

TITLE 2: NATURAL RESOURCES
DIVISION 7: BUILDING AND ZONING CODES

§ 7211. Purpose and Objectives.

(a) The Sixth Northern Marianas Legislature finds that there is a developing awareness of the need to promote a rational pattern of growth, to provide for competing land uses, to abate nuisances, and to manage all environmental resources of the Commonwealth as wisely as possible.

(b) Satisfaction of this need requires a legal system of land use guidance that is consistent with the aspirations and values of the people, helps them maintain a desirable lifestyle, produces appropriate types and levels of development for the Commonwealth, and preserves the environment for future generations. Land use controls must also be practical and responsive to changing circumstances.

(c) The scarcity and increasing value of land, concentration of ownership, and the problem of land alienation makes it difficult to obtain suitable home sites. The Commonwealth land use policy must, therefore, designate suitable and adequate lands for housing.

(d) The purposes of this chapter are to meet the needs identified in subsections (a) through (c) of this section, and to that end to establish and provide for a Commonwealth Zoning Board and professional staff to prepare for review and adoption by the legislature, and to administer, subsequent to enactment, a land use and zoning system that protects the interests of both present and future land owners and the general public.

Source: PL 6-32, § 1 (§ 7211).

Commission Comment: Executive Order 94-3, the “Second Reorganization Plan of 1994” (effective August 23, 1994), reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3, §§ 306(c), 401 and 402:

Section 306. Department of Lands and Natural Resources. [Section 306 VACATED by PL 10-57, § 4]

. . . .

(c) **Zoning Board.** The Zoning Board is abolished and, except as provided in Section 401(c) of this plan, its functions transferred to a Division of Zoning in the Department of Lands and Natural Resources, which shall have at its head a Director of Zoning. The Zoning Board of Rota, established by [Rota LL 8-2], is not affected by this subsection.

. . . .

Section 401. Development Appeals Board. [Section 401 VACATED by PL 11-47, § 2]

(a) There is hereby established a Development Appeals Board consisting of nine members, including five from Saipan, two from Rota, and two from Tinian. Not more than three of the members from Saipan, and not more than five members of the entire Board shall be associated with a single political party. Members of the Board shall be appointed by the Governor with the advice and consent of the Senate for terms of two years, except that of the members first appointed, five shall serve for one

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year and four shall serve for two years, as the Governor shall determine. The members of the Board shall be compensated at the rate established for board members of government corporations and councils by 1 CMC § 8247.

(b) Except as provided in subsection (c) of this Section, the Development Appeals Board shall hear appeals of adverse decisions of agencies and instrumentalities regarding permits and other approvals for private sector development.

(c) To the extent that changes in zone boundaries or changes of zones for individual parcels are decided by the Saipan Legislative Delegation by local law, the Board shall not hear any appeal from a decision or recommendation of the Division of Zoning on a request from any person regarding a change of zone or of zone boundary. Any function of the Zoning Board abolished by Section 306(c) of this plan relating to variances is transferred to the Development Appeals Board, and the five Saipan members of the Board shall sit as a Board of Zoning Appeals and shall hear and decide upon applications for variances from the Saipan Zoning Law as approved by [Saipan LL 8-7] and as may from time-to-time be amended.

(d) The Board may, subject to appropriations, hire employees under Civil Service procedures or contract for professional services to assist it in carrying out its duties. The Board may, by agreement, utilize the services of employees of other agencies of the government on a reimbursable or non-reimbursable basis.

(e) The Coastal Resources Appeals Board and the Building Safety Code Review Board are abolished and their functions transferred to the Development Appeals Board.

(f) The functions of the Governor regarding historic preservation appeals pursuant to 2 CMC § 4831(c) are transferred to the Development Appeals Board. Decisions of the Development Review Board relating to historic preservation, shall, in lieu of the procedure set forth in such section, be subject to judicial review as provided in subsection (h) of this section.

(g) The Development Appeals Board and that portion thereof designated as the Board of Zoning Appeals shall each meet as necessary to discharge its responsibilities without undue delay and not less frequently than once a month when there are matters pending consideration, except that by-laws may provide for hearings by panels consisting of less than the full membership of the Board (or of the Board of Zoning Appeals). At least one member of any such panel of the Development Appeals Board shall be from the senatorial district involved. All members of any such panel of the Board of Zoning Appeals shall be from Saipan.

(h) Decisions of the Development Appeals Board, including those of the Board of Zoning Appeals, shall be subject to judicial review pursuant to the provisions of 1 CMC § 9112, except that the court shall act upon such review within 60 days after the written record of the proceedings is made available to the court. **[Section 401 VACATED by PL 11-47, § 2]**

Section 402. Development Advisory Council.

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(a) There is hereby established a Development Advisory council consisting of nine members, including five from Saipan, two from Rota and two from Tinian, who shall be appointed by and serve at the pleasure of the Governor. The Council is allocated to the Department of Lands and Natural Resources for purposes of administration and coordination. The Council shall advise the governor, the head of any agency involved in the development process, the Development Appeals Board (including the Board of Zoning Appeals), the Zoning Board of Rota, the mayors, the Legislature, and the respective delegations regarding the effect of government policies and actions on private sector development in the Commonwealth. The Council may comment upon or intervene in any application for or hearing, appeal, or other proceeding concerning any permit or approval required for development.

(b) To the extent that the Zoning Advisory Council has not fully disbanded as required by 2 CMC § 7223(d), it is abolished and its records, property, facilities, equipment, and supplies transferred to the Development Advisory Council.

The full text of Executive Order 94-3 is set forth in the Commission comment to 1 CMC § 2001.