

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.~~

~~(b)~~ 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.

~~(c)~~ 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.