

## CHAPTER 235

### THE LAND DEVELOPMENT (INTERIM CONTROL) REGULATIONS

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S.I. 17/1977.

THE LAND DEVELOPMENT AND CONTROL ACT

THE LAND DEVELOPMENT (INTERIM CONTROL) REGULATIONS MADE UNDER SECTION 22 OF THE LAND DEVELOPMENT (INTERIM CONTROL) ACT, 1974 (REPEALED) AND PRESERVED BY SECTION 32 (3) (a) OF THE INTERPRETATION ACT.

1. SHORT TITLE. These Regulations may be cited as the Land Development (Interim Control) Regulations.

2. INTERPRETATION. In these Regulations unless the context otherwise requires—

“the Act” means the Land Development (Interim Control) Act, 1974 (No. 13 of 1974);

“advertisement”, “agriculture”, “application”, “the Authority”, “building”, “building operations”, “development”, “engineering operations”, “land”, “owner”, “road”, “sub-divide”, “Town and Country Planning” and “Chief Town Planner” have the meanings assigned to them in the Act;

“apartment building” means a building which is used or intended to be used for human habitation as a residence for two or more families living in separate quarters;

“Central Urban Area” means the central area in any major urban area so defined in the Development Plan;

“condominium” means multi-units with individual ownership of single units;

“dangerous building” means any building which constitutes a danger to public safety or to the safety of the occupants or adjacent buildings;

“dead load” means the weight of all walls, floors, roofs, partitions and other permanent construction;

“develop”, subject to the provisions of section 8 (2) of the Act, means to carry out building, engineering, mining or other operations in, on, over or under land, or to make any material changes in the use of any buildings or other land, or to segregate, divide or sub-divide any building or land whether or not any building, engineering or other operations have been carried out or are intended to be carried out for the formation of lots;

“Development Plan” means the Development Plan authorised by section 6 (3) of the Act to be prepared for Antigua and Barbuda;

“dwelling” means a building constructed or adapted to be used wholly or principally for human habitation;

“gross floor area” means the total area of floors of all storeys of the building including common halls, stairways, porches, overhanging balconies, and the thickness of walls;

“hotel” means any building or group of buildings (including all structures appurtenant thereto or within the curtilage thereof) used or intended to be used for the accommodation of guests for gain or reward, wherein meals are provided by the hotelier;

“imposed load” means all other loads other than dead loads;

“lodging” means building or buildings used or intended to be used for the accommodation of lodgers for gain or reward wherein meals are not provided by the lodging house proprietor;

“lot” means the parcel of land shown on the land register or in a deed as a piece or parcel of land or an official sub-division;

“Minister” means the member of the Cabinet charged with responsibility for land development control;

“physical services” means the provision of roads and road access and the construction and specifications thereof, road drainage, site drainage, sewerage, electricity, telephones and water;

“planning permission” or “development permission” means permission granted pursuant to section 8 of the Act;

“plot ratio” means the ratio of the gross floor area of a building to the ground area and expressed in proportionate terms in which the ground area shall be shown first and the gross floor area shall be shown second;

“Schedule” means a Schedule to these Regulations.

**3. CLASS, DESCRIPTION AND USE OF BUILDINGS.** (1) For the purposes of these Regulations buildings shall be classified and described according to their intended use in the manner specified in the succeeding paragraphs of these Regulations.

(2) CLASS A (RESIDENTIAL). This class includes—

(a) Buildings comprising one or two dwellings of not more than two storeys;

(b) Buildings comprising three or more dwellings or storeys;

(c) Dormitories in which occupants are relatively permanent and familiar with escape routes;

(d) Hotels, inns, and other buildings of temporary occupancy.

(3) CLASS B (INSTITUTIONAL). This class includes—

(a) Buildings occupied by persons whose liberty is restricted, that is to say prisons, asylums and other buildings used for a like purpose;

(b) Buildings occupied by persons whose activity is restricted by age or physical limitations, that is to say, hospitals, homes for the elderly and other buildings used for a like purpose.

(4) CLASS C (TRADE). This class includes buildings used for trade, commerce, professional services or offices.

(5) CLASS D (ASSEMBLY). This class includes buildings where persons congregate for educational, religious, social, entertainment, or any other communal purpose.

(6) CLASS E (INDUSTRIAL/NON-HAZARDOUS). This class includes buildings used for the purpose of manufacture, fabricating, processing, packaging, repairing, or storing, where non-hazardous processes or material are involved.

(7) CLASS F (INDUSTRIAL/HAZARDOUS). This class includes buildings used for the purpose of manufacture, fabricating, processing, packaging, repairing, or storing, except that hazardous processes or materials are involved.

(8) CLASS G (TEMPORARY BUILDINGS). This class includes buildings which in the opinion of the authority are used or constructed to meet emergency needs or needs of short duration.

(9) CLASS H (OTHER). This class includes buildings not generally occupied by human beings.

4. APPLICATIONS FOR PLANNING PERMISSION. (1) Subject to the provisions of regulation 7 of these Regulations, every person who desires to undertake a development project under the Act must obtain planning permission from the Authority before undertaking the said development.

