection from the elements.
- 40 **“Massage Parlor”** means an establishment in which someone can hire a masseur or masseuse and
- 41 receive a massage on the premises. For the purpose of this definition, massage parlor does not include:
- 42 (a) Businesses offering the methods of practice or the legitimate techniques of physicians,
- 43 chiropractors, physical therapists, massage therapists or athletic trainers, and that are
- 44 professionally licensed or certified by the appropriate governmental agency; or
- 45 (b) Massage facilities located in hotels that have more than 20 rooms or in spas or beauty
- 46 salons that provide a wide array of other personal services that account for a substantial
- 47 proportion of the business; or
- 48 (c) Homes in which massage is done by traditional healers recognized by the customs of the
- 49 Northern Mariana Islands.
- 50 **“Media”** means anything printed or written, or any picture, drawing, photograph, motion picture, film,
- 51 videotape or videotape production, or pictorial representation, or any electrical or electronic

1 reproduction of anything that is or may be used as a means of communication. Media includes but shall
2 not be limited to books, newspapers, magazines, periodicals, photographs, movies, videos, sound
3 recordings, CD-ROMs, computer files, DVD’s, digital or analog videodisks, other magnetic media,
4 and undeveloped pictures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 room.

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

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

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

- 11 (a) In the Garapan Core Zoning District:
 - 12 (1) Paseo de Marianas;
 - 13 (2) Coffee Tree Mall;
 - 14 (3) Coral Tree Mall;
 - 15 (4) CPL. Derence Jack Rd.; or
 - 16 (5) Micro Beach Road.
- 17 (b) In the Garapan East Zoning District
 - 18 (6) CPL. Derence Jack Rd. from Beach Road to Chalan Pale Arnold Street;
 - 19 (7) East side of Beach Road; or
 - 20 (8) Any new road extending eastward from Beach Road.

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

- 23 (a) Characteristics of pedestrian-oriented space:
 - 24 (1) Pedestrian access to the abutting structures from the street, private drive, or a
 - 25 non-vehicular courtyard;
 - 26 (2) Paved walking surfaces of either concrete or approved unit paving;
 - 27 (3) Pedestrian-scaled lighting (no more than 15 ft in height) at a level averaging at
 - 28 least 2-foot candles throughout the space. Lighting may be on-site or building-
 - 29 mounted lighting;
 - 30 (4) At least 3 ft of seating area (bench, ledge, etc.) or one individual seat per 60 sf
 - 31 of plaza area or open space;
 - 32 (5) Spaces positioned in areas with significant pedestrian traffic to provide interest
 - 33 and security, such as adjacent to a building entry;
 - 34 (6) Landscaping components that add interest to the space; and
 - 35 (7) Pedestrian-oriented building facades on some or all buildings facing the space.
- 36 (b) Characteristics that are not included in pedestrian-oriented space:
 - 37 (1) Asphalt or gravel pavement;
 - 38 (2) Space adjacent unscreened parking lots;
 - 39 (3) Space adjacent chain link fences;
 - 40 (4) Space adjacent blank walls; or
 - 41 (5) Space adjacent dumpsters or service areas.

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

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

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

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

49 **“Principal Use”** means the main use to which the premises are devoted and the primary purpose for
50 which the premises exist. For example, in a residential area, the house is a principal use; a carport or a

