

TITLE 10: LOCAL LAWS
DIVISION 3: THIRD SENATORIAL DISTRICT (SAIPAN, ETC.)

§ 3511. Saipan Zoning Law.

The Saipan Zoning Law, consisting of pages 1-145 with attached map appendices, is enacted and codified by reference as if fully set forth.

Source: [SLL 8-7](#), § 3, modified; amended by [SLL 15-22](#), §§ 4-10; repealed and reenacted by [SLL 15-29](#), §§ 3 and 4, respectively; repealed and reenacted by [SLL 16-6](#), §§ 3 and 4 (3511), respectively; Zoning Map and § 404 of [SLL 16-6](#) amended by [SLL 17-2](#) §§ 2-4 (June 17, 2010) ; Section 1209 (Public Nuisances) of Saipan Zoning Law of 2008 amended by [SLL 17-10](#) § 2 (July 12, 2011); Zoning Map of 2008 and Appendix amended by [SLL 17-12](#) §§ 2-4 (July 27, 2011); Section 1311(h) Administrative Variance of the Saipan Zoning Law of 2008 repealed and reenacted by [SLL 17-12](#) § 5 (July 27, 2011); repealed and reenacted by [SLL 18-4](#) §§ 3,4 (July 15, 2013); amended by [SLL 18-5](#) §§ 4,5, and 6 (Oct. 25, 2013); Sheet 20 of 29 amended by [SLL 18-13](#) § 2 (Jan. 23, 2014); Sheet 24 of 29 amended by [SLL 18-15](#) § 2 (Apr. 4, 2014); Section 404, Table 1 amended by [SLL 18-20](#) § 2 (Aug. 29, 2014); Section 612(b) amended by [SLL 19-04](#) § 2 (Apr. 29, 2015); Sheet 17 of 29 amended by [SLL 19-21](#) § 2 (Aug. 5, 2016); Sheet 05 of 29 amended by [SLL 19-25](#) § 2 (Oct. 14, 2016).

Commission Comment: [SLL 8-7](#), which took effect April 29, 1993, provided, in part: “The Law Revision Commission may choose to codify only this approving act without its incorporated attachment, and in so doing shall incorporate by reference the Saipan Zoning Law as if fully set forth within the Commonwealth Code.” [SLL 8-7](#), § 5. The Commission opted to codify [SLL 8-7](#) without codifying the Saipan Zoning Law.

[SLL 9-1](#), which took effect August 15, 1994, suspended [SLL 8-7](#), as follows:

Section 1. Suspension of Zoning Law. The Saipan Zoning Law, as authorized by [\[PL 6-32\]](#) [\[2 CMC §§ 7201 et seq.\]](#) and [\[PL 8-10\]](#) [\[2 CMC §§ 7213, 7221, 7223, 7241 and 7255\]](#), and enacted and approved by [\[SLL 8-7\]](#), and all authority derived thereunder by any person or government entity, is hereby suspended for all purposes for a period of at least three (3) years beginning on the effective date of this Act [August 15, 1994]. The Saipan Zoning Law, as approved by [\[SLL 8-7\]](#), shall not be revived without the affirmative vote of the majority of the members of the Saipan Legislative Delegation or through popular initiative immediately at the next general election.

Section 2. Transfer of Employees. All employees and equipment of the Zoning Board shall be transferred to the Office of Coastal Resource Management together with the appropriations relative to their positions.

[SLL 9-1](#), §§ 1, 2.

[SLL 15-22](#), which was enacted on August 7, 2007 and entitled the “Saipan Adult Entertainment Business Zoning Act of 2007,” made changes to the Saipan Zoning Law that is incorporated by reference in [10 CMC § 3511](#). A summary of the amendments follows: Section 4 of [SLL 15-22](#) amended

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Division 2100 (Zoning Districts); Section 5 amended Division 2300 by adding new Sections 2306 (Adult Business Overlay Zoning District) and 2307 (Adult Business Park Zoning District); Section 6 amended Section 3002 (Permitted Uses); Section 7 amended Section 3104 (Commercial Uses); Section 8 amended Division 5300 (Limited Use Requirements) by adding a new Section 5317 (Adult Businesses); Section 9 amended Division 10200 (Nonconformities) by adding a new Section 10308 (Special Standards for Adult Businesses that are Nonconforming Uses); and Section 10 amended Division 15200 (Definitions) by adding new definitions.

