

CHAPTER 1

LAND USE PLANNING AND ZONING

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41 PC 1-101. Short title. This chapter is known and may be cited as the “Pohnpei Land Use Planning and Zoning Act of 1993.”

Source: S.L. No. 3L-54-94 §1, 1/7/94

41 PC 1-102. Purpose of chapter.

The purpose of this chapter is to encourage the most appropriate use of land, both public and private, to provide adequate open spaces about buildings for light and air, to prevent undue concentrations of population, to protect the health and welfare of Pohnpei residents, to promote responsible and balanced development, to preserve and enhance cultural and traditional values, to conserve and protect the natural environment, and to assure adequate provision for community facilities and requirements. To accomplish these goals, the chapter calls upon the cooperative efforts of all state agencies to develop an overall Pohnpei master land use plan for the state and a comprehensive set of zoning and land use laws.

Source: S.L. No. 3L-54-94 §2, 1/7/94

41 PC 1-103. Application of chapter.

This chapter shall apply to the use of lands in the state by any person who has use or dispositional rights accorded him by virtue of land ownership, leasehold, homestead, use permit, statutory authority or other instrument of control over the use or possession of land. All use of land must be consistent with this chapter. Uses that are not consistent shall be in violation of this chapter.

Source: S.L. No. 3L-54-94 §3, 1/7/94

41 PC 1-104. Local participation.

It is the sense of the Pohnpei Legislature that primary responsibility for zoning should rest with the local communities of this state, and that the local governments should play a vital role in the development of standards controlling the use of land within the separate local jurisdictions of this state. To this end, the State Commission established by §1-106 is authorized and directed to conduct its activities under this chapter in a manner which places primary emphasis on local participation. The State Commission shall train and assist local government officials and technicians in land planning and land use controls, and shall initiate a major review of the remaining contents of this chapter and activities of state agencies undertaken pursuant to this chapter to ensure compliance with the mandate of this section. No later than September 30, 2003 and following full consultation with the local governments, the State Commission shall submit a comprehensive proposal to the Legislature for a substantive revision of this chapter to realize fully the sense of this section.

Source: S.L. No. 3L-54-94 §4, 1/7/94; S.L. No. 4L-100-99 §1, 3/16/99; S.L. No. 4L-118-99 §1, 7/23/99; S.L. No. 5L-109-03 §1, 9/19/03

41 PC 1-105. Definitions.

As used in this chapter, unless the context clearly requires otherwise, the following definitions shall apply:

- (1) “Capital improvements” means public improvements that are financed either in whole or in part by public funds, and that require the use of land, either public or private.
- (2) “Commission” means the Pohnpei Land Use Planning and Zoning Commission created pursuant to 41 PC 1-106.
- (3) “Land” includes areas above and below the high watermark.
- (4) “Land use control law” means zoning, subdivision, building, housing, official map or other laws which control the use of land and improvements on the land.
- (5) “Local commission” means a local land use planning and zoning commission that may hereafter be established pursuant to revisions of this chapter.
- (6) “Master land use plan” or “master plan” means a general body of texts, maps, and descriptive material, that constitutes an overall plan for the development of land, physical resources, and facilities within the state.
- (7) “Nonconforming use” means a structure or use that is not permitted by laws and regulations currently in effect.
- (8) “Owner” includes lessees and homesteaders of real property.
- (9) “Person” means any individual, estate, firm, corporation, company, joint venture, association, partnership, trust, receiver, club, syndicate, cooperative association or other entity, including offices and agencies of a government.
- (10) “Structure” means any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner.
- (11) “Zoning act, law or ordinance” means a duly enacted land use control statute or ordinance that adopts a zoning plan or any amendments thereto.
- (12) “Zoning plan” means the proposal of the appropriate land use planning and zoning commission prepared in accordance with this chapter setting out a system of zoning as prescribed by this chapter for the land covered thereunder.

Source: S.L. No. 3L-54-94 §5, 1/7/94

41 PC 1-106. Land Use Planning and Zoning Commission.

(1) There is hereby established in and for the state of Pohnpei, the Pohnpei Land Use Planning and Zoning Commission which shall be composed of seven members appointed by the Governor with the advice and consent of the Legislature. Members shall serve for terms of three years. Initial terms shall be determined by the drawing of lots at the organizational meeting.