1 pala pala would be an accessory use.
2 **“Protected Care Housing”** means as defined in Section 406.
3 **“Public Improvement”** means any improvement, facility, or service, together with customary
4 improvements and appurtenances thereto, necessary to provide for public needs such as: streets, alleys,
5 pedestrian walks or paths; storm sewers, flood control improvements, water supply and distribution
6 facilities, sanitary sewage disposal and treatment; and public utility or energy services.
7 **“Public Nuisance”** means an unreasonable interference with a right common to the general public. A
8 public nuisance does not change its character by reason of its location on private or public property,
9 occupied or unoccupied property. The circumstances that may sustain a determination that an
10 interference with a public right is unreasonable shall include the following:
11 (a) Whether the conduct involves a significant interference with the public health, the public
12 safety, the public peace, the public comfort or the public convenience;
13 (b) Whether the conduct is proscribed by a statute, ordinance or administrative regulation;
14 (c) Whether the conduct is of a continuing nature or has produced a permanent or long-lasting
15 effect, and, as the actor knows or has reason to know, has a significant effect on the public
16 right; or
17 (d) Such other conduct as is defined within the meaning of “public nuisance” by the
18 Restatement 2d of Torts, Section 821B.
19 **“Public Resource Zoning District”** means as described in Section 508.
20 **“Rated Nameplate Capacity”** means the maximum rated output of electric power production
21 equipment. This output is typically specified by the manufacturer with a nameplate on the equipment.
22 **“Real time” or “Real-Time”** means immediately before, during and/or after, as in “as it happens”.
23 **“Reasonable Access”** means the right of the Administrator or staff to view, inspect, or enter property,
24 uses, or buildings to enforce this Law. The term "reasonable" means that access should be during
25 normal hours of business, or at other times when the use is operating outside normal business hours.
26 **“Renewable Energy”** means as defined in 4 CMC § 8621.
27 **“Residential Use”** mean as defined in Section 406.
28 **“Residential Accessory Building”** means as defined in Section 406.
29 **“Restaurant, Drive Through”** means as defined in Section 408.
30 **“Restaurant, General”** means as defined in Section 408.
31 **“Retail Sales, Heavy”** means as defined in Section 410.
32 **“Retail Sales, Light”** means as defined in Section 410.
33 **“Retaining Structure”** means a structure to hold a mass of earth material at a higher position and not
34 used to provide a foundation or wall for a building.
35 **“Right-of-Way”** means a strip of land occupied or intended to be occupied by a public street and
36 associated infrastructure on which a right-of-passage has been recorded for the use of vehicles,
37 pedestrians, and necessary public utility infrastructure (including, but not limited to, water lines, sewer
38 lines, power lines, gas lines).
39 **“Road, Arterial”** means a road that is identified as any type of arterial road in the CNMI
40 Comprehensive Highway Master Plan.
41 **“Road, Collector”** means a road that is identified as any type of collector road in the CNMI
42 Comprehensive Highway Master Plan.
43 **“Road, Local or Access”** means a road that is intended to provide access to abutting properties.
44 **“Roadside Merchandise Stand”** means as defined in Section 415.
45 **“Roofline”** means the top or bottom edge of a roof or building parapet, excluding any cupolas, pylons,
46 chimneys, or other minor projections.
47 **“Rural Zoning District”** means as described in Section 509.
48 **“Saipan”** means all land on the islands of Saipan and Managaha.
49 **“Saipan Comprehensive Land Use Plan”** means a comprehensive land use plan text and all
50 accompanying maps, charts, and explanatory material adopted by the Saipan and Northern Islands