(2) For the purposes of paragraph (1) of this regulation development projects shall be classified as follows:—

- (a) TYPE "A". Erection of a new building or other structure.
- (b) TYPE "B". Major alteration or extension to a building.
- (c) TYPE "C". Relocation or demolition of an existing building.
- (d) TYPE "D". Sub-division development.
- (e) TYPE "E". Installation of water closet or septic tanks.
- (f) TYPE "F". Change in the use of a building.
- (g) TYPE "G". Approval in principle, that is to say tentative approval of a project.
- (h) TYPE "H". Display of an outdoor advertisement.

(3) All applications for planning permission shall be submitted to the Authority in triplicate in the Form 1 in the First Schedule.

(4) In addition to the application submitted under paragraph (3) of this regulation applicants shall also submit further application forms for particular projects as shown hereunder—

(a) For TYPE "A" and TYPE "B" projects, Form 2 in the First Schedule shall be used.

(b) For TYPE "C" projects Form 3 in the First Schedule shall be used.

(c) For TYPE "D" projects Form 4 in the First Schedule shall be used.

(d) For TYPE "E" projects Form 5 in the First Schedule shall be used.

(e) For TYPE "F" projects Form 6 in the First Schedule shall be used.

(f) For TYPE "G" projects Form 7 in the First Schedule shall be used.

(g) For TYPE "H" projects Form 8 in the First Schedule shall be used.

**5. PLANS.** (1) Each application for planning permission shall be accompanied by the required number and type of plans appropriate to the particular type of development project for which planning permission is sought.

(2) Three copies of the relevant plans shall be submitted with each application. These plans include the location plan, the site plan, the detail plan, the sketch plan and the sub-division plan; but the plans required for a particular type of development shall be those specified in the Form relating to that type of development.

(3) The information to be contained in a location plan, a sketch plan, a site plan, a sub-division plan, and in a detail plan and the scales to which these plans are to be drawn shall be as set out in parts 1, 2, 3, 4 and 5 in the Second Schedule.

(4) No public officer who is a member of the Authority or employer on the staff of the Authority shall prepare any plan for an applicant which is to be used in connection with an application for planning permission under the Act.

(5) Every plan which accompanies an application for planning permission shall be legibly signed by the maker thereof and shall bear his full address.

**6. NOTICES.** (1) An applicant shall serve notices on the persons specified below under the following circumstances—

(a) If the applicant is not the owner of the land he shall serve a notice on the owner of the land of his proposed development.

(b) Where a tenant (other than a tenant whose term of occupancy is less than one year) is occupying the land, the applicant shall serve notice on the tenant of the proposed development.

(c) If the development is in the opinion of the Authority likely to be a potential nuisance or inconvenience to tenants, adjacent property owners, the neighbourhood, or the general public, the applicant must serve notices on the tenants and adjacent property owners and shall cause a notice to be published in such newspaper or newspapers circulating in Antigua and Barbuda as may be designated by the Authority.

(2) Copies of notices served, including newspaper notices, shall be sent to the office of the Authority to be filed with the application.

(3) No application may be approved earlier than ten days after the required notices are served or published as the case may be.

(4) The form of notices required to be served pursuant to this regulation shall be in Form 9 or Form 10 in the First Schedule as the circumstances may require.

(5) For the purposes of sub-paragraph (c) of paragraph (1) of this regulation "a potential nuisance or inconvenience" includes excessive noise, smoke odours, fire hazards, health hazards or any other matter of a similar nature.

**7. EXEMPTIONS.** An application for planning permission is not necessary for the following types of development—

(a) Land being developed for agricultural purposes or for forestry, including buildings necessary for such development.

(b) Improvements to the interior of a building which do not involve structural changes.

(c) Garden huts (other than garages) and not used for human habitation.

(d) Alteration or extension of an existing residential house of the Class referred to in sub-paragraph (a) of paragraph (2) of regulation 3 of these regulations; provided however that the total amount of new floor area does not exceed one-third of the total area of the house prior to enlargement; and that, pursuant to regulation 15 (which deals with set-backs) the set-backs are equal to or greater than the minimum stipulated in paragraph (5) of Part D in the Third Schedule.

(e) Moveable buildings such as tents, trailers, and vans.

(f) Minor construction such as fences and walks.

**8. FEES PAYABLE FOR PLANNING PERMISSION.** (1) Where the Authority has decided to grant an application for planning permission it shall, subject to paragraph (2), issue its approval to the applicant in writing in Form 11 in the First Schedule.

(2) Before the Authority issues its approval as required by paragraph (1) it shall inform the applicant that he must first pay into the Treasury the appropriate fee (which fee the Authority shall specify), and produce his receipt to the Authority for inspection.

(3) The fees payable for planning permission shall be those set out in Form 12 in the First Schedule.

**9. AUTHORITY TO SUPPLY FORMS.** All Forms required for application under the Act shall be supplied by the Authority free of charge to applicants for planning permission.

