

BRITISH VIRGIN ISLANDS

TOWN & COUNTRY PLANNING DEPARTMENT OFFICE OF THE CHIEF MINISTER

THE LAND DEVELOPMENT CONTROL GUIDELINES 1972

1. **Citation:** These guidelines may be cited as the Land Development Control Guidelines, 1972.

2. **Interpretation:** In these Guidelines:

“**ancillary building**” means a secondary residence garage, or other building or structure on a lot or parcel subordinate to and not forming an integral part of the main or principal building but pertaining to the use of the main building and may include servants quarters;

“**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;

“**authority**” has the meaning assigned to that expression in the Ordinance;

“**building**” means any building, erection, structure or any other building erected on or made on, in or under any lands and where the context so permits includes the land on, in or under which the building is situated;

“**commercial buildings and commercial areas**” mean buildings and/or areas used for either business, industrial or arts and crafts purposes;

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

“**family**” means one or more persons occupying a building and maintaining a common household including cooking facilities;

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

“**half storey**” means a storey with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area immediately below it;

“**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 owner;

- “house”** includes any part of a building, being a part which is occupied or intended to be occupied as a separate dwelling;
- “lodging”** means a 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 owner;
- “lot”** means parcel of land shown on a land register or on an official sub-division or any piece of land described by a legal recorded deed; **“ordinance”** means the Land Development Control Ordinance, 1969;
- “parking area”** means an open unoccupied space required to be used for parking of vehicles in relation to any building;
- “parking lot”** means an off-street open or covered area the principal use of which is for the parking of vehicles whether for compensation or not;
- “percent of coverage”** means the gross floor area of a building divided by the area of the lot on which it stands expressed as a percentage;
- “plot ratio”** means the ratio of gross floor area of a building to ground area;
- “residential”** means use or intended use, including concomitant uses;
- “roadway”** means any right-of-way which affords primary access to abutting property;
- “row house or terrace house”** means a building consisting of a series of three or more one-family houses, having party walls between each adjacent section without direct communication except for installation of pipe or electrical conduits;
- “setback”** means the minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines of the building;
- “shop”** means a building in which commodities are sold at retail or wholesale;
- “storey”** means that portion of a building included between the surface of any floor and the surface of the floor next above, or if there be no floor above it, then the space between such floor and ceiling next above it;
- “subdivision”** means a division of a lot, tract or parcel of land or water into two or more lots, plots, sites or other subdivisions of land or water for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorage, dedication, or other use;
- “unit”** means any building or part of a building occupied or to be occupied by one family;
- “warehouse”** means any building or part of a building including open area of land used for bulk storage of goods.

3. Application for Planning Permission.

Applications for planning permission to carry out development shall be made to the Authority in the manner prescribed herein.

4. Examination by Authority.

All applications shall be examined by the Authority in relation to land use proposals contained in the advisory plan or plans currently in use or under preparation for the purpose of implementing Government land use policy during the Interim Control period.

5. Height of Building.

(1) The maximum height of buildings in the Territory shall be 45 feet to the eaves or four storeys (whichever is less). Provided that requirement may be relaxed at the discretion of the Authority.

(2) The height of a building with a gabled or hip roof shall be the vertical distance measured from the lowest curb level of the finished building site to the eaves and in the case of buildings with flat roofs, the vertical distance from the lowest curb level to the highest point of the roof excluding cornices, parapet walls or railings.

6. Density of Building.

(1) The density of buildings in the territory shall be:

- a) In the commercial centres of urban areas, (C) the plot ratio shall not exceed 1:1.5 and site coverage of fifty percent;
- b) In industrial or special industrial zones (IW, IS) the plot ratio shall not exceed 1:0.7 and site coverage of sixty-six percent;
- c) In Residential Zone (R.L) - Average 6 houses per gross acre, minimum frontage fifty feet of each plot onto a roadway maximum coverage thirty three percent. Duplex or terraced houses – 3,000 sq. ft. of land per unit. Apartments – 2,000 sq. ft. of land per unit.
- d) Resort Residential Zone (R.2) - Average 3 houses per acre, minimum lot size 10,000 sq. ft., minimum frontage 75 ft. maximum coverage twenty-five percent. Duplex or terraced houses – 7,000 sq. ft. of land per unit. Apartments - 3,000 sq. ft. of land per unit.
- e) In Hotel Zone (H) - Hotels and apartment buildings, condominiums minimum road frontage 100 ft., maximum coverage twenty-five percent, maximum hotel guest bedrooms, fifty per acre.

(2) The minimum lot size of duplex, row housing and apartment building may be reduced at the discretion of the Authority.

7. Setbacks.

- (1) All setbacks shall be measured to the walls, stairs or balconies of the building.
- (2) The distance from the boundary of any roof overhang shall be at the discretion of the Authority.
- (3) All setbacks within Road Town shall be decided by the Authority.
- (4) a) No land adjacent to the waterfront shall be developed by the erection of a building unless the lot is at least one hundred feet in mean distance measured from high water mark and perpendicular to the road reserve.
b) No buildings other than ancillary buildings, shall be closer than fifty feet to the high water mark at any point.
c) The requirements in subparagraphs (a) and (b) may be relaxed at the discretion of the Authority.
- (5) In any residential area setbacks shall be as follows:
 - a) Front and rear setbacks - 20ft. minimum from lot boundaries
 - b) Side setbacks – one storey – 8ft. minimum, 2 storey – 12 ft. minimum.
- (6) In any resort residential area setbacks shall be -
 - a) Front and rear setbacks - 25 ft;
 - b) Side setbacks - one storey - 10 ft. minimum;
two storey - 12 ft. minimum;
three of four storeys - half height.
- (7) In any hotel area setbacks shall be -
 - a) Front and rear setbacks - 25 ft., unless prescribed greater;
 - b) Side setbacks - half height, 15 ft. minimum.
- (8) In any commercial and industrial areas other than in Road Town setbacks shall be -
 - a) Front setback for all buildings to be 10 ft. if parking is provided at side or rear of building. Otherwise, front setback to be 25 ft. minimum;
 - b) Rear setback 10 ft. minimum;
 - c) Side setback 5 ft. minimum, but with adjoining owners agreement building may be constructed up to side boundary for a depth to be agreed with adjoining owners.