- 1 Legislative Delegation for the Island of Saipan.
- 2 **“Sanitary Landfill”** means as defined in Section 414.
- 3 **“School, Private”** means as defined in Article 4 Section 411.
- 4 **“School, Public”** means as defined in Section 411.
- 5 **“Seaport”** means as defined in Section 413.
- 6 **“Self-Service Storage”** means as defined in Section 410.
- 7 **“Semi-Nude or Semi-Nudity”** means the appearance of the female breast below a horizontal line
- 8 across the top of the areola at its highest point. This definition shall include the entire lower portion of
- 9 the human female breast, but shall not include any portion of the cleavage of the human female breast
- 10 exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is
- 11 not exposed in whole or in part.
- 12 **“Service or Storage Area”** means an outdoor area used for storage of garbage, material for recycling,
- 13 a dumpster, a utility connection, air conditioning equipment, a freezer or refrigerator, and similar uses.
- 14 Except, this does not include an outdoor ice machine at a grocery or convenience store.
- 15 **“Setback”** means the required distance between a structure and the lot lines of the lot on which it is
- 16 located.
- 17 **“Sex Shop”** means a business that meets any of the following tests:
- 18 (a) Adult media and/or adult toys or novelties constitute more than 10% of the stock-in-trade of
- 19 the business or occupy more than 10% of the gross public floor area of the business; or
- 20 (b) Adult novelties constitute more than 5% of the stock-in trade or gross public floor display
- 21 area of the business; or
- 22 (c) It advertises or holds itself out in any media or forum as “XXX”, “adult”, “sex”, “porno”,
- 23 “pornography”, or otherwise as a sex business other than solely an adult media outlet, adult
- 24 motion picture theater, or adult cabaret.
- 25 (d) Except that the Zoning Administrator may find that a business is not a sex shop if:
- 26 (1) Adult media and adult novelties are visually and physically segregated from
- 27 minors;
- 28 (2) The sale of such materials constitutes less than 20% of the gross public floor
- 29 display area or stock-in-trade of the business; and
- 30 (3) the business does not advertise or hold itself out in any forum or medium as
- 31 “XXX”, “adult”, “sex”, “porno”, “pornography”, or otherwise as a sex business.
- 32 **“Sexual Encounter Center”** means a business or commercial enterprise that, as one of its principal
- 33 business purposes, offers for any form of consideration:
- 34 (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
- 35 or
- 36 (b) Activities between persons of the opposite sex and/or persons of the same sex when one or
- 37 more of the persons is in a state of nudity or semi-nudity.
- 38 (c) A principal business purpose exists if the services offered are intended to generate business
- 39 income.
- 40 **“Shoreline”** means the edge of the land surrounding a body of water. The edge of the shoreline shall
- 41 be the highest elevation of the edge of land as determined through the mean high water mark (MHW)
- 42 of the U.S. Coastal and Geological Datum.
- 43 **“Shrub”** means a low woody plant or bush with several permanent stems instead of a single trunk.
- 44 **“Sign”** means a lettered, numbered, symbolic, pictorial, or illuminated visual display designed to
- 45 identify, announce, direct, or inform that is visible from the public right-of-way. A sign does not
- 46 include artwork.
- 47 **“Sign, Above-Roof”** means a sign displayed above the peak or parapet of a building.
- 48 **“Sign, Banner”** means a sign with or without characters, letters, illustrations, or ornamentations
- 49 applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.
- 50 **“Sign, Building”** means a sign painted on or attached to a wall of a building and includes a sign to
- 51 identify the building or facility or individual tenants or businesses. A building sign does not mean a