**10. REASONS FOR REFUSING PERMISSION TO BE IN WRITING.** (1) Where, pursuant to section 12 of the Act, the Authority refuses to grant planning permission to an applicant, or grants him such permission subject to conditions or limitations, it shall at the same time give the applicant its reasons in writing for so refusing, or for imposing conditions and limitations.

(2) The applicant shall be notified of the result of his application in the manner prescribed in Form 11 in the First Schedule with such variations as the circumstances of each case may require.

**11. APPEALS.** (1) Where the Authority refuses to grant planning permission or grants such permission subject to conditions or limitations, the applicant may, pursuant to section 13 of the Act, and within three months after such refusal has been received by him appeal to the Minister against such refusal, conditions or limitations and in his appeal shall set out the grounds upon which the appeal is based.

(2) Four copies of each appeal shall be prepared three of which shall be sent to the Minister and the fourth to the office of the Authority.

**12. SHORELINE AND SUBMERGED LANDS.** An application for development of shoreline and submerged lands shall be subject to the conditions contained in Part A in the Third Schedule.

**13. RECLAIMED LAND.** The conditions relating to the development of reclaimed land shall be as set out in Part B in the Third Schedule.

**14. LANDSCAPING PROVISIONS.** The conditions relating to landscaping in a development project shall be as set out in Part C in the Third Schedule.

**15. SET-BACKS.** The requirements of these Regulations relating to set-backs shall be as specified in Part D in the Third Schedule.

**16. ROADS AND ROAD JUNCTIONS.** The conditions relating to roads and road junctions in connection with a project for the development of land shall be as set out in Part E in the Third Schedule.

**17. PLOT RATIOS AND FRONTAGES.** The conditions relating to plot ratios and frontages and connection with a permit to develop land shall be those set out in Part F in the Third Schedule.

**18. HEIGHTS OF BUILDINGS.** The conditions governing the heights of buildings for the erection of which planning permission has been sought shall be as set out in Part G in the Third Schedule.

**19. WATER SUPPLY, SEWERAGE AND GARBAGE DISPOSAL.** The conditions required for the supply of water and for the disposal of sewerage and garbage in relation to a development project shall be as set out in Part H in the Third Schedule.

**20. ELECTRICITY.** Provisions for the supply of electricity to a development project shall be as set out in Part J in the Third Schedule.

**21. PARKING.** Provisions shall be made in a development project for the parking of vehicles and shall be as set out in Part K in the Third Schedule.

**22. RESIDENTIAL DENSITY.** In an area set apart for the development of residences the provisions set out in Part L in the Third Schedule shall apply.

**23. LOCATION OF BUILDINGS.** No building shall be erected on any site or in position on any plot if the erection on the site, or in that position, of a building of the class proposed to be erected is considered by the Authority to be, or likely to become—

- (a) prejudicial either to the economy or to the amenities of Antigua and Barbuda;
- (b) a menace to the health of either the occupant of the building or the public;
- (c) undesirable for any other sufficient reason.

**24. PROTECTION AGAINST HARMFUL MATTER AND FLOODING.** The plot on which it is intended to erect a building shall be free from harmful or offensive matter and shall be in such condition as to prevent any harmful effects occurring either to the building or any of its occupants as a result of ground water lying on the surface of the ground or of floor water.

**25. ACCESS.** Every building shall be provided with suitable and safe access from at least one door to a public road. The access shall be a cleared open area and depending on the purpose for which the building is intended shall provide a means of egress for occupants and a means of entrance for fire fighting, trash removal and deliveries of material.

**26. FOUNDATIONS.** The foundations of every building shall—

(a) be so designed and constructed as to sustain and transmit to the ground the combined dead load of the building and the imposed vertical and lateral loads in such a manner that the pressure on the ground shall not cause such settlement as may impair the stability of the whole or any part of the building.

(b) be taken down to such depth, or be so designed and constructed as to safeguard the building against damage by swelling or shrinkage of the subsoil.

**27. STRENGTH.** Every part of the structure of a building, shall be capable, either alone or in combination with the rest of the structure, of safely sustaining and transmitting the dead load, imposed loads, and the horizontal and inclined forces to which it may be subjected without exceeding the appropriate stress limits for the materials of which it is constructed and without undue deflection.

**28. REDUCING OF DANGER FROM FIRE.** (1) For the purpose of reducing the danger of the outbreak of fire in a building, and having regard to the risk inherent in the use for which a building or a part thereof is intended, the size of the building and its proximity to other buildings, every building and its several parts shall be so designed and constructed as to—

(a) reduce sufficiently the risk of ignition of any part of the building and the spread of fire within the building to other buildings.

(b) withstand the effects of fire for a sufficient period to avoid such collapse of the building as would increase the risk of the spread of fire.

(2) Every building shall be so designed and constructed that in the event of an outbreak of fire in the building, every person therein may leave the building and its precincts in safety.

