

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

§ 7221. Zoning Board: Creation, Responsibilities, Composition, Term, Compensation, Meetings, Appeals.

(a) *Creation.* There is established in the Commonwealth government a Zoning Board.

(b) *General Responsibilities.* The Zoning Board shall be responsible for the following:

(1) To educate the public about this chapter and the requirement for compliance. Such educational program shall be mandatory and shall be undertaken prior to submission of the zoning plan of the Zoning Board to the legislature.

(2) To administer and enforce this chapter.

(3) To hear and grant or deny applications for changes in land use district boundaries, uses or requirements, imposing such conditions as are deemed necessary to fulfill the purposes and policies of this chapter.

(4) To establish fees for processing of applications and for other procedures required or authorized by this chapter.

(5) To report annually on its activities to the legislature.

(6) To hire and supervise the activities of the zoning administrator.

(c) *Specific Responsibilities: Zoning Plan.* The Zoning Board shall be responsible for preparing the zoning plan for the Third Senatorial District in accordance with the guidelines provided in 2 CMC § 7231 and consistent with the policies and purposes of this chapter.

(1) *Public Participation.* In coordination with the Zoning Advisory Council, the Zoning Board shall hold open public hearings on the island of Saipan, in at least all major villages, to solicit public opinion on proposed land use districts, boundaries and regulations.

(2) *Zoning Advisory Council.* The Zoning Board shall give due consideration to the recommendations of the Zoning Advisory Council in the preparation of the zoning plan.

(3) *Coordination With MPLC.* To the greatest extent feasible, the Zoning Board shall coordinate its responsibility for obtaining public comment on proposed land uses, as per subsection (c)(1) of this section, with the public comment activities of the Marianas Public Land Corporation (MPLC), or its successor agency, as MPLC fulfills its responsibility to adopt a comprehensive land use plan for the public lands of the Commonwealth.

To the greatest extent feasible, the Zoning Board shall coordinate the zoning plan with the comprehensive land use plan for public lands adopted by MPLC.

(4) *Report to Legislature; Adoption of Zoning Plan.* Within eight months of the date all its members are confirmed by the appropriate legislative delegation, the Zoning Board shall submit its completed zoning plan to the legislature.

The legislative delegation of the affected senatorial district shall have 90 days from submission within which to approve or amend and approve the zoning plan, by a separate local law duly enacted. Failure of the legislative

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

delegation to act within this time shall be deemed as approval by the same legislative delegation.

(d) *Regulations.* The Zoning Board shall promulgate regulations to carry out the intent and purposes of this chapter and, at the same time, shall identify existing Commonwealth laws and regulations which conflict with the Saipan Zoning Law [10 CMC § 3511 et seq.]. Those conflicting laws and regulations shall be superseded by the Saipan Zoning Law in whole or parts as indicated in the repealer section of the Saipan Zoning Law. The Zoning Board shall adopt such regulations within 60 days of adoption of the zoning plan into law.

(e) *Composition; Qualifications.*

(1) The Zoning Board shall consist of seven persons appointed by the Governor, subject to the confirmation of the legislative delegation of the Third Senatorial District.

(2) The Governor shall make all such appointments within 30 days of June 27, 1989, or of a vacancy occurring on the Zoning Board. Upon failure of the Governor to make such appointments, the chairman of the appropriate legislative delegation shall appoint the remaining members of the Zoning Board. Appointments by the chairman shall be subject to confirmation by a majority vote of the delegation.

(3) The legislative delegation shall have 30 days from the date of being informed of an appointment by either the Governor or the chairman of the delegation to confirm or reject such appointment. Failure to act within this time shall be deemed an acceptance of the appointment.

(4) Each member of the Zoning Board shall be either of Northern Marianas descent, as defined in N.M.I. Const. art. XII, § 4, or shall be a United States citizen or national who has been domiciled in the Commonwealth for a minimum of five consecutive years prior to selection. Each member shall be qualified to vote in the Commonwealth and be at least 21 years of age. No more than two members of the Zoning Board may be employees or officers of the Commonwealth government.

(f) *Term; Limitation.* The terms of Zoning Board members shall commence upon confirmation of the appointment by the appropriate legislative delegation and shall run for two years. A Zoning Board member may serve a maximum of five two-year terms for a total of ten years, subject however to reappointment by the Governor and reconfirmation by the appropriate legislative delegation at the expiration of each two-year term.

(g) *Compensation.* The members of the Zoning Board shall be compensated at the rate established for board members of government corporations and councils by 1 CMC § 8247.

(h) *Vacancy.* Upon a vacancy on the Zoning Board caused by death, resignation, removal, or expiration of the term of office, the Governor shall appoint a replacement with the qualifications and in the manner prescribed in subsection (e) of this section.

(i) *Removal of a Member.* A Zoning Board member shall be removed by the Governor for conviction of a felony by a trial court, or for absence, in any 12-month period, from more than 50 percent of, or from three consecutive, duly

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

noticed, regular meetings of the Zoning Board, unless such absence is the result of a documented health problem. In addition, in matters pertaining to the Zoning Board, a member shall be removed for breach of fiduciary trust or for an intentional violation of conflict of interest prohibitions upon the vote of a majority of the other Zoning Board members.

(j) (1) *Quorum*. If a quorum does not exist due to a conflict of interest involving one or more of the Zoning Board members, then three members shall constitute a quorum.

(2) *Meetings*. The Zoning Board shall meet at least once a month or as necessary to discharge its responsibilities without undue delay. Either the chairman or any three members may call a meeting. Advance public notice in at least one newspaper of local circulation shall be provided for at least two weeks prior to a meeting. Meetings of the Zoning Board, except for those meetings dealing with termination, hiring, or discipline of the zoning administrator, shall be open to the public. The opportunity for public participation at meetings shall be provided. No decisions of the Zoning Board shall be made other than in a duly noticed public meeting. The Zoning Board shall adopt rules of procedure necessary for the conduct of its operations and meetings. A majority of the Zoning Board members is required to transact official business consistent with other applicable Commonwealth law.

(3) A written record of all meetings shall be kept and be available for public inspection. Such records shall include clear statements of how and why decisions were made. Copies of such records shall be available to the public upon payment of a reasonable copying cost.

(k) In the event that either the First or Second Senatorial District elects, pursuant to 2 CMC § 7212(b), to apply this zoning code to their respective senatorial district, an additional member for such district shall be added to the Zoning Board by appointment of the Governor, subject to confirmation by the appropriate senatorial district delegation as provided in subsection (e) of this section. All other provisions of this chapter regarding Zoning Board members shall apply to Zoning Board members of the First or Second Senatorial Districts.

(l) *Appeals*. An applicant may appeal a determination of the Zoning Board pursuant to the provisions of 1 CMC § 9112, except that the court shall act upon such appeals within 60 days of the written record of the relevant Zoning Board meeting being made available to the court.

Source: PL 6-32, § 1 (§ 7221); amended by PL 7-41, § 2, modified; PL 8-10, §§ 3, 4, 5; (f) amended by PL 17-70 § 3 (March 22, 2012), modified.

Commission Comment: With respect to the references to the “Zoning Board,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001; see also the comment to 2 CMC § 7211.