

# Article 11. Land Development and Subdivision

## Section 1101 Purpose and Applicability

The purpose of this article is to provide for orderly growth and harmonious development on the island of Saipan, to provide minimum standards for the design, development, and improvement of all new subdivisions of land, and to ensure that adequate public facilities can be provided to promote the public health, safety and general welfare of the citizens of Saipan.

The requirements of this section are not applicable to divisions made by testamentary provisions or the laws of descent provided that this exemption shall not be construed to permit *inter vivos* transfers, and provided further, that any structure or use on the property shall comply with all other applicable regulations. In cases where the subdivision provisions do not apply, the subdivision of property must include only easements to provide vehicular access, water lines, sanitary sewers, storm water drainage, power lines, and other utilities as required by the DPW and/or the CUC. Where feasible, a utility easement may be included in the road ROW.

## Section 1102 ~~Inspection and Access~~ Application procedures

(a) All final subdivision development plans and plats shall contain a signed statement granting the Administrator and staff right of reasonable access to view, enter, and inspect the property, uses, or buildings thereon both during construction and after completion to determine compliance with this Law.

~~(b) All subdivision plats shall be submitted to the Administrator by the owner or other person having an interest in the land being proposed to be subdivided, or by an authorized agent. Each subdivision plat shall bear the signature (s) of all rightful landowners.~~

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## Section 1103 Minor Subdivisions

(a) **Applicability.** All minor subdivisions, as defined in Article 1, shall meet the requirements of this Section and this Law.

### (b) Pre-application Conference

- (1) A pre-application conference shall be held with the Administrator or his/her staff regarding a proposed minor subdivision. This conference is to assist the subdivider in understanding the requirements for the minor subdivision.
- (2) Following the conference, the Administrator or his/her staff shall provide a report to the subdivider summarizing the results of the conference and any understandings arrived at during the conference.
- (3) A copy of the report shall be retained in the permanent files of the Administrator as a public record. Following this conference, the subdivider may proceed to prepare the final plat of the subdivision.

### (c) Final Plat Requirements

- (1) A proposed final plat for a minor subdivision shall be prepared by a land surveyor licensed to practice in the CNMI.
- (2) A final plat shall be clearly and legibly drawn on such media, sheet size and, format and with such information as are required by the official final plat application form provided by the Administrator and approved by the DLRS.

### (d) Decision to Approve or Deny

- (1) Within 7 days of a complete filing, the Administrator shall transmit the application to DLRS for review. Upon receipt of the response, the Administrator shall within 14 days (2 weeks) by written decision approve, deny, or approve with conditions the minor subdivision plat.
- (2) Within 14 days (2 weeks) of approval, the Administrator shall submit the final

plat for clearance to DLRS. After clearance, the applicant shall file the plat with the Commonwealth Recorder’s Office.

- (3) Within 7 days (1 week) of recording, the applicant shall give a copy of the recorded plat to the Zoning Administrator and give the original survey map, plat and subdivision map to DLRS which shall retain permanent custody.
- (e) **Improvement Agreement.** A subdivider improvement agreement and guarantee shall be filed with the final plat based on the required forms provided by the Administrator. The agreement may require assurance of completion to ensure that all required improvements are completely installed by the developer at no cost to the CNMI.
- (f) **Forms of Plat Certification.** The standard forms of final plat certification shall be included with or on the face of the final plat indicating those items as specified by the official application form for a final plat provided by the Administrator.
- (g) **Minimum Time Requirement for Successive Platting Of Minor Subdivisions.** A minor subdivision shall not be approved for any lot or parcel of land that has already been granted an approved minor subdivision. Any further division of property that has been previously granted minor subdivision approval will be considered a major subdivision and shall meet all applicable requirements for major subdivision approval.