(2) Members may be removed for cause by the Governor or upon two-thirds vote of the remaining members of the Commission. Absence without justifiable cause from three or more meetings of the Commission in a one-year period shall be cause for removal. The Commission, in its rules of procedure, may provide for other specific grounds for removal by the Commission.

(3) Vacancies shall be filled in the manner of original appointments for the remainder of the unexpired terms.

(4) The Director of the Department of Land and Natural Resources and the Administrator of the Office of Transportation and Infrastructure shall serve as ex-officio members of the Commission without the right to vote.

(5) Meetings shall be called at least once a month and may be called by the Chairman or the Governor. A quorum of five appointed members shall be required for the Commission to transact business, and unless a greater number is required by this chapter, the assent of at least four members shall be required of all decisions requiring a vote. The Commission shall adopt its own rules of procedure for its organization and operation; PROVIDED that the rules shall provide for the annual election of a Chairman, shall provide for adequate public notice of all meetings, shall provide for public access to all meetings, and shall provide for a written account to be kept of all meetings, substantive acts, and decisions of the Commission.

(6) Members of the Commission shall be compensated at the rates established by the Government Officers' Salary Act, Title 9 Chapter 4, as amended or superseded, (9 PC 4-*), when actually performing functions of the Commission at the direction of the Chairman, except that those members who are employees of the Pohnpei Government and other cooperating entities shall instead be granted administrative leave from their regular duties while performing services for the Commission. Members shall receive travel expenses and per diem at standard Pohnpei Government rates when those amounts would be payable to Pohnpei Government employees in the same circumstances.

(7) The Governor shall provide administrative assistance to the Commission in the performance of its duties, which assistance shall include, but need not be limited to, office space, legal assistance, technical assistance, and clerical and administrative help. The Governor may attach the Commission to one or more executive agencies to facilitate assistance rendered to the Commission. The Commission may, to the extent its budget permits, hire its own staff and may seek assistance from any other source.

Source: S.L. No. 3L-54-94 §6, 1/7/94; S.L. No. 5L-14-00 §3-47, 10/1/00

41 PC 1-107. Powers and duties of the Commission.

The Commission established by 41 PC 1-106 shall have the following powers and duties:

- (1) The Commission shall prepare and recommend for enactment by the Legislature a proposed master land use plan, as prescribed in 41 PC 1-108, and shall prepare and recommend for enactment subsequent amendments thereto;
- (2) The Commission shall prepare and recommend for enactment by the Legislature such subsidiary plans and development programs as may be desirable for the implementation of the master plan;
- (3) The Commission shall prepare and recommend for enactment by the Legislature any zoning and land use control laws necessary and proper for implementation of the master plan, and shall prepare and recommend for enactment subsequent amendments thereto;
- (4) The Commission shall conduct a review of any matter submitted to it by a public officer or entity under 41 PC 1-116, and give its recommendation thereon within the time prescribed therein. The opinion of the Commission on questions of compliance with the master plan, zoning or land use control laws in force in the master plan area shall be binding, subject to appeal to the Pohnpei Supreme Court as provided in 41 PC 1-118. Other opinions of the Commission shall be advisory only. If recommendations of the Commission are not received in the time prescribed, its silence may not be interpreted as its objecting to the proposal or request embodied in the submission;
- (5) The Commission shall conduct an official review of this chapter, the entire master plan, and the zoning and land use control laws enacted hereunder at least once every two years, to determine whether revisions to any of the above are in order. The Commission shall formally advise the Legislature when reviews are complete and whether or not amendments are being proposed;
- (6) The Commission shall ensure compliance by all persons with this chapter and other statutes over which it is given legal, administrative or advisory responsibilities. The Commission shall have the authority with respect to the administration of its duties under this chapter to conduct investigations and hold hearings, and in connection therewith, to subpoena witnesses, records, books, documents, and other evidence;
- (7) The Commission shall submit a quarterly report of its activities and expenditures to the Governor and the Legislature within 15 days following the close of each quarter of the fiscal year; and
- (8) The Commission shall assume such other powers and duties as may be necessary for the Commission to carry out its responsibilities under this chapter.