(3) All heat and flame producing appliances in a building together with their necessary accessories, shall be so constructed and installed as to prevent the ignition of any combustible material forming part of the building, or any combustible material which may be placed against the surface of any wall, or other part of the building enclosing or adjacent to the appliance.

**29. VENTILATION.** Every building and its several compartments shall be adequately ventilated having regard to the use for which the building and its individual compartments are intended. An adequate amount of open space shall be provided at the front and back of every building and on any side which includes a door, window, or other opening.

**30. LIGHTING.** Every building and its several compartments shall be provided with adequate means of lighting with natural light having regard to the use for which the building and compartments are intended.

**31. RESISTANCE TO THE TRANSMISSION OF HEAT.** For every building used or intended to be used for human occupation, the external walls, the roof or the roof in conjunction with the ceiling of the topmost storey, and the floor nearest the ground, shall be of such materials and be so constructed as to offer adequate resistance to the transmission of heat from the outside of the building to the inside, and from the inside of the building to the outside.

**32. RESISTANCE TO THE TRANSMISSION OF SOUND.** Every building shall be sufficiently protected against the transmission of sound from adjoining buildings or from adjoining parts of the same building, according to the use for which the building is intended.

**33. RESISTANCE TO MOISTURE.** In every building, floors, walls, buttresses, columns and shafts shall be so constructed as to prevent the passage of moisture from the exterior to the inner surface of any storey

of the building in such a manner as would be likely to affect human health, or damage any part of the building.

**34. TERMITE RESISTANCE.** In every building, the lowest floor and ground floor (if not the lowest floor) shall be constructed to resist the intrusion of termites.

**35. RESISTANCE TO WEATHER.** The roof and external walls of every building, alone and in conjunction with each other, shall be sufficiently weatherproof for the purpose for which the building is intended, having regard to the degree of exposure of any particular part.

**36. DURABILITY.** The several parts of every building including fittings and installations shall be constructed of materials of sufficient durability for the conditions to which they will be subjected and, where necessary, protected in such a way that the durability of the materials is not impaired. All electrical wire shall be new and all electrical materials and fitting shall be approved for the intended use and location by recognized authoritative safety agency, and installed in accordance with the recommendations of the agency.

**37. DEPARTURE FROM REGULATIONS.** The Authority may with the approval of the Minister permit a departure from these Regulations in the public interest or in order to prevent undue hardship in any particular case.

**38. ST. JOHN'S CITY BUILDING BY-LAWS REPLACED.** The St. John's City Building By-Laws by virtue of the provisions of paragraph (a) of the proviso to section 188 of the Public Health Act are hereby replaced by these Regulations.

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FIRST SCHEDULE

r.4 (3)

FORM 1

TO:

(do not write in this space)

Development Control Authority  
P.O. Box 895, St. John's Antigua.

Application No. \_\_\_\_\_

Date Received \_\_\_\_\_

Date Processed \_\_\_\_\_

**Application for Development Permission**

(All applications and supporting data must be submitted in triplicate)

**(To be Filled out by all applicants)**

I/We hereby apply for permission to carry out the development described in this application and on the enclosed drawings.

Name of Applicant: (Print) .....

Address of Applicant: .....

Type(s) of development permission requested: (More than one type may be requested for the same project.)

- \_\_\_\_\_ "A" Erection of a new building(s) or other structure(s).
- \_\_\_\_\_ "B" Major alteration or extension to a building(s).
- \_\_\_\_\_ "C" Relocation or demolition of an existing building(s).
- \_\_\_\_\_ "D" Subdivision development.
- \_\_\_\_\_ "E" Installation of water closet and/or septic tank.
- \_\_\_\_\_ "F" Change in the use of a building(s).
- \_\_\_\_\_ "G" Approval in principle (tentative approval) of a project.
- \_\_\_\_\_ "H" Display of an outdoor advertisement.

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Name and address of architect or designer (if any).

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Name and address of contractor or builder (if known).

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Name and address of agent (if any).

I certify that, to the best of my knowledge, the information submitted in this application is correct.

.....  
*Signature of Applicant.*

1. State what the building and/or land is presently being used for.

.....  
 .....

2. Give a brief description of the project including (where applicable) the intended use, land area, type of construction, size of building, and any new roads, or utility services required.

.....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....

3. State when it is planned to complete the project and the approximate starting date, (if the project is to be completed in phases, indicate the start and completion dates for each phase.)

.....  
 .....  
 .....

4. State the type of interest which the applicant has in the land and/or building(s).

Owner.....Prospective Owner.....Lessor.....Prospective  
Lessor.....

If **owner**, provide evidence of land title in space below.

If **lessor**, state unexpired term of lease and the name and address of owner, in the space below.

If **prospective owner** or **prospective lessor**, give name and address of the owner in the space below.

.....  
.....

FORM 2

r.4 (4) (a)

TYPES "A" & "B"

To be Filled out only for Construction; Alteration; or Extension  
Applications Types "A" and "B".

1. Proposed design capacity (occupants) for total structure.

.....

2. State the proposed source of water and electricity.

.....  
.....  
.....