**Section 1104 Major Subdivisions**

- (a) **Applicability.** All major subdivisions, as defined in Article 1, shall meet the requirements of this Section and this Law.
- (b) **Pre-Application Conference**
  - (1) A conference shall be held with the Administrator or his/her staff regarding a proposed subdivision. This conference is to help the subdivider plan for a development. During the course of the conference, an understanding may be reached about how the subdivider may design the subdivision.
  - (2) Following the conference, a letter shall be written to the subdivider summarizing the results of the conference and any understandings arrived at during the conference.
  - (3) A copy of this letter shall be retained in the permanent files of the Administrator as a public record.
- (c) **Sketch Plan Preparation.** A sketch plan may be submitted to the Administrator. The Administrator shall review the sketch plan relative to the general requirements of this Law and provide written comments to the applicant. The sketch plan shall:
  - (1) Show a clear representation of the area in which the proposed project is located;
  - (2) Be drawn to a scale acceptable to the Administrator;
  - (3) Show an area extending at least 200 m in each direction beyond the boundaries of the proposed subdivision; and
  - (4) Indicate, at a minimum, the information requested on the official sketch plan application form provided by the Administrator.
- (d) **Preliminary Plat**
  - (1) **Application Requirements**
    - (A) A preliminary plat shall be filed containing all information required by this Law and any additional information required on the application form provided by the Administrator.
    - (B) Preliminary plats shall meet the following minimum requirements:
      - (i) Show the location and boundaries of the proposed subdivision, including a traverse of the monumented perimeter of the proposed subdivision prepared by a land surveyor licensed to work in the Commonwealth of the Northern Mariana Islands.
      - (ii) Show at least 2 survey ties into the Commonwealth land survey system

or other established permanent marker as acceptable to the Administrator. Said boundary shall also identify the survey monuments

proposed to be used for survey control during subdivision construction.  
(iii) Show elevations marked on contour lines and/or spot elevations based on the Commonwealth accepted mean sea level vertical datum for Saipan. If the error in the latitude and the departure of closure of the survey, or any part thereof, is greater than the ratio of one in 3,000, the plat may be rejected.

(iv) Meet the requirements of DLRS.  
(v) Use the correct street names.

(C) All contiguous property shall be under the control of the subdivider or leaseholder, even though only a portion is being subdivided. Except, contiguous parcels of land owned or leased by more than one property owner or lessee may be subdivided and included as one subdivision plat provided that all landowners and lessees join in any land dedication and sign all signature blocks of the preliminary and final subdivision plat.

(2) **Decision to Approve or Deny**

- (A) Within 7 days of a filing, the Administrator shall transmit the preliminary application to DLRS for review.
- (B) The Administrator shall review and report to the Board on the preliminary plat's compliance with this Law and the requirements of DLRS.
- (C) The Board shall approve or reject the preliminary plat within 45 days after its receipt for review.
- (D) Based on the Board's decision, the Administrator may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made before submission of the final plat.
- (E) Approval of the preliminary plat is required before the final plat may be submitted.

(3) **Expiration of Preliminary Plat**

- (A) An approved preliminary plat shall only be valid for a period of one year following its approval date.
- (B) If the final plat covers only a portion of the land within a preliminary plat and active progress is being made on the remainder of the subdivision, such approval of the preliminary plat shall be automatically renewed for an additional period of one year following the date of approval of each subsequent final plat. Except, automatic renewal shall not apply if the Administrator notifies the subdivider in writing to the contrary for reasons of negligence, nonconformance with the provisions of this Law, or failure to diligently pursue the completion of the plat or the installation of utilities or facilities.

(e) **Final Plat**

(1) **Final Plat Submittal Requirements**

- (A) A final plat for all subdivisions shall be prepared by a land surveyor licensed to practice in the Commonwealth of the Northern Mariana Islands.
- (B) A final plat shall be clearly and legibly drawn on such media, sheet size and format, and with such information as are required by the official final plat application form provided by the Administrator and approved by DLRS.
- (C) The final plat shall meet all the requirements of this Law.
- (D) The final plat shall meet the conditions of the approved preliminary plat. It

1 shall contain all of the information required thereon and as specified by the  
 2 official application form for a preliminary plat provided by the  
 3 Administrator.

- 4 (E) A subdivider improvement agreement and guarantee shall be filed with the  
 5 final plat based on the required forms provided by the Administrator. The  
 6 agreement may require assurance of completion to ensure that all required  
 7 improvements are completely installed by the developer at no cost to the  
 8 CNMI.