Source: S.L. No. 3L-54-94 §7, 1/7/94

41 PC 1-108. Master plan: preparation, enactment, and amendment. A proposed master plan shall be prepared by the Commission in consultation with relevant agencies of the Pohnpei Government, with appropriate local governments, with local commissions (where

established), and with the general public. The Commission shall conduct public hearings on the master plan prior to its adoption by the Commission. Prominent public notice of such hearings shall be made at least 15 days prior to the date of the hearings. In the event the Commission shall alter the substance of a master plan following public hearing, the Commission shall provide public notice of the alteration and shall provide reasonable time commensurate to the alteration made for the public to comment thereon. After approval by the Commission, the proposed master plan shall be submitted simultaneously to the Legislature and the Governor. The master plan shall be enacted by statute; PROVIDED that prior to enactment, the Legislature shall conduct at least one public hearing thereon, either singularly or in conjunction with other related matters before the Legislature. The Legislature may accept the plan as presented or modify the plan in any respect; PROVIDED that final vote may not be taken on a substantively modified plan until 15 days or more following adoption of a committee report or floor motion which makes the amendment to the legislation that so modifies the plan. The Legislature may, prior to enactment, return the proposed master plan or any portion thereof to the Commission for further revision. The master plan, or any of its components, may be amended in the same manner and pursuant to the same required procedures prescribed for the enactment of the plan.

Source: S.L. No. 3L-54-94 §8, 1/7/94

41 PC 1-109. Scope and nature of the master plan.

The master plan shall be prepared in such manner that all or individual elements may be enacted. The master plan shall include a statement of goals, standards, principles, and social, economic, and cultural considerations sought to be expressed in the development plan of the state. The master plan shall take into account: topography; climate; soil and subsoil conditions; water courses and bodies of water; trends in the economy and demography of the master plan area; environmental needs; the customs, traditions, and standards of life of the people of the master plan area; and the relation of land use in the master plan to the overall development of the state.

Source: S.L. No. 3L-54-94 §9, 1/7/94

41 PC 1-110. Contents of the master plan. The master plan shall include the following elements:

(1) A land use element showing the distribution, location, and extent of existing and proposed uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, and other categories of public and private land use. The land use element shall include a statement of standards of population density and building intensity recommended for the area covered by the master plan;

(2) A transportation, circulation, and communication element showing the location, character, and extent of existing and proposed roads, terminals, shipping routes, airports, harbors, local transportation facilities, and major communication facilities;

(3) A conservation element providing for the conservation, development, utilization, and protection of natural resources, including forests, soils, rivers, streams, aquatic resources,

estuaries, tidal lands, fisheries, marine resources, wildlife, minerals, and other natural resources. The conservation element may also cover: reclamation of land and waters; permissible areas for dredging of sand and coral; flood control; prevention and control of pollution of streams and other waters; prevention, control, and correction of the erosion of soils, beaches, and shores; protection of coral and other marine growth; and protection of watersheds;

(4) A culture and tradition element showing the location of historical and present day areas and sites important to the preservation, reverence, and enhancement of cultural and traditional values of the peoples of this state;

(5) A recreation element showing the location and proposed development of recreation sites such as natural preserves, parks, both artificial and natural beaches, playgrounds, vistas, waterfalls, nature walks, and mangrove channels, and other areas of scenic importance;

(6) A tourist promotion element showing the location and proposed development of sites of particular importance to the development and enhancement of tourism, including hotel sites and areas for the location of secondary businesses such as restaurants, clubs, gift shops, car lease businesses, sporting goods rental establishments, and dive shops, as well as tour companies, museums, botanical gardens, living village demonstration areas, cultural centers, guest information centers, marinas, golf courses, and other sports facilities, limited access roadways, local access to areas developed for tourism, and natural ecological buffer zones;

(7) A public services and utilities element showing general locations for sewage, refuse disposal, drainage, local utilities, water supply sources, electrical power sources, and rights-of-way, easements, and facilities for them;

(8) A community design element consisting of standards and principles governing the subdivision of land, and showing recommended designs for community and neighborhood development, including schools, parks, and playgrounds;

(9) A tourism design element consisting of standards and principles governing the spacing and construction of tourist-related facilities, and showing recommended designs and architectural themes for tourist-related facilities for the purpose of promoting an image of Pohnpei and the particular locality where the facilities are situated that is consistent with the overall tourism objectives of the state and the unique attributes of the locality where the facilities are situated;

(10) A housing element consisting of standards and plans for the improvement of single and multiple unit housing and for the provision of adequate sites for housing that reflect the community standards and cultural patterns of the peoples of this state. The housing element may further provide standards and plans for the lodging of out-of-state persons and families residing in Pohnpei for extended periods of time;

(11) A safety element for the protection of the community from fire, rain, wind, floods, marine disturbances, such as tidal waves and unusual tides, and earthquake damage, including such features as shelter areas, peak-load water supply requirements, minimum road widths, clearances around structures, and optimum dwelling design; and

(12) Any additional elements dealing with other subjects relating to the physical development of the state.