3. Describe the proposed method of sewage removal. (If septic tank is to be installed, state type, capacity, method of ventilation, and system of drainage.)

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.....

.....

.....

.....

4. Describe proposed method of waste removal (other than sewage).

.....

.....

5. Three copies of site location plan, site plan, and detail plans must be submitted with the application.

FORM 3

r.4 (4) (b)

TYPE "C"

To be Filled out only for Application to Relocate or Demolish a Building Type "C".

1. Describe the method by which the project will be accomplished including safety precautions to be taken and how pedestrian or vehicular traffic problems (if any) will be handled.

.....

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.....

.....

.....

2. Three copies of a location plan and site plan must be submitted with the application.
3. (For buildings to be relocated) Describe the proposed method of sewage removal. (If a septic tank is to be installed, state the type, capacity, method of ventilation, and system of drainage.)

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.....

.....

.....

4. (For buildings to be relocated) Describe the proposed source of water and electricity.

.....

.....

.....

5. (For buildings to be relocated) Describe the proposed method of trash removal (other than sewage).

.....

.....

.....

FORM 4

r.4 (4) (c)

TYPE "D"

To be Filled out only for Applications for Subdivision Development  
Type "D".

1. Describe the plans for financing the required infrastructure and the construction schedules for each part.

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2. Three copies of a location plan and a sub-division plan must be submitted with the application.
3. If construction permission is also being requested, Form 2 must be submitted. If the project involves relocation or demolition of existing buildings, Form 3 must be submitted.

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FORM 5

r.4 (4) (d)

TYPE "E"

To be Filled out if the Applicant is Limited to the Installation of a Water Closet(s) and/or a Septic Tank(s) only. Type "E"

1. **For waterclosets**, provide three copies of a sketch showing the location of the watercloset(s), the method of venting, and the sewer or septic tank connection.
  2. **For septic tanks**, provide three copies of a sketch showing the location of the septic tank(s) and drainage system with respect to the building and property lines, the design, capacity, method of ventilation, and the estimated number of persons which the tank will serve.
-

FORM 6

r.4 (4) (e)

TYPE "F"

To be Filled out only for Applications for the Material Change  
in the use of a Building Type "F"

1. If the change does not involve any major alteration, three copies of a floor plan indicating how the space will be assigned, should be submitted.
2. If the change in use involves major alterations, Form 2 should be filled out.

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FORM 7

r.4 (4) (f)

TYPE "G"

To be Filled out only for Applications for Approval in Principle  
(Tentative Approval) Type "G"

A site location plan and a site plan should be submitted in triplicate.

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FORM 8

r.4 (4) (g)

TYPE "H"

To be Filled out only for Applications for the Display of an  
outdoor Advertisement Type "H"

Submit in triplicate a sketch showing the location of the proposed advertisement display, and a sketch showing the design. Both sketches need to be only of sufficient accuracy for the Authority to understand where the display will be located, its structural safety, and the kind of appearance it will present.

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## FORM 9

r.6 (4)

## NOTICE

(For service on owners, tenants, and owners and tenants of adjacent lands.)

To: .....

TAKE NOTICE that I/We Am/Are applying to the Development Control Authority for a permit to be granted under the Land Development and Control Act. You may inspect the application and accompanying papers at the Development Control Authority's office. If you wish to make any comments about the application, you may do so by writing to the Authority within 10 days of receipt of this notice.

Address of the Authority: .....

Name and address of the Applicant: .....

.....

Particulars of the proposed development: .....

.....

Signature of the Applicant and date:.....

## FORM 10

r.6 (4)

NOTICE FOR PUBLICATION IN NEWSPAPER DATE .....

Land located at .....

TAKE NOTICE that I/We, Am/Are applying to the Development Control Authority under the Land Development and Control Act.

for a permit to .....

Dated this .....day of.....19.....

Signature of the Applicant .....

LAWS OF ANTIGUA AND BARBUDA

22

CAP. 235) *Land Development and Control*

FORM 11

r.r.8 & 10 (2)

(FOR OFFICIAL USE ONLY)

.....  
(date)

From: THE DEVELOPMENT CONTROL AUTHORITY

To: .....  
.....

With reference to your application for development permission,

No.....dated.....19....., the following  
decision has been made:

\_\_\_Your application has been approved subject to the conditions checked below:

\_\_\_That work will substantially commence within two years of the date  
of this notice.

\_\_\_That the Authority will be notified of the date that work actually  
begins.

\_\_\_That the Authority will be notified of the date that sewer lines and/  
or septic tank are installed but not covered.

\_\_\_That the Authority will be notified of the date that the building  
is ready for occupancy.

\_\_\_Other conditions (see attached explanation).

\_\_\_Your application is returned herewith for the following reasons:

.....  
.....  
.....  
.....

\_\_\_Your application has been disapproved for the following reasons:

.....  
.....  
.....  
.....