9 (2) **Final Plat Decision to Approve or Deny**

- 10 (A) Within 5 days of a complete filing, the Administrator shall transmit the  
 11 application to DLRS for review. Upon receipt of the response, the  
 12 Administrator shall forward a recommendation to the Board.  
 13 (B) The Board has final authority to approve or deny a subdivision plat.  
 14 (C) Final plat review, and approval or denial, shall be completed within 30  
 15 days after receipt of the Administrator's recommendation. Any denials  
 16 must be based on the final plat not meeting specified requirements of this  
 17 Law and of DLRS.  
 18 (D) All approvals and denials of final plats must be stated in writing. Final plat  
 19 denials must state the reasons for denial.  
 20 (E) Acceptance of the final plat by the Board shall constitute final approval.  
 21 (F) Within 14 days (2 weeks) of approval, the Administrator shall submit the  
 22 final plat for clearance to DLRS. After clearance, the applicant shall file  
 23 the plat with the Commonwealth Recorder's Office.  
 24 (G) Within 7 days (1 week) of recording, the applicant shall give a copy of the  
 25 recorded plat to the Zoning Administrator and give the original survey  
 26 map, plat and subdivision map to DLRS which shall retain permanent  
 27 custody.

28 (f) **Installation of Improvements**

- 29 (1) **Subdivider Responsibility.** Regardless of contracts, agreements or inspections  
 30 performed, the subdivider shall be responsible for the installation of  
 31 improvements in accordance with the applicable requirements and at the  
 32 subdivider's expense without reimbursement by the CNMI.  
 33 (2) **Temporary Improvements.** The subdivider shall install and pay all costs of  
 34 required temporary improvements. Prior to construction of temporary facilities,  
 35 the subdivider shall file with the Administrator a separate suitable performance  
 36 guarantee for each temporary facility. The performance guarantee shall ensure  
 37 that the temporary facilities are properly constructed, maintained, and  
 38 ultimately removed.

39 (g) **Performance Guarantee**

- 40 (1) For private developments, a performance guarantee shall be provided in a form  
 41 acceptable to the Attorney General.  
 42 (2) The Administrator, in association with the appropriate agency responsible for  
 43 the improvement, shall act as the agent in all matters relating to the  
 44 performance guarantee.  
 45 (3) The Administrator may also require restrictive covenants as an additional  
 46 performance guarantee where the performance guarantee is deemed inadequate  
 47 to protect the public interest.  
 48 (4) The amount of the performance guarantee should be equal to 130% of the  
 49 estimated cost of construction of the improvements. The amount of the  
 50 performance guarantee shall include the cost by the CNMI of administering the  
 51 completion of the improvements in the event that the subdivider defaults on

1 completing the improvements.  
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4 (5) Delinquency

- 5 (A) The Administrator shall give notice of delinquency to the subdivider or  
 6 surety if:  
 7 (i) A subdivider fails to perform the work with sufficient workmen and  
 8 equipment or with sufficient materials to ensure the completion of said  
 9 work within the specified time;  
 10 (ii) A subdivider performs the work unsuitably as determined by the  
 11 Administrator or the agency responsible for the improvement; or  
 12 (iii) A subdivider discontinues the execution of such work.  
 13 (B) If substantial activity has not commenced within 28 days (4 weeks) from  
 14 the date of the delinquency notice, the Administrator shall call on the  
 15 performance guarantee to have the work completed in accordance with the  
 16 terms of the performance guarantee.

17 (6) **Release of Guarantee.** The Administrator shall only release the performance  
 18 guarantee after:

- 19 (A) All required improvements have been completed;  
 20 (B) The agency responsible for owning and maintaining any publicly-owned  
 21 improvements has formally accepted the improvements in writing; and  
 22 (C) A 3 year maintenance guarantee for any privately owned improvements has  
 23 been submitted to the Administrator.

24 (h) **Maintenance of Privately-Owned Improvements**

- 25 (1) All maintenance failures that occur within the 3 year maintenance guarantee  
 26 period shall be corrected by the subdivider and restored to satisfactory working  
 27 condition, subject to the approval of the particular agency having jurisdiction.  
 28 (2) The Administrator shall give notice of delinquency to the subdivider or surety  
 29 if:  
 30 (A) A subdivider fails to perform the work with sufficient workmen and  
 31 equipment or with sufficient materials to ensure the completion of said  
 32 work within the specified time;  
 33 (B) A subdivider performs the work unsuitably as determined by the  
 34 Administrator or the agency responsible for the improvement; or  
 35 (C) A subdivider discontinues the execution of such work.  
 36 (3) If substantial activity has not commenced within 28 days (4 weeks) from the  
 37 date of the delinquency notice, the Administrator shall call on the performance  
 38 guarantee to have the work completed in accordance with the terms of the  
 39 performance guarantee.

