

What is a Subdivision?

A subdivision is the process of dividing a larger parcel of land into smaller parcels and obtaining titles (splinter titles) for each divided parcel. In order to divide your land so that titles can be obtained for each divided portion a subdivision approval must be obtained from the Municipal Corporation within the parish the land is located. Applications for subdividing lands in Kingston & St Andrew must be submitted to the Kingston & St Andrew Municipal Corporation (KSAMC) and are referred to several external agencies such as the National Environmental Planning Agency (NEPA), National Works Agency (NWA), Ministry of Health and Wellness and others for technical comments and recommendations. However, the decision to approve or refuse rests with the KSAMC.

The subdivision process is governed by the regulations of the Local Improvements Act which seek to ensure that:-

- The proposed use is suitable for the land and that the plan fits in with the local legislations and policies.
- The public is protected from developments that are unsuitable, unsafe or cause distress on the services in the area.

The subdivision process can be challenging, so it is important that the applicant for a subdivision approval acquire the services of an attorney-at-law and a commissioned Land Surveyor to prepare the subdivision plan, complete the application and other documents.

What is a Subdivision Plan?

A subdivision plan is a large scale map showing the surveyed land space and design of the proposed subdivision as well as other information required by the Municipal Corporation including but not limited to:

- The number of lots you plan to divide the land into.
- Lot sizes
- The proposed use of the lots
- Names and widths of the existing and proposed roads.
- Existing structures on the site
- Topography of slopes
- The existing and proposed heights sizes and use of buildings

When a subdivision application is received, it is assessed based on several different criteria. These include, but not limited to:

- How the Plans match the zoning regulations (in the Development Order).
- How suitable is the proposed use, considering the adjoining uses.
- Size and number of lots
- Availability of utilities
- Existing use of land

Submitting a Subdivision Application

If you are submitting an application for subdivision of land the following are required:-

1. Six (6) Application Forms properly filled out and fees paid. Please note that other agencies such as NWA and NEPA may charge a fee.
2. Proof of ownership – A Certified copy of title from the National Land Agency (NLA) no more than 30 days old must be submitted. If your name is not on the title a Sale Agreement, Deed of Gift, Probate of Will or other Transfer documents duly certified must be submitted in addition to the copy of the title.
3. Land Valuation Certificate and current Property Tax certificate.
4. Surveyor's Report and diagram no older than 12 months.
5. Valid National Water Commission (NWC) Certificate or most recent Water Bill (If all Proposed Lots have metered water. In the event that the NWC cannot provide domestic water a proposal must be provided as to how domestic water will be supplied to the site.
6. Fire approval from the Jamaica Fire Brigade.
7. For application fewer than ten (10) lots, sixteen (16) copies of the Subdivision Plans must be submitted.
8. For application over ten (10) lots or applications under ten (10) lots but over five (5) acres twenty two (22) copies of the plans must be submitted. Please note, where the subdivision involves 10 or more lots a separate application for an *Environmental Permit* must be made to the NRCA (located at NEPA).
9. Four (4) sets of Drainage Plans must be submitted if the proposal is for multi-family development.
10. All Plans are to be signed and dated by a Commissioned Land Surveyor.
11. All plans should have the same signature, occupation and address of owner or agent.
12. Where applicable a detailed infrastructure estimate is to be submitted to cover cost of road construction (new), laying of water mains, drainage etc.
13. Detailed plans for river or gully training works should be submitted where applicable.
14. All applications for non-agricultural subdivisions ten (10) lots and over must be accompanied by a site investigation report and soil percolation test report. Applicants are

advised to consult with the Ministry of Health and Wellness, Environmental Health Unit (EHU) and the Mines and Geology Division for guidelines in preparing these reports.

If the Proposal is a multifamily development, the plans should show the foot print of the buildings.