[SLL 15-22](#) also contained the following short title, findings, and purposes, in addition to severability and savings clause provisions:

Section 1. Short Title. This Act shall be known as the “Saipan Adult Entertainment Business Zoning Act of 2007.”

Section 2. Findings. The Legislature finds that:

(a) The Commonwealth’s economy has been materially harmed by the loss of markets for garments, leaving tourism a primary industry on which to base future economic development;

(b) Tourism is responsible for a significant portion of the Commonwealth’s economic activity, with the Japanese market responsible for the majority;

(c) Surveys of tourists have revealed that the appearance and conduct of Adult Businesses on Saipan, particularly in Garapan, present such a negative image to tourists, particularly Japanese tourists, that the Commonwealth has lost and will lose business;

(d) The negative appearance and conduct of Adult Businesses has discouraged investors who view the poor image as a reason that they might not recoup the investments they would otherwise make;

(e) Certain uses of real property for Adult Businesses have serious objectionable operational characteristics. If these uses were allowed to locate or continue operation in certain areas of Saipan, they may have adverse and deleterious effects upon the character of such areas and adjacent neighborhoods, and may contribute to crime and blight;

(f) Adult Businesses in residential districts, or in districts adjacent to schools churches, or public recreational areas, or within close proximity to such uses, may expose minors to such facilities, and this may adversely affect such minors due to their immaturity;

(g) Special regulation of Adult Business uses is necessary to ensure that such uses do not become incompatible land uses and further, will not contribute to the blight or downgrading districts in which they are permitted, thereby adversely affecting property values and deterring or interfering with the development and operation of other businesses within the area; and

(h) Areas in which Adult Businesses are permitted to cluster or become concentrated may have a higher incidence of crime, especially crimes against the person. These crimes increase in the evening hours, requiring more police effort.

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Section 3. Purposes. In order to provide our people with a healthy and safe social and business environment:

(a) It is the purpose of this Act to regulate Adult Businesses to promote the health, safety, morals, and general welfare of the citizens of the Commonwealth, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult businesses and, in particular, to separate adult businesses from other sensitive uses.

(b) This Act is not intended to unreasonably restrict lawful commercial communications regarding lawful sexual conduct or adult materials, to restrict or deny access by adults to adult materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult entertainment to their intended market.

(c) This Act is not intended to condone or legitimize the distribution of obscene materials.

(d) It is the purpose of this Act to improve the quality of life and provide for the socially and commercially acceptable location, exterior appearance and public conduct of Adult Businesses.

(e) Based on the foregoing, the Legislature finds and declares that this Act is necessary and is a proper use of the legislative authority granted by Article II of the Commonwealth Constitution.

[Saipan Local Law 15-29](#) was enacted on December 21, 2007, and contained the following pertinent sections in addition to severability and savings provisions:

Section 1. Short Title. This Act may be cited as the “Saipan Zoning Law of 2007.”

Section 2. Findings and Purpose.

(a) The Saipan and Northern Islands Legislative Delegation finds that:

(1) Since the Saipan Zoning Law was enacted in 1993, there have been significant changes to:

(A) Economic, social, and environmental conditions on Saipan, including the shift from garment manufacturing to virtually a tourism-only economy;

(B) Administrative law, including the Administrative Procedures Act; and

(C) Permit processes for development, including attempts to streamline and increase efficiency.

(2) The lack of zoning enforcement since 1994 has resulted in many conflicts among adjacent land uses, including:

(A) Adult businesses located near family- or child-oriented uses;

(B) Unsafe, ugly, and socially undesirable development;

(C) Dangerous parking and traffic conditions;

(D) Hazards to pedestrians; and

(E) Environmental degradation.