FOR THE DEVELOPMENT CONTROL AUTHORITY: .....  
(Signature)

FORM 12

r.8 (3)

FEES PAYABLE FOR PLANNING PERMISSION

|                                            |                                      |
|--------------------------------------------|--------------------------------------|
| Permit for new building                    | \$1 per 1000 square feet.            |
| Permit for other new structures            | \$.50 per \$1000 of estimated value. |
| Permit for alteration                      | \$.50 per \$100 of estimated value.  |
| Permit for extension or addition           | \$1 per 100 square feet.             |
| Permit for relocation or demolition        | \$5.00.                              |
| Permit for subdivision development         | \$30 per acre.                       |
| Permit for water closet/septic tank        | \$1.                                 |
| Permit for change in building use          | \$5.                                 |
| Approved in principle (tentative approval) | \$5.                                 |
| Display of outdoor advertisement           | \$5.                                 |

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SECOND SCHEDULE

PLANS

PART 1

LOCATION PLAN

1. Where it is available, a copy of the director of Overseas Survey Plan must be used as the basis for the Location Plan. These Plans are available for most areas of the island and are obtainable at the Land Registry Office or the Office of the Authority.
2. The location plan should be drawn to a scale of:  
**For towns** at 1:25000  
**For villages and rural areas**, at least 1:5000
3. The location plan must show the name and locations of existing roads and fixed and easily identifiable points such as rivers, road junctions, bridges, and nearby houses.

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PART 2

r.5 (3)

SKETCH PLAN

A sketch plan is an informal drawing, usually in pencil. As long as the sketch clearly shows the information required, it may be made on any kind or size of paper and to any scale.

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PART 3

r.5 (3)

SITE PLAN

1. At the option of the applicant, site plans may be drawn to a scale of either:  
     1:200 (or 1" to 20')  
     1:500 (or 1" to 40') or
2. The Site Plan must show:

- 
- (i) The area, boundaries, and principle dimensions of the land.
  - (ii) The location of existing buildings on the land and on the lands immediately adjacent.
  - (iii) The location and spread of any existing mature trees on the land.
  - (iv) The location of any proposed new building and the relevant dimensions of appropriate setbacks.
  - (v) Such contours or spot elevations as are necessary for determining the grade of any proposed road and for the proposed drainage.
  - (vi) Location and width of existing and proposed means of access including roads adjacent to the property.
  - (vii) Water and sanitary drainage systems.
  - (viii) The proposed landscaping plan.
  - (ix) Any land reserved for public access or public use.
  - (x) Where an alteration or extension to an existing building is applied for, any parts of the existing building to be demolished must be clearly indicated and distinguishable from the new construction.
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## PART 4

r.5 (3)

## SUB-DIVISION PLANS

1. The scale of subdivision plan shall be at least:
  - For sub-divided areas of  $\frac{1}{2}$  acre or more 1:1250.
  - For sub-divided areas of less than  $\frac{1}{2}$  acre, 1:200.
2. The sub-division plan must show:
  - (i) All relevant physical features related to the proposed development such as water courses, rock outcrops, trees, swamps, and existing buildings, roads, and walks.
  - (ii) Such contours or spot elevations as are necessary for determining the grade of any proposed road and for proposed drainage.
  - (iii) The boundaries, area, and principal dimensions of the land.

- 
- (iv) At least one boundary must be connected to a trigonometrical control station or alternatively, to identifiable points of detail on the National Map Sheets (scale 1:5000).
  - (v) The dimensions and area of each proposed subdivided lot.
  - (vi) The location of proposed buildings, if any.
  - (vii) The roads, walks, and utility services proposed to be made available to each lot.
  - (viii) The use to which each lot is proposed to be put, e.g. residential, commercial or industrial purposes, or for churches, schools or parks. Residential lots shall be designated as high, medium, or low density (See Part L in the Third Schedule).
  - (ix) Any land reserved for public access or other public use.
  - (x) The proposed location of fire hydrants.

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PART 5

r.5 (3)

DETAIL PLAN

(Floor Plans, Sections and Elevations)

1. Scales (at the option of the applicant):

1:100 (or  $\frac{1}{8}$ " to 1')

1: 50 (or  $\frac{1}{4}$ " to 1')

For details, scales should be 1:20 or  $\frac{1}{2}$ " to 1'.

2. Detail plans must show:

- (i) The materials to be used in the project.
- (ii) A plan of each proposed floor with the sizes (by internal measurement) of each proposed room showing staircase, emergency escape-routes, windows, and doors.
- (iii) Such structural details as are necessary to indicate construction of every part of the proposed building.
- (iv) The proposed use of each room of the building.
- (v) Elevations of all sides of the building excluding party walls.

- (vi) Vertical cross-sections through the building and ground at a sufficient number of points to show the height of all floors, the level of adjoining ground, footpaths, and driveways and the construction of the roof, staircase, balconies, projections and out-buildings.
- (vii) The water supply, sewerage, and drainage systems (on both floor plans and cross-sections).
- (viii) Where an alteration or extension to an existing building is applied for, the existing and proposed construction must be clearly delineated.