40 **Section 1105 Other Requirements Related To Subdivisions**

- 41 (a) **Sale or Lease of Land in Subdivisions.** No owner or agent of the owner of any land  
 42 located within a subdivision created after the effective date of this Law shall transfer, sell  
 43 or lease, or agree to sell or lease any land by reference to, exhibition of, or by the use of a  
 44 plan or plat of subdivision before such plan or plat has been approved and recorded in the  
 45 manner prescribed in this Article. The description of such lot or parcel by metes and  
 46 bounds in the instrument of transfer or other documents used in the process of selling or  
 47 transferring shall not exempt the transaction from the provisions of this Article. However,  
 48 this Article shall not apply to condominium and townhouse projects that have received  
 49 preliminary plat approval in accordance with the requirements of this Law.  
 50 (b) **Building or Occupancy Permits.** The Building Safety Official of the DPW shall not issue

1 a Building Permit or Occupancy Permit for any structure on a lot in a subdivision for  
 2 which a final plat has not been approved and recorded in a manner prescribed by this Law.  
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4 (c) **Acceptance of Land Dedication and Maintenance**

5 (1) The Administrator in association with the agency responsible for the dedication  
 6 shall have the exclusive right to either accept or reject the dedication of any  
 7 land as public land prior to final platting. Any acceptance also depends on the  
 8 acceptability of the land dedication and maintenance to the Commonwealth  
 9 agency that will ultimately be the maintenance provider. Any acceptance or  
 10 rejection of any dedication of land shall be in a legal form acceptable to the  
 11 Attorney General.

12 (2) The approval of a subdivision shall not constitute the acceptance by the  
 13 Commonwealth of the Mariana Islands for the maintenance of roads and/or  
 14 streets or public sites shown as dedicated on the plat. The acceptance of  
 15 maintenance shall be by specific action of the Administrator, or its designated  
 16 officials, upon their completion in accordance with required subdivision  
 17 improvement agreements and the requirements of this Article.

18 (d) **Condominium Subdivisions with Attached Dwelling Units.** Both a preliminary and final  
 19 plats are required to be filed for condominium subdivisions involving attached dwelling  
 20 units. Preliminary and final plats shall describe both vertical and horizontal property  
 21 boundaries as well as common open space areas. Said plats shall be accompanied by  
 22 specific reference to any additional documents such as condominium declarations, deed  
 23 restrictions and protective covenants, leases, easements, homeowners' association  
 24 documents including by-laws, and maintenance documents.

25 (e) **Plat Abandonment**

26 (1) The abandonment of a right-of-way, easement, lot line, or any element  
 27 established by a recorded plat may be obtained if it is applied for and receives  
 28 approval by the Administrator and DPW, and if it meets all of the criteria below  
 29 if applicable:

30 (2) The abandonment is approved by adjacent property owners.

31 (3) The abandonment is for the public and private good as determined by the  
 32 Administrator and DPW.

33 (4) The abandonment combines properties under the same ownership, or leasehold,  
 34 into one parcel.

35 (5) The abandonment provides for property development without structures  
 36 overlying property lines.

37 **Section 1106 Lot Line Adjustment**

38 (a) The Zoning Administrator may approve a lot line adjustment, with or without conditions, if  
 39 all requirements of this Section are met.

40 (b) A lot line adjustment shall follow the same application review and approval procedure as a  
 41 minor subdivision.

42 (c) A lot line adjustment shall not create more parcels than originally existed.

43 (d) The parcels resulting from a lot line adjustment and development on those parcels shall  
 44 conform to applicable requirements of this Law.

45 (e) A lot line adjustment shall not result in existing conforming development becoming  
 46 nonconforming.

47 (f) A lot line adjustment shall not create more nonconforming parcels than existed before  
 48 adjustment unless the adjustment would substantially improve the conditions of the pre-  
 49 adjustment parcel and development.

50 (g) A lot line adjustment shall not cause a parcel that was nonconforming before the

- 1 adjustment to become more nonconforming unless the adjustment will substantially
- 2 improve the conditions of the pre-adjustment parcel and development.
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- 4 (h) Where existing development was nonconforming before the adjustment, an adjustment
- 5 shall not increase the nonconformity unless the adjustment will substantially improve the
- 6 conditions of the pre-adjustment parcel and development.
- 7 (i) Existing utilities, infrastructure, and easements (e.g. a street, driveway, sewer main, water
- 8 main, or electrical line) shall not be adversely affected by the lot line adjustment unless
- 9 conditions have been applied to the approval of the adjustment to facilitate their relocation.
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