Layout Plan

All layout plans must be accurately and clearly drawn to scale showing the following information:-

- Dimensions (in metric), the shape of all lots, areas and lot numbers
- Field notes for the outer boundaries
- Meridian to which plan is drawn
- The width and name of all existing roadways
- Proposed roads and access ways, access to existing public roadways from the subdivision
- Longitudinal and cross sections for new roads
- All existing buildings and adjoining owners are to be shown
- Areas for said waste storage facilities and detailed access to these areas are to be indicated
- Where applicable, the details of existing sewage disposal systems must be shown on the layout plan
- Contour lines are to be shown for subdivision over 15 degree gradient
- Telecommunications network including cellular towers on subject or adjoining property, etc. also, particulars of any outstanding natural or cultural features are to be shown.

Location Plan

All applications must have a clear location plan. Location Plans are to show easily recognizable landmarks so that the site can be easily located.

Final Approval

Please note that after the KSAMC has approved your application the Minister with responsibility for the environment must confirm same before you can receive your endorsed copies of the approval.

Can you appeal the decision of the Municipal Corporation?

It is within your legal rights to appeal the decisions of the Municipal Corporation. You have twenty-eight (28) days after written notification to appeal. Your “Notice of Appeal” letter should

be addressed to the Permanent Secretary of the Ministry with responsibility for Planning and the Environment and copied to the Local Planning Authority.

Second Stage – National Land Agency (NLA)

After receiving same, the applicant can proceed to the *National Land Agency* (NLA) for the second stage of the process that is, applying for individual titles for each of the lots. This process is completed by NLA.

Depositing the Plan at the Titles Office

Once the subdivision has been approved by the relevant Municipal Corporation, the applicant should write to the Registrar of Titles requesting that the plan be accepted for deposit and enclosing the registration fees. The developer must carefully examine the conditions of approval and ensure the conditions are satisfied before lodging a plan for deposit under Section 126 of the Registration of Titles Act.

The following documents are to be submitted with the letter:-

- 1) A certified copy of the Resolution by the Municipal Corporation
- 2) The pre-checked plan depicting the lots in the subdivision
- 3) A Statutory Declaration by the Land Surveyor verifying the accuracy of the pre-checked plan and that the lots and roadways have been marked out on the ground in accordance with the Land Surveyors Act.

The Deposited Plan will take approximately eighteen (18) business days to be processed. After which, the applicant will be notified of the deposited plan number which will be assigned to the pre-checked plan.

To facilitate the process please ensure that the Plan is technically correct and that it conforms to the sub-division approval. It should have the same number of lots and volume and folio numbers as the approval. Where applicable, the conditions of approval must be done on the Plan.

Making the Application for Splinter Titles

The application for surrender of a Certificate of Title in exchange for splinter titles is available on the NLA website and must be completed accurately. A Statutory Declaration, inter alia, must describe the land for which the application is made:-

- *State the value of the lots*
- *State the lots for which the titles are being applied for together with the respective share in any common area where applicable.*
- *State the plan examination number, the deposited plan number and/or date of deposit.*

The application is lodged at the Titles Office together with:-

- *Certificate of Title and the plan annexed to the certificate*
- *A manager's cheques for the fees to be assessed based on the value of each lot and roadway.*
- *If the Resolution of Council approving the subdivision restricts the issue of titles until the infrastructure works are done, then a certificate from the Municipality confirming the satisfactory completion of works is also required.*

Helpful Tips

- *Where mortgages are on the title, the application must be expressed to be subject to same unless discharges of mortgages are being submitted.*
- *Where the land is owned by a company, the company should make the application and the rest of the declaration be made by the directors or appropriate authorized officers.*
- *All Statutory Declarations are witnessed by a Justice of the Peace in Jamaica and a Notary Public or Vice Counsel overseas. The Registration of Titles Act requires certification that at the time the Notary Public executed the document his/her commission was still in force.*
- *Ensure that covenants on the title have been modified to permit the type of sub-division.*
- *Some parent titles have ancient rights and reservations. If these are no longer required they should be removed so that they don't clutter the splinter title.*

When can you begin to carry out infrastructure work?

If your plan is approved, the Local Planning Authority will contact you. The plans are to be registered at the Land Titles Division, National Land Agency and the Real Estate Board (for subdivisions over 6 lots). With your subdivision formally registered, you may now proceed with the development. Your development is legal as long as all approved conditions that had been accepted are adhered to.

Applicants are advised to review the Subdivision Guidelines and Checklist before submitting the subdivision application to the Municipal Corporation