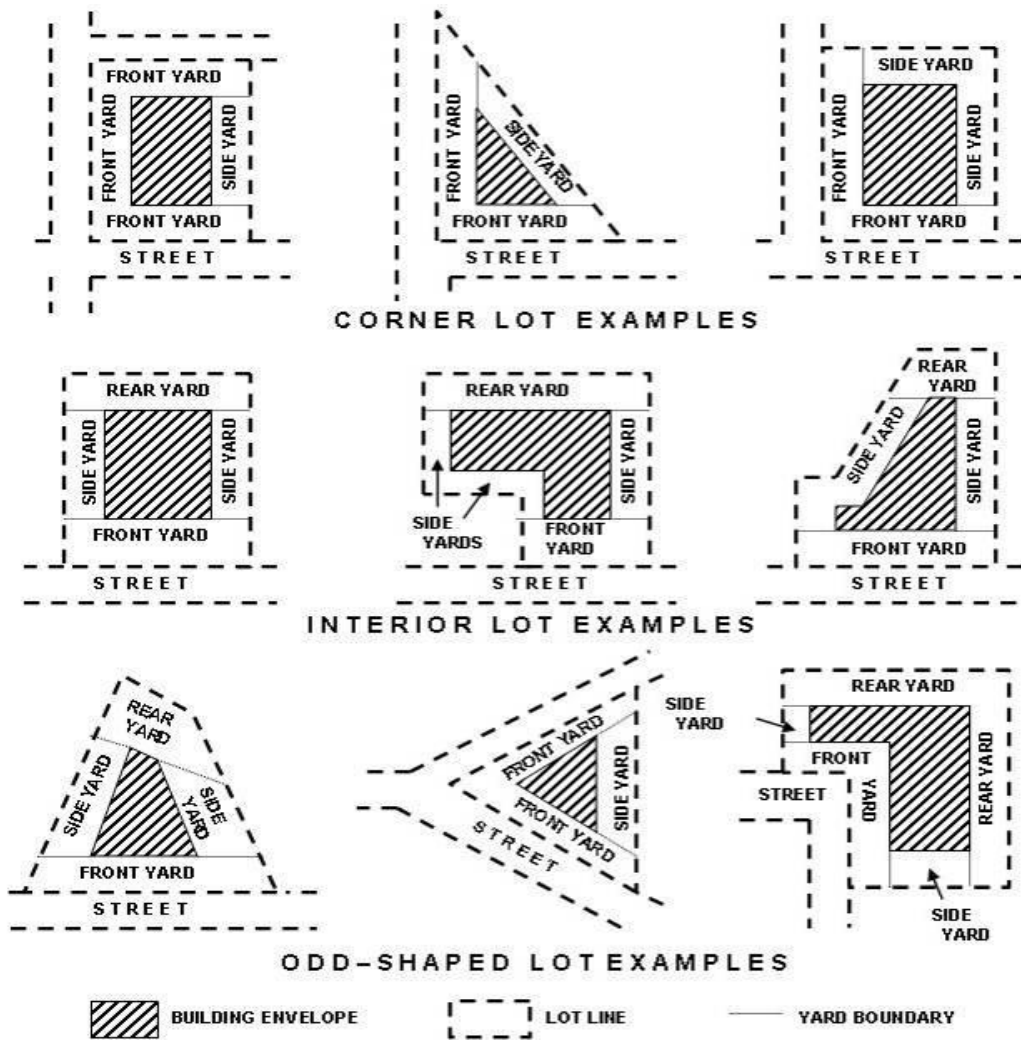
1 window sign, banner or other temporary type of signs.
 2 **“Sign, Can”** means a sign that is back-lit with letters or graphics on a flat plastic sheet.
 3 **“Sign, Externally Illuminated”** means a sign that is illuminated by an artificial source of light not
 4 contained within the sign itself.
 5 **“Sign, Ground”** means a sign supported by one or more uprights, posts, or bases placed on or affixed
 6 in the ground and not attached to any part of a building. It includes a pole sign and a monument sign.
 7 **“Sign, Monument”** means a ground sign permanently affixed to the ground at its base, supported
 8 entirely by a base structure, and not mounted on a pole.
 9 **“Sign, Pole Mounted”** means a sign mounted on a single pole with a horizontal cross section
 10 anywhere below the sign that is less than two-thirds of the horizontal cross section of the sign.
 11 **“Sign, Portable”** means a sign not permanently attached to the ground or a building or designed to be
 12 permanently attached to the ground or a building.
 13 **“Sign, Projecting”** means a sign attached to and projecting from the wall of a building and not in the
 14 same plane as the wall.
 15 **“Sign, Temporary Window”** means a window sign that is not approved as a permanent window sign.
 16 **“Sign, Window”** means a temporary or permanent sign applied, painted or affixed on, or within one
 17 foot behind or in front of, the inside or outside of a window.
 18 **“Signature” or “Signed”** means as follows: The term includes a hard copy or an electronic
 19 communication that bears the hallmark of legitimacy, including original hard copy, photocopy of an
 20 original, fax copy, electronic signature through use of a digital code, and an electronic copy of a hard
 21 copy signature if separately confirmed as true and correct.
 22 **“Single-Family Dwelling”** means as defined in Section 406.
 23 **“Site”** means a plot of land that can be used for a development.
 24 **“Site Plan”** means a plan of an area to be developed. It is drawn to scale. It shows uses and structures
 25 proposed for a parcel of land required by this Law. The plan typically shows property boundaries,
 26 existing and proposed streets, building sites, setbacks, reserved open space, proposed buildings, and
 27 major landscape features (natural and manmade). It identifies the type of uses proposed as well as the
 28 various other items required by this Law.
 29 **“Slope”** means the change in the vertical measurement divided by the change in the horizontal
 30 measurement. It is written as a ratio or a percentage.
 31 **“Soil Erosion”** means any removal and/or loss of soil by the action of water, gravity, or wind. Erosion
 32 includes both the detachment and transport of soil particles.
 33 **“Special Event”** means as defined in Section 415.
 34 **Specified Anatomical Area”** means:
 35 (a) The human male genitals in a discernibly turgid state, even if fully and opaquely covered;
 36 or
 37 (b) Less than completely and opaquely covered human genitals, pubic region, buttocks; or
 38 (c) A female breast below a point immediately above the top of the areola.
 39 **“Specified Sexual Activity”** means and includes any of the following:
 40 (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or
 41 female breasts, whether covered or uncovered;
 42 (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation,
 43 or sodomy;
 44 (c) Masturbation, actual or simulated; or
 45 (d) Excretory functions as part of or in connection with any of the activities set forth in (a)
 46 through (c) above.
 47 **“State”** includes a US state, territory, tribal land, commonwealth, the District of Columbia, and any
 48 other US jurisdiction other than the US Government itself.
 49 **“Street”** means a public or private road used for travel by motor vehicles or bicycles.
 50 **“Structural Alteration”** means any change in the supporting members of a building, such as the
 51 bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or