(3) The above changes and concerns require that the Saipan Zoning Law be updated to:

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(A) Improve coordination with the One Start and other regulatory processes aimed at enhancing [r]egulatory efficiency;

(B) Adjust zoning districts, district boundaries, and development requirements to fit the desired future pattern, type and quality of land use; and

(C) Simplify and streamline the Saipan Zoning Law to fit the realities of Saipan's relatively small, rural, and uncomplicated social, physical and development environment, and the Zoning Board's limited administrative capabilities.

(b) The Delegation further finds that the purpose of this Zoning Law is to use the authority provided by the CNMI Zoning Code to:

(1) Promote the health, safety, welfare, and prosperity of the citizens of Saipan;

(2) Prevent the encroachment of incompatible land uses into residential areas, protect property against blight, preserve property values, and promote desirable living conditions, and stable neighborhoods;

(3) Help develop attractive and functional business and employment areas, and reserve suitable land for industry;

(4) Promote efficient and safe multi-modal transportation;

(5) Promote access to natural light, air, and views;

(6) Protect and preserve sensitive natural areas and vital natural resources, and avoid environmental degradation;

(7) Encourage retention of open space and recreation areas;

(8) Encourage protection of sites with historic and cultural value;

(9) Minimize flooding, soil erosion, and other hazards associated with development;

(10) Protect prime agricultural land;

(11) Encourage energy conservation and development of renewable energy sources;

(12) Reduce or eliminate public nuisances;

(13) Classify land uses, set out land use and overlay districts, establish procedures for the handling of certain land use matters, and provide requirements for land use activities, structures, buildings, and lots;

(14) Define and assign the powers and duties necessary to administer and enforce this Law;

(15) Issue permits in a timely manner and administer them fairly;

(16) Provide a consistent regulatory framework to development of Saipan lands;

(17) Encourage public involvement in land use issues; and

(18) Accomplish those additional purposes and intentions as articulated in the various sections of this Act and the Saipan Zoning Law of 2007.

(c) The Delegation further finds that the Zoning Board should address the following critical public health, safety, and welfare issues:

(1) Adult businesses;

(2) Auto shops and poker establishments in residential areas; and

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(3) Off-site signs, including billboards.

(d) The Delegation further finds that the Mayors of Saipan and the Northern Islands have been provided with the opportunity to comment on this legislation and have done so.

Section 3. Repealer. [10 CMC §§ 3511-3517](#) (“Saipan Zoning Law”) and [Saipan Local Law 15-22](#) are hereby repealed in their entirety.

Section 4. Saipan Zoning Law Act of 2007. Pursuant to [2 CMC § 7221\(c\)\(4\)](#), the Third Senatorial District delegation hereby enacts the Saipan Zoning Law of 2007, which was officially submitted to the chairman of the Third Senatorial District delegation on December 5, 2007, and is affixed hereto and incorporated by reference, into Division 3 of Title 10 of the Commonwealth Code as follows...

[Saipan Local Law 16-6](#), effective on December 5, 2008, contained the following pertinent sections in addition to severability and savings provisions:

Section 1. Short Title. This Act may be cited as the “Saipan Zoning Law of 2008.”

Section 2. Findings and Purpose. The Saipan and Northern Islands Legislative Delegation finds that the Saipan Zoning Law of 2007 took effect on February 1, 2008. The Zoning Office has received over 1,200 applications and requests for information and issued over 200 permits and other authorizations. The Zoning Office is seeing improvements in different areas as follows:

- (a) Adult businesses are moving into an adult business overlay zone;
- (b) Parking lots and road accesses are safer and more attractive;
- (c) New buildings are more attractive and pedestrian friendly;
- (d) Signs are more durable and interesting;
- (e) Commercial development like auto repair is being kept out of villages;
- (f) Wind energy systems will be made compatible with neighborhoods;
- (g) Neighborhoods, commercial and industrial development are being separated; and
- (h) Subdivisions are being designed with streets that are wide enough for cars to pass and with turnaround areas for emergency vehicles.