Source: S.L. No. 3L-54-94 §10, 1/7/94

41 PC 1-111. Zoning and land use control laws: nature and scope. The Legislature shall enact zoning and land use control laws for the implementation of the master plan. Zoning laws shall divide the master plan area, or portions thereof as circumstances dictate, into zones as provided in 41 PC 1-112. Such laws shall be made to achieve the arrangement of land uses depicted in the master plan; to loosen congestion; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to preserve and enhance cultural and traditional values; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, and parks; to provide for adequate parking; to protect real property value; and to safeguard and enhance the appearance of the master plan area. Such laws shall be made with reasonable regard for, among other things, the character of each zone and its particular suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the master plan area. Such laws shall further be made with reasonable regard for the expansion and development of communities within the master plan area, so as to provide for the orderly growth and development of such communities.

Source: S.L. No. 3L-54-94 §11, 1/7/94

41 PC 1-112. Enactment of zoning laws prepared by the Commission.

The Commission shall prepare and recommend for enactment by the Legislature a comprehensive zoning law or laws for the master plan area or any specific portion thereof, and may from time to time, may prepare and recommend amendments and revisions thereto. The zoning law shall conform to and shall implement the master plan adopted by the Legislature. It shall include maps delineating zone boundaries. The proposed zoning law shall be submitted simultaneously to the Legislature and the Governor. The Legislature shall conduct at least one public hearing within each local jurisdiction of the zone so affected by the legislation. Each hearing shall be preceded by public announcement on the public radio station at least once a day for ten days prior to the date of the hearing. The announcement shall contain information relating to the time and place of the hearing, the purpose thereof, and where copies of the proposed legislation may be obtained within the local jurisdiction or jurisdictions affected by the legislation. The Legislature may thereafter enact the zoning law in the form submitted by the Commission, amend it, reject it or return it to the Commission for further revision. In the event the Legislature substantially amends the legislation following a hearing as required by this section, it shall not take final action thereon for a period of ten days or more following adoption of a committee report or a floor motion which makes the amendment to the legislation that so modifies the plan unless the Legislature by majority vote of two-thirds of its members, without regard to vacancies, determines that sooner action is necessary in the interest of the welfare of the people of the state.

Source: S.L. No. 3L-54-94 §12, 1/7/94

41 PC 1-113. Consideration of zoning legislation not submitted by the Commission.

The Legislature may consider zoning legislation or proposed amendments to zoning laws not submitted by the Commission at any time; PROVIDED, HOWEVER, that in addition to the hearing requirements specified in 41 PC 1-112, the Legislature shall submit a copy of the legislation as introduced to the Commission for its comments and shall grant the Commission at least 15 days to prepare and send its comments to the Legislature prior to taking final action thereon.

Source: S.L. No. 3L-54-94 §13, 1/7/94

41 PC 1-114. Land use zones. No land shall be used contrary to zoning laws enacted pursuant to this section. The following classifications are hereby adopted as use zones and no other classification shall be adopted by the Legislature or by any local government as may be authorized by revision to this chapter. The use zones are defined as follows:

- (1) Residential-1 (R-1): Single family residential – low density;
- (2) Residential-2 (R-2): Single family residential – medium density;
- (3) Residential-3 (R-3): Multi-family residential;
- (4) Residential-commercial (RC): Mixed residential and commercial-office;
- (5) Commercial (C): Commercial-office with restriction on the size of warehouses;
- (6) Resort Center (RC): Visitors’ facilities;
- (7) Transportation Zone (T2): Transportation facilities as prescribed by Title 32 Chapter 2, as amended, (32 PC 2-*);
- (8) Industrial-1 (I-1): Industrial, including warehousing and limited commercial;
- (9) Industrial-2 (I-2): Intensive industrial uses, e.g. slaughterhouses, fish canneries, sewage treatment plants, and electrical production plants;
- (10) Public (P): Public and general access facilities;
- (11) Village (V): Low-density areas of limited size with multiple land uses;
- (12) Agricultural (A): All types of agricultural uses, except those as may be considered as intensive industry (I-2);
- (13) Conservation (CON): Public open spaces and recreational areas, wilderness and tidal areas, marine and aquatic preserves, land reserved for control of flooding and soil erosion, and other uses not detrimental to a multiple use conservation concept;
- (14) Watershed Forest Reserves (WFS): Areas prescribed by 26 PC 4-105;