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### THIRD SCHEDULE

#### PART A

r.12

#### **Shoreline and Submerged Lands:**

1. Any application for development adjacent to the shoreline or on land which is wholly or partially submerged at some or all times, will require the following additional data and be subject to the following conditions:
  - (i) A written report by a competent professional person describing the prevailing environmental conditions including the ecology, hydrogeology, and water movements in relation to the land and adjacent properties.
  - (ii) A report containing the exact description of the land to which the application refers, including maps, photographs, topographic contours and sub-surface profiles in such detail as is appropriate to the scope and complexity of the land and the proposed development.
  - (iii) A report containing a complete description of the proposed development defining precisely the modifications, alterations, and construction methods, with details of the procedures proposed for supervision and control of the proposed development.
2. The Authority shall impose a condition in any permit for the development of land comprising of or being near to any beach that no sand shall be removed without specific prior written approval of the Authority.
3. A condition shall be imposed in any planning permit for land to which this Part of this Schedule applies (other than a permit to subdivide or an application for approval in principle), that the applicant shall within six months of the completion of the development, submit to the Authority a report which will describe in detail the actual work carried out on the land, the movement

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of earth and the environmental conditions of the land including the properties adjacent to the said land.

4. The provisions of Part D in this Schedule (which relates to set-backs) are also applicable to land to which this Part of this Schedule applies.

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PART B

r.13

RECLAIMED LAND

1. A permit for the development of any reclaimed land shall include a condition that after completion of the development, the land shall have a minimum height of five feet above the high water mark.

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PART C

r.14

LANDSCAPING PROVISIONS

1. An application to build or sub-divide will not be approved unless adequate landscaping provisions are shown on the application.
2. The landscaping provisions and conditions imposed by the Authority shall be such as to ensure that the clearing of mature trees and bushes is reduced to a minimum and that all planted material is maintained.

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PART D

r.15

SET-BACKS

1. An application will not be approved unless the siting of the building or buildings is such that the set-backs are equal to or greater than the minimum set-backs stipulated in paragraph 5 of this Part of this Schedule.

2. All set-backs shall be measured from the nearest lot boundary to the wall, staircase, or balcony of the proposed building, whichever shall project the furthest.
3. Minimum set-backs in central urban areas and roof over-hangs in any area shall be controlled at the discretion of the Authority.
4. With respect to land between a shoreline and a road:
  - (i) No building shall be permitted unless the lot on which it is intended to stand is at least 100 ft. in distance from the road to the mean shoreline measured from the high water mark at right angles to the nearest edge of the road right-of-way.
  - (ii) No building shall be closer than 50 ft. to the high water mark.
5. Unless specific exception is granted by the Authority all other set-backs shall be equal to or greater than those specified below:

## MINIMUM SET-BACKS

| Area.....         | Front    | Rear..... | Side.....         |
|-------------------|----------|-----------|-------------------|
|                   | 1 Storey | 2 Storey  | 3 or more Storeys |
| Residential       | 20ft.    | 8ft.      | 12ft.             |
| Resort Residences | 25ft.    | 10ft.     | 12ft.             |
| Hotel             | 25ft.    | 15ft.     | 15ft.             |
| Industrial        | 20ft.    | 15ft.     | 15ft.             |
| Commercial        | 20ft.    | 8ft.      | 12ft.             |

To be determined by  
the Authority depend-  
ing on the area and  
the kind of construc-  
tion.

## PART E

r.16

## ROADS AND ROAD JUNCTIONS

Conditions shall be imposed by the Authority in permits for the development of land so as to facilitate present or future traffic flow as follows:

- (i) That provision be made for the continuation or widening (or both) of the principal roads adjoining the land in respect of which the application is made.

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- (ii) That provision be made for the future projections of principal roads where land adjacent to the land in respect of which application is made is not presently subdivided.
  - (iii) That provision be made for the construction of such minor roads as may be necessary for the extension thereof, or to provide some of the physical services, or for access to land adjacent to the land in respect of which the application is made.
  - (iv) That provision be made for an adequate turning point to each cul-de-sac.
  - (v) That provision be made for service roads with a carriage-way width of not less than 18ft. to enable rear access to be obtained to commercial premises in a central business district.
  - (vi) That points of access on a primary or secondary distribution road shall be kept to a minimum and so far as is practicable, shall not be less than a quarter of a mile apart.
  - (vii) That access to roads shall only be permitted when no substantial danger to traffic is involved.
  - (viii) That no buildings will be permitted which would be likely to obstruct the view of vehicular traffic.
  - (ix) That all junctions and intersections shall be designed so as to permit adequate sight lines.
  - (x) Where the applicant agrees to make part of the land in respect of which the application is made available for public access, the Authority shall impose a condition in the permit that the applicant shall reserve such land in a location to be shown on the Site Plan or the Sub-division Plan as appropriate, and that such reservation shall be made without charge to the Authority.
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## PART F

r.17

## PLOT RATIOS AND FRONTAGES

1. No permit for the development of land will be granted by the Authority where the building proposed would result in the plot ratios specified in paragraph 2 thereof being exceeded.
2. The plot ratios referred to in paragraph 1 are as follows—

| Area          | Ground Area                                                                             | Plot Ratio<br>to Gross Floor Area |
|---------------|-----------------------------------------------------------------------------------------|-----------------------------------|
| Central Urban | 1                                                                                       | to 1.50 (max.)                    |
| Industrial    | 1                                                                                       | to 0.70 (max.)                    |
| Residential   | 1                                                                                       | to 0.33 (max.)                    |
| Other         | To be determined by the Authority based on location, function, and other circumstances. |                                   |