The Saipan and Northern Islands Legislative Delegation further finds that despite the many improvements in zoning, local businesses, zoning clients, other agencies, an[d] the Zoning Office have identified ways to improve the Saipan Zoning Law of 2007. The Zoning Office has submitted proposed amendments to the Saipan Zoning Law of 2007 in the form of Saipan Zoning Law 2008. These proposed amendments were developed in consultation with the public during two public hearings, two public education sessions, and through press releases, newspaper announcements and comments received from members of the public. Some of the key proposed amendments to the Saipan Zoning Law are as follows:

- (a) Revise sign standards and add exemptions and make them easier to use;

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- (b) Establish a cutoff date for removal of nonconforming banners and portable signs;
- (c) Add a procedure for lot line adjustments to streamline processing;
- (d) Increase the number of lots in a minor subdivision to simplify review and processing;
- (e) Add standards for fences and retaining walls;
- (f) Relax road standards and provide more flexibility to address individual circumstances;
- (g) Reduce minimum area, width, and yard standards for some residential developments;
- (h) Require that adult businesses in adult business overlay zones be separated by 500 feet;
- (i) Make it easier to approve microbreweries and home day care;
- (j) Formalize the authority of the Zoning Board to approve rezones; and
- (k) Make editorial and technical corrections.

Accordingly, the purpose of this legislation is to adopt the proposed amendments to the Saipan Zoning Law of 2007 by repealing [Saipan Local Laws 15-29](#) and 15-22 and enacting the new Saipan Zoning Law of 2008, which is incorporated and codified herein by reference.

Section 3. Repealer. [10 CMC § 3511-3517](#) (“Saipan Zoning Law”) as enacted by [Saipan Local Law 15-29](#) and [Saipan Local Law 15-22](#) are hereby repealed in their entirety.

Section 4. Saipan Zoning Act of 2008. Pursuant to [2 CMC § 7221\(c\)\(4\)](#), the Third Senatorial District delegation hereby enacts the Saipan Zoning Law of 2008, which was officially submitted to the chairman of the Third Senatorial District delegation on July 16, 2008, and is affixed hereto and incorporated by reference, into Article 1 of Chapter 5 of Division 3 of Title 10 of the Commonwealth Code as follows: ...

[Saipan Local Law 17-2](#) (enacted on June 17, 2010) contains specific amendments to Official Zoning Map of [SLL 16-6](#), dated December 5, 2008. As with earlier versions of Saipan zoning laws, the Commission opted not to codify the specific amendments. Please refer directly to [SLL 17-2](#) for changes to the zoning map sheets, “Allowable Uses in Zoning Districts” and zoning boundaries established by [SLL 16-6](#).

[Saipan Local Law 17-10](#) (enacted on July 12, 2011) amends Section 1209 (Public Nuisances) of the Saipan Zoning Law of 2008 ([SLL 16-6](#)). As with earlier versions of Saipan zoning laws, the Commission opted not to codify the specific amendments. Please refer directly to [SLL 17-10](#) for amendments.

[Saipan Local Law 17-12](#) (enacted on July 27, 2011) contains specific amendments to Official Zoning Map of [SLL 16-6](#) (Saipan Zoning Law of 2008), dated December 5, 2008. As with earlier versions of Saipan zoning laws, the Commission opted not to codify the specific amendments. Please refer directly to [SLL 17-12](#) for changes to the zoning map sheets, zoning districts and administrative variance (Section 1311(h)) enacted by the Saipan Zoning Law of 2008.

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[Saipan Local Law 18-4](#) (enacted July 15, 2013), contained, in addition to severability and savings clauses, the following:

Section 1. Short Title. This Act may be cited as the ***“Saipan Zoning Law of 2013.”***

Section 2. Findings and Purpose. The Saipan and Northern Islands Legislative Delegation (SNILD) finds that the Saipan Zoning Law of 2008 took effect on December 5, 2008. The Zoning Office is seeing improvements in different areas as follows:

- (a) Parking lots and road accesses are safer and more attractive;
- (b) New buildings with landscaping are more attractive and pedestrian friendly;
- (c) Signs are more durable and interesting;
- (d) Auto Shops or poker parlors are being kept out of villages;
- (e) Neighborhoods, commercial and industrial developments are being separated; and
- (f) Subdivisions are being designed with streets that are wide enough for cars to pass and with turnaround areas for emergency vehicles.