- 1 exterior walls of a building.
- 2 **“Structure”** means anything constructed or erected in a fixed location for occupancy or use.
- 3 **“Structure, Permanent”** means a structure placed on or in the ground, or attached to another structure
- 4 in a fixed position, and intended to remain in place for more than 9 months.
- 5 **“Subdivision”** means a division or re-division of a plat, tract, parcel, or lot of land into 2 or more parts
- 6 including a change, or rearrangement of boundaries.
- 7 **“Subdivision, Major”** means a subdivision that consists of 8 or more lots or any subdivision where
- 8 public improvements are required.
- 9 **“Subdivision, Minor”** means a subdivision that consists of 7 or fewer lots and where public street
- 10 dedications or other public improvements are not required.
- 11 **“Swale”** means a linear depression in the land's surface in which sheet runoff would collect and form a
- 12 temporary watercourse.
- 13 **“Temporary Batch Plant”** means as defined in Sections 415 and 613.
- 14 **“Temporary Use”** means as defined in Section 415.
- 15 **“This Law”** means the Saipan Zoning Law of 2008.
- 16 **“Tourist Resort Zoning District”** means as described in Section 510.
- 17 **“Tower Height”** means the height of a wind turbine measured from natural grade to the tip of the rotor
- 18 blade at its highest point, or blade-tip height.
- 19 **“Townhouse”** means as defined in Section 406.
- 20 **“Transfer Station”** means as defined in Section 414.
- 21 **“Undeveloped Condition”** means a parcel of land where all the natural retention areas and drainage
- 22 ways plus any existing roadway drainage structures shall be included in the flow calculations.
- 23 **“Use Classification”** means the organization of uses into groups that share common functional
- 24 characteristics and land use compatibility. See Article 4 for the use classifications.
- 25 **“Use”** means a purpose or activity at a building, structure or piece of land.
- 26 **“Utility, Minor”** means as defined in Section 414.
- 27 **“Variance”** means the permission by which a property owner is granted relief from certain provisions
- 28 of this Law.
- 29 **“Vehicle Repair, General”** means as defined in Section 410.
- 30 **“Veterinary Clinic or Hospital”** means as defined in Section 411
- 31 **“Video or Movie Production”** means as defined in Section 415.
- 32 **“Village Commercial Zoning District”** means as described in Section 511.
- 33 **“Village Residential Zoning District”** means as described in Section 512.
- 34 **“Virtual” or “Virtually”**, when used with respect to a meeting, means by electronic means that
- 35 provide for real-time communication to and from the participants in such a manner that each
- 36 participant can hear and/or read the comments of each other participant.
- 37 **“Warehousing and General Wholesaling”** mean as defined in Section 413.
- 38 **“Water or Wastewater Plant”** means as defined in Section 414.
- 39 **“Waterbody”** means a lake, pond, lagoon, or ocean.
- 40 **“Wind Energy System, Large”** means a wind energy conversion system consisting of a wind turbine
- 41 and associated control or conversion electronics that has a rated nameplate capacity of more than
- 42 30kW or that is intended primarily to generate power for sale.
- 43 **“Wind Energy System, Small”** means a wind energy conversion system consisting of a wind turbine
- 44 and associated control or conversion electronics that has a rated nameplate capacity of more than
- 45 30kW and that is intended primarily to reduce on-site consumption of utility power.
- 46 **“Wind Facility”** means all equipment, machinery and structures utilized in connection with the
- 47 conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection
- 48 and supply equipment, substations, transformers, service and access roads, and one or more wind
- 49 turbines.
- 50 **“Wind Turbine”** means a device that converts kinetic wind energy into rotational energy that drives
- 51 an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two