(15) Important Watershed Areas (IWA); Areas prescribed by 26 PC 4-106;

(16) Mangrove Forests (MF): Areas prescribed by 26 PC 4-107;

(17) Historic Preservation (HP): Sites of historical, archaeological, and cultural interest;

(18) Planned Development (PD): Relatively large residential, commercial, and other uses planned as integrated developments;

(19) Floating Zone (FZ): Future nonconforming uses in the public interest and consistent with the purposes of the overall master plan: e.g. to allow an electrical substation in a residential area; and

(20) Impact Zone (IZ): Present permissible uses as prescribed in the foregoing subsections of this section, established after consultation with the national government, of such areas of the Palikir Valley Urbanization Impact Zone created pursuant to 42 PC 10-101 not transferred to the national government.

Source: S.L. No. 3L-54-94 §14, 1/7/94

Note: Letters "ON" have been added to "C" in Subsection (13) to distinguish this designation from that used in Subsection (5).

41 PC 1-115. Nonconforming uses.

Any zoning law or amendment thereto enacted pursuant to this chapter shall not apply to buildings or structures existing on the effective date of such legislation, nor to the existing use of any building, structure or land to the extent to which it is used on the effective date of such legislation; PROVIDED that the zoning law shall apply to any change of use of a structure or land, to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, to any erection of any building or structure and to any alteration of a building or structure to provide for its use of a different purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent; PROVIDED FURTHER that the Legislature may enact such laws as are necessary and proper to eliminate a nonconforming use more rapidly than normal attrition and compensate the owner of the use.

Source: S.L. No. 3L-54-94 §15, 1/7/94

41 PC 1-116. Matters requiring mandatory review by the Commission.

(1) State capital improvement program-planning and budgeting. The Governor shall submit the state capital improvement program and the annual budget request for capital improvement projects in the master plan areas to the Commission for its review and recommendation at appropriate times in the budget and planning cycles as to allow for meaningful review and comment by the Commission.

(2) Other capital improvement projects. No governmental or quasi-governmental entity may commence a capital improvement project within the state having a value of \$10,000 or more without first submitting its plans therefor to the Commission for its review and comment.

(3) Matters affecting master plans and zoning and land use control laws. Any proposed administrative action or administrative submission to the Legislature for enactment into law which would significantly affect the master plans, zoning or land use control laws of the state shall first be submitted to the Commission for its review and comment prior to its promulgation into administrative action or its submission to the Legislature. The Legislature and its appropriate committees shall endeavor to ensure that all such legislation brought before it from any source which would significantly affect the master plans, zoning or land use control laws of the state shall be presented to the Commission for its review and comment prior to taking final action thereon.

(4) Procedure for review. In all cases where review by the Commission is mandatory under this section, the appropriate government official shall submit the matter to the Commission, together with a request in writing for a review and recommendation. The Commission shall then consider the matter and shall report its written recommendations to the official, the Governor, and the Legislature within 15 days following the receipt of the request, unless the Commission, for good cause, shall inform the parties so stated, in writing, that a longer time is needed, but not more than 30 additional days; PROVIDED that if the request is submitted by the Legislature or a committee thereof while the Legislature is in session or in anticipation thereof, the Commission shall submit its recommendations in the form and within the time so requested by the Legislature or its committee.

Source: S.L. No. 3L-54-94 §16, 1/7/94

41 PC 1-117. Compliance.

No land, way, ground, open space, water resource, tidal area, wetland, marine area, air space or any building, structure or contract right shall be acquired, developed, improved, constructed, used, leased or disposed of unless in conformity with the master plan and respective zoning and land use control laws pertaining to the master plan area.