3. In areas allocated for the development of hotels, apartment buildings, and condominiums, the minimum road frontage of land to be developed shall be 100ft. In addition, for hotels and lodgings, the minimum number of guest bedrooms normally shall not exceed 75 per acre of land.

## PART G

r.18

## HEIGHTS OF BUILDINGS

1. An application for a permit will not be granted unless the height of any proposed building complies with the provisions contained in the succeeding paragraphs of this Part of this Schedule.
2. The height of a building with a roof other than a flat roof shall be the vertical distance between the average ground level around the perimeter of the building, and the average roof height from eaves to peak. The height of a building with a flat roof shall be the vertical distance between the average ground level around the perimeter of the building and the highest point of the roof excluding parapet walls, railings, and other external decoration.
3. The maximum height of a building shall be:
 

|                                |       |
|--------------------------------|-------|
| In a central urban area: ..... | 36ft. |
| In other areas: .....          | 24ft. |
4. The height of a parapet wall shall not exceed 3ft. If the wall is of masonry or concrete construction, reinforcement satisfactory to the Authority will be required.

## PART H

r.19

## WATER SUPPLY, SEWERAGE AND GARBAGE DISPOSAL

1. The applicant shall submit proposals for systems for the supply of clean water, for the sewerage of the development, and where practicable, the provision for garbage collection and disposal. Such proposals shall conform to environmental health standards established by the Central Board of Health and those of the community. They shall also conform to the succeeding paragraphs of this Part of this Schedule.
2. Where no piped water supply is provided to serve the development, the design submitted with the application must provide for individual storage facilities to the extent of 10 imperial gallons of storage for each square foot of roof surface. Where a piped water supply is available, the design must provide for individual storage facilities of a minimum capacity of 50 imperial gallons for each person regularly occupying the building, or, in the case of buildings of public occupancy like churches or theatres or industrial buildings, storage facilities which, in the opinion of the Authority, are adequate.
3. Every building intended for human habitation, or in which human beings are to be employed shall be designed to provide for a sewerage system of drainage to a septic tank or more efficient treatment facility of a design to be approved by the Authority.
4. Every building in which garbage or trash is produced or from which solid, liquid, or gaseous waste is issued which, in the opinion of the Authority, may be detrimental to the environment of the neighbourhood, shall provide a system of disposal satisfactory to the Authority.

## PART J

r.20

## ELECTRICITY

The applicant shall submit a proposal to show that electricity main cables will be available to serve the development (or substantiate that no electricity is needed), before the development is used or any building occupied.

## PART K

r.21

## PARKING

The Authority will not approve an application for the development of any land for the purposes set out in Column 1 below unless provision is made for vehicular parking on the land in respect of which the application is made or on other nearby land in the ownership or under the control of the Applicant. The extent of the number of spaces for vehicular parking shall be as specified in Column 2 below.

| Column 1                                                        | Column 2                                         |
|-----------------------------------------------------------------|--------------------------------------------------|
| Proposed Development                                            | Number of Parking Spaces (minimum)               |
| Apartment buildings and Condominiums                            | 1 space per unit.                                |
| Churches, cinemas, and other buildings used for public assembly | 1 space per 15 seats.                            |
| Clubs and restaurants                                           | 1 space per 120 sq.ft. of gross floor area.      |
| Hotels and lodgings                                             | 1 space per 4 bedrooms.                          |
| Industrial buildings                                            | 1 space per each 6 employees.                    |
| Offices                                                         | 1 space per each 3 employees.                    |
| Residential development                                         | 1 space per unit.                                |
| Retail Stores                                                   | 1 space per each 300 sq.ft. of gross floor area. |

The minimum size of each parking space shall be 8ft. by 18ft. excluding access ways.

## PART L

r.22

## RESIDENTIAL DENSITY

1. In an area allocated for the development of residences, an application for development permission will not be granted unless:

(a) the lot on which the house is proposed to be built has a minimum size as indicated below for the corresponding area density as designated by the Authority as follows:

- 
- |                     |                                |
|---------------------|--------------------------------|
| (i) High Density    | 4400 sq.ft. (single dwelling)  |
| (ii) Medium Density | 7300 sq.ft. (single dwelling)  |
| (iii) Low Density   | 14500 sq.ft. (single dwelling) |

(b) the lot on which the house is proposed to be built has a minimum road frontage of 40ft.

2. The minimum lot size for a condominium or apartment building shall be at the discretion of the Authority.

Made by the Minister this 7th day of June, 1977.

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