- 1 or more blades.
- 2 **“Window”** means any opening in a wall or roof that functions or appears to function to admit light
3 into a building or structure. Usually such opening is framed and spanned with glass mounted to permit
4 opening and closing.
- 5 **“Window Pane”** means an individual piece of glass or other such material in a window.
- 6 **“Writing”** includes hard copy, and electronic communications including such electronic formats as
7 fax, email, PDF format, and word processing formats that are generally commercially available.
- 8 **“Yard”** means an open space that: (a) lies between the principal building or buildings and the nearest
9 lot line; and that (b) is unobstructed from the ground up, except for accessory buildings or architectural
10 features or as otherwise provided in this Law. Yard requirements have been included in this Law for
11 multiple reasons including provision of room for greenery, to accommodate landscaping, to provide
12 visibility needed for traffic safety, to permit light access to windows, and to buffer noise.
- 13 **“Yard, Front”** means “a space extending the full width of the lot between any building and the front
14 lot line and measured perpendicularly to the building at the closest point to the front lot line. See
15 Figure 1.
- 16 **“Yard, Rear”** means a space extending across the full width of the lot between the principal building
17 and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
18 See Figure 1.
- 19 **“Yard, Side”** means a space extending from the front yard to the rear yard between the principal
20 building and the side lot line and measured perpendicular from the side lot line to the closest point of
21 the principal building. See Figure 1.
- 22 **“Zone”** means a zoning district.
- 23 **“Zone, Overlay”** means a special zoning district placed over an existing zoning district, part of a
24 district, or a combination of districts. An overlay zoning district builds on the underlying zoning by
25 establishing additional or stricter requirements. The requirements of the overlay zoning district apply
26 in addition to those of the underlying zoning district.
- 27 **“Zoning Administrator”** means the Zoning Administrator authorized by 2 CMC §7222.
- 28 **“Zoning Board”** means the Commonwealth Zoning Board established by Public Law No. 6-32, 2
29 CMC §7221 et seq.
- 30 **“Zoning Code”** means 2 CMC §7201 et seq.
- 31 **“Zoning District”** means those portions of Saipan that are designated on the Official Saipan Zoning
32 Map with a single district designation and for which provisions and requirements are set forth in this
33 Law.
- 34 **“Zoning Map”** means the Official Saipan Zoning Map.
- 35 **“Zoning Office”** means the office of the Zoning Administrator.
- 36 **“Zoning Permit”** means a written permit issued by the Zoning Administrator that certifies that the

1 proposed development will meet the requirements of this Law.
2 “Zoo/Aquarium” means as defined in Section 412.

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

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