Source: S.L. No. 3L-54-94 §17, 1/7/94

41 PC 1-118. Appeals.

(1) The Commission shall hear and decide appeals from any order, requirement, decision or determination made by an administrative official charged with enforcement of any provision of the master plan or the zoning or land use control laws of the state. An appeal must be filed with the Commission in writing within 30 days of the effective date of the decision of the enforcing official. The Commission shall meet upon notice of the Chairman within 15 days of the filing of an appeal or at stated periodic intervals if warranted by the volume of work. All hearings shall be public and the appellant, his representative, the relevant official and any other person whose interest may be affected by the matter on appeal shall be given an opportunity to give oral testimony.

(2) The Commission shall affirm, modify or reverse the decision of the enforcing official by a majority vote of its total membership, without regard to vacancies. Every decision shall be in writing and a certified copy shall be furnished without charge to the appellant and to the enforcing official. The enforcing official shall take immediate action to conform to the decision of the Commission.

(3) Any person aggrieved by the decision of the Commission on matters relating to an appeal may apply to the Pohnpei Supreme Court for review.

(4) This section shall supersede and control any conflicting provisions of law regarding administrative procedure, insofar as such conflict exists.

Source: S.L. No. 3L-54-94 §18, 1/7/94

41 PC 1-119. Civil and criminal enforcement penalties and remedies.

(1) The Commission, the Attorney General or any aggrieved person may bring suit for an injunction or any other appropriate civil remedy against any person or agency that violates this chapter, or any master plan, zoning law, land use control law or zoning or land use regulation enacted or promulgated pursuant to this chapter.

(2) Any person who willfully and knowingly violates a zoning or land use control law or regulation promulgated pursuant thereto enacted pursuant to this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500, or imprisoned for not more than one month, or both such fine and imprisonment, for each day the violation continues.

Source: S.L. No. 3L-54-94 §19, 1/7/94

41 PC 1-120. Authorization for appropriation; administration.

(1) There is hereby authorized for appropriation from the general fund of Pohnpei a sum or sums to be determined annually in the Comprehensive Budget Act for the purpose of financing the activities of the Commission and other purposes consistent with the administration of this chapter.

(2) The sums authorized for appropriation by this section shall be administered and expended by the Chairman of the Commission solely for the purposes specified in Subsection (1) of this section.

(3) Any balance of the sums appropriated under the authorization of this section for a fiscal year remaining unexpended or unobligated for expenditure at the close of that fiscal year shall revert to the general fund of Pohnpei.

(4) The Commission shall be eligible to receive grants and assistance from such other sources as may from time to time become available.

(5) The Chairman of the Commission shall report to the Legislature on or before October 15 each year on all financial activities of the Commission for the previous year.

Source: S.L. No. 3L-54-94 §20, 1/7/94

41 PC 1-121. Administrative authority.

(1) The Commission is empowered with the authority to adopt such regulations in accordance with the Administrative Procedures Act, Title 8 Chapter 1, as amended or superseded, (8 PC 1-*), as are necessary and proper to carry out the purposes and provisions of this chapter. Such regulations shall have the force and effect of law.

(2) The Commission may, as incidences of its investigatory authority, adopt procedures for the conduct of hearings by the Commission, the summoning of witnesses to testify under oath at the hearings, the taking of depositions, and the compelling of the submission of records and other forms of documentary evidence.

Source: S.L. No. 3L-54-94 §21, 1/7/94

41 PC 1-122. Standards for interpretation; spot zoning impermissible.

The standards for interpretation to be used by the Commission, local commissions where established pursuant to this chapter, and the courts in the application, administration, and adjudication of this chapter, and any statutes and local ordinances, rules, regulations, and administrative actions adopted or undertaken pursuant to this chapter, shall be consistent with the Pohnpei Constitution, the purpose of this chapter as prescribed in 41 PC 1-102 and where appropriate 41 PC 1-111, having due regard to the customs and traditions of this state. Any attempt at spot zoning or the process of singling out a small parcel of land for a use classification substantially different from that of the surrounding area, for the benefit of the owners of such property and to the detriment of other owners, is hereby declared to be inconsistent with the purpose of this chapter and the constitutional foundation on which it is premised, and is therefore not permissible.

Source: S.L. No. 3L-54-94 §22, 1/7/94

Notes: 1. S.L. No. 3L-54-94 §23 repealed D.L. No. 3L-92-74 as amended. 2. S.L. No. 3L-54-94 §24 severability provision has been omitted.