The SNILD further finds that despite the many improvements in zoning, the Zoning Board and Office, together with local businesses, zoning clients, and other agencies, have identified ways to improve the Saipan Zoning Law of 2008. The Zoning Office has submitted proposed amendments to the Saipan Zoning Law of 2008 in the form of the Saipan Zoning Law of 2013. These proposed amendments were developed in consultation with the public during eighteen (18) village meetings and public hearings, nine (9) public education sessions, and through press releases, newspaper announcements and comments received from members of the public. Some of the key amendments to the Saipan Zoning Law are as follows:

Single Family Residences will be allowed in most of the zoning districts. Light retail, such as small *“Mom and Pop”* grocery stores, bookstores, flower shops and daycares have been permitted in *Village Residential* districts or allowed as conditional uses. The Zoning Board believes that these changes more accurately reflect the nature of residential living on Saipan than the requirements of the Saipan Zoning Law of 2008 and encourage more walkable neighborhoods. Apartment buildings less than forty-eight (48) feet in height will be permitted in *Village Residential* areas, while apartment buildings over forty-eight (48) feet in height and professional offices will be allowed as conditional uses. Small aquaculture projects that meet certain requirements would also be permitted. In residential neighborhoods, fence heights have been raised to ten (10) feet to allow for greater security for residents, provided that the fence is made of appropriate materials that do not detract from the appearance of the neighborhood. Certain industrial uses, including manufacturing, warehousing, and junkyards, have been confined to *Industrial* and *Mixed Commercial* districts and removed as permitted uses in *Rural* areas. A new category of use *“Intensive Outdoor Amusement,”*

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which would include uses such as race tracks and carnivals previously included in category of *Outdoor Amusement* has been created as a conditional use in *Rural* areas. Proposed revisions to the law prohibit using containers as fencing but allow for use as permanent storage when properly screen from public view. Cargo containers may be transformed into residential structures provided that 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. Requirements for *Temporary Batch Plants* for concrete and asphalt necessary for construction projects are spelled out in detail. *Batch Plants* may not be within one hundred fifty (150) feet of a structure or use not associated with the construction project. If the temporary site is not within one hundred fifty (150) feet of a public use, the applicant may seek permission of all nearby persons with an interest in the surrounding properties to operate the *Temporary Batch Plant* within the setback area.

Accordingly, the purpose of this legislation is to adopt the proposed amendments to the Saipan Zoning Law of 2008 by enacting this Saipan Zoning Law of 2013, which is incorporated and codified herein by reference, and by repealing [Saipan Local Laws 16-6](#), 17-2, 17-10 and 17-12.

[Saipan Local Law 18-5](#) (enacted on Oct. 25, 2013) amended Articles 4, 6, and 12 of [SLL 18-4](#). It also contained severability and savings clause, and the following Short Title, Findings, and Purposes sections:

Section 1. Short Title. This Act shall be known as the “Saipan Adult Gambling Machine Business Zoning Law of 2013.”

Section 2. Findings. The Legislature finds that:

(a) Adult gambling machine businesses pose a risk to neighborhoods and their residents because such businesses are a target for robberies and other crimes;

(b) Gambling addiction is a problem that can cause severe financial and social problems for families on Saipan. The location of gambling machines in residential districts and near residential conveniences can increase the temptation to gamble and increase the likelihood that a person will gamble and develop an addiction;

(c) Adult gambling machine businesses in residential districts, or in districts adjacent to schools, churches, or public recreational areas, or within close proximity to such uses, may expose minors to such businesses and the activities associated with such businesses. This exposure may adversely affect minors due to their immaturity; and

(d) Special regulation of gambling businesses uses is necessary to ensure that such uses do not become permanent incompatible land uses and further, will not contribute to the blight or downgrading districts in which they are permitted, thereby adversely affecting property values and deterring or interfering with the development and operation of other businesses within the area.

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Section 3. Purposes. In order to provide our people with a healthy and safe social and business environment:

(a) It is the purpose of Saipan Adult Gambling Machine Business Zoning Law of 2013 (hereinafter “Law”) to regulate adult gambling machine businesses to promote the health, safety, morals, and general welfare of the citizens of the Commonwealth, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult businesses and, in particular, to separate adult businesses from family-oriented uses.

(b) It is the purpose of this Law to improve the quality of life of Commonwealth citizens and to provide for the socially and commercially acceptable location of adult gambling machine businesses.

(c) Based on the foregoing, the Legislature finds and declares that this Law is necessary and is a proper use of the legislative authority granted by Article II of the Commonwealth Constitution.

[Saipan Local Law 18-13](#) (enacted Jan. 23, 2014) contains specific amendments to the Official Zoning Map of [SLL 18-04](#) (Saipan Zoning Law of 2013), dated July 15, 2013. As with earlier versions of Saipan zoning laws, the Commission opted not to codify the specific amendments. Please refer directly to SLL 18-13 for amendments.

[Saipan Local Law 18-15](#) (enacted Apr. 4, 2014) contains specific amendments to the Official Zoning Map of [SLL 18-04](#) (Saipan Zoning Law of 2013), dated July 15, 2013. As with earlier versions of Saipan zoning laws, the Commission opted not to codify the specific amendments. Please refer directly to [SLL 18-15](#) for amendments.

[Saipan Local Law 18-20](#) (enacted Aug. 29, 2014) contained the following specific amendment to Section 404, Table 1 of the Saipan Zoning Law of 2013:

The use, “Funeral Homes” is to have a “c” for conditional use in the column for “Village Commercial.”

[Saipan Local Law 19-04](#) (enacted Apr. 29, 2015) amended Article 6, Section 612(b) of the Saipan Zoning Law of 2013. It also contained severability and savings clause, and the following Findings and Purposes section:

Section 1. Findings and Purpose. The Legislature finds that [Saipan Local Law 18-05](#) provided protection of family activities from the social ills of poker parlors by regulating the location of adult gambling machines. Poker parlors in the CNMI are almost always small, dimly lit rooms filled with foul smell rampant with criminal activities. [Public Law 18-56](#) established the gaming industry on Saipan mandating the exclusive gaming licensee to invest not less than \$2 billion in a 2,000 room integrated resort comprised of world class hotels, restaurants, shops and other amenities, to include a casino. The legislature also finds that casinos are not poker parlors in that they will be a part of a world class resort of the highest standard filled with family activities.

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It is the purpose of this law to continue to protect family activities and residential neighborhoods from the ill effects of adult gambling machines and poker parlors. It is also the purpose of this law to exempt the exclusive gaming licensee from the prohibition of [SLL 18-05](#) because gaming found in casinos do not carry the same concerns as those of adult gambling machines. Based on the foregoing, the Legislature finds and declares that this law is necessary and is proper use of the legislative authority granted by Article II of the Commonwealth Constitution.

[Saipan Local Law 19-04](#) (enacted Apr. 29, 2015) contains specific amendments to the Official Zoning Map of [SLL 18-04](#) (Saipan Zoning Law of 2013), dated July 15, 2013. Because these amendments were not codified, please refer directly to [SLL 19-04](#) for the text of those amendments.

[Saipan Local Law 19-21](#) (enacted Aug. 5, 2016) amended the Official Zoning Map of [SLL 18-04](#) (Saipan Zoning Law of 2013), dated July 15, 2013. It contained the following specific amendments to Sheet 17 of 29:

Lots 10 G 18; 010 G 15; 010 G 35; and 010 G 34 from Village Residential (VR) and Village Commercial (VC) to Public Resource (PR) zoning district.

[Saipan Local Law 19-25](#) (enacted Oct. 14, 2016) amended the Official Zoning Map of [SLL 18-04](#) (Saipan Zoning Law of 2013), dated July 15, 2013. It contained the following specific amendments to Sheet 05 of 29:

Lots 008 B 16, 008 B 22, 008 B 23, 008 B 24, 008 B 35, 008 B 48, 008 B 50 and Lot 001 B 42 shall be classified as “Tourist Resort” Zoning District.