8. Provision for Parking.

- (1) Parking must be provided on the individual lot or in a nearby location for all Public Commercial, Industrial and Residential Buildings in new developments in accordance with the following schedule:
 - a) Church, cinema, theatre and place of public assembly - 1 space per 6 seats;
 - b) Club, restaurant, recreation hall - 1 space per 100 sq. ft.;
 - c) Offices - 1 space per 1,000 sq. ft.;
 - d) Shops - 1 space per 500 sq. ft.;
 - e) Industrial workshop, warehouse - 1 space per 1,000 sq. ft.;
 - f) Hotel and lodging house - 1 space per 4 guest bedroom units;
 - g) Apartment buildings, condominiums - 1 space per apartment;

h) Residential - 1 space per residential unit.

(2) The minimum size of a parking space for each vehicle shall be 8 ft. x 18 ft.

9. Lands for Communal Purposes.

The Authority will require applicants for sub-division approval to allocate in one or more areas not less than 5 percent of the total area for open space, e.g. children's playground, recreation areas etc., and where the land has a sea frontage, the allocated areas must include a minimum of 5 percent of the sea frontage.

10. Reclaimed Land.

Reclaimed land for any form of development shall have a minimum height of 5 ft. above high water mark after completion.

11. Roads and Road Junctions.

(1) Roads and road junctions shall be laid out as follows:-

- a) There must be a sight line at all junctions and intersections. At junctions and intersections on internal sub-division roads, visibility triangles are required. They should be formed by cutting off the corners of lots by measuring 15 ft. along the respective lot boundaries from their point of intersection and joining two points so determined.
- b) Where appropriate, provision shall be made for the continuation of principal streets to adjoining sub-divisions or their proper projection when adjoining property is not sub-divided. The Authority may also require continuation of such minor streets as may be necessary for extension of utilities and for access to adjoining properties.
- c) There shall be no reserve strips across streets or roads controlling access to streets or properties, except where control of such strip is definitely placed under conditions approved by the Authority;
- d) An adequate turning point must be provided for every cul-de-sac road;
- e) Proposed streets shall intersect one another within 20 degrees of the perpendicular for a distance of 100 ft. from the point of intersection of the road reserves; where this is impractical because of the gradient of the land the Authority may approve alternative proposals at its discretion;
- f) Service roads for rear access to commercial development in commercial zones shall be provided in all business and industrial areas and should not be less than 18 ft. wide;
- g) The points of access onto a major road shall be held to a minimum as far as practicable and whenever possible not be less than a quarter-of-a-mile apart.

(2) The Authority may regulate points of access to all roads.

(3) The Authority may determine points of access from properties onto roads and may prohibit the erection of any building or construction which might cause obstruction to traffic in the adjacent street.

Where this is impractical because of the gradient of the land, the Authority may approve alternative proposals at its discretion.

12. Road Reserves. Road reserves shall be of-

- a) Major Roads
 - i) Dual Carriageway 72ft.
 - ii) Single Carriageway 60ft.
- b) Secondary Roads 44ft.
- c) Minor Roads
 - i) Class A Public Carriageways 20ft.—24ft. and over
 - ii) Class B Public Carriageways 16ft.—18ft.
 - iii) Class C Public Carriageways 10ft.—12ft.

13. Water Supply. The water supply to buildings shall be provided as follows:

- (1) Every building intended for human habitation shall be provided with a rainwater catchment and storage tank having a capacity of 1000 gallons per 100 sq. ft. of roof catchment area.
- (2) The development of any habitation shall be required to submit proposals acceptable to the Authority for a complete supply and distribution water system, whether or not a treated supply is available. The cost of any such proposal will be borne by the developer.

14. Sewerage. Means of sewerage disposal shall be provided as follows:

- (1) Every building intended for human habitation or commercial or industrial use shall be provided with a waterborne sewerage system draining to a septic tank or more sophisticated treatment facility of accepted design approved by the Authority wherever possible, except in areas designated by the Authority where comprehensive sewerage systems are available or a technical waste is of such type as to require special treatment before discharge to a sewer or the environment.
- (2) The effluent from a septic tank must drain through a soak pit or subsurface drainage tile field of appropriate capacity located preferably no less than 15 ft. from any dwelling or commercial or industrial building or the plot boundary. The buildings' sewers and septic tank must be so located that the drainage system may eventually be connected to a main sewerage system.
- (3) The developer of any sub-division shall be required to submit proposals acceptable to the Authority for a sewerage system which can satisfactorily serve his sub-division. The cost of any such proposals will be borne by the developer.

15. Garbage Disposal. Means of garbage disposal shall be provided as follows-

- (1) Every householder, tenant, and hotel or apartment building owner, shall be responsible for providing his own garbage bin, with a suitable cover, which must be suitably protected against being knocked over.
- (2) Where it is practicable for a sub-division developer to provide a garbage collection and disposal service, this will be insisted upon by the Authority. The developer shall make provision for the reservation of disposal area and for access for removing garbage.

16. Shoreline Alterations or Modifications of Submerged Lands.

- (1) Applications for shoreline alterations and modifications of submerged lands shall contain the following information except with the written permission of the Authority.
 - a) A written report of an investigation of the site and adjacent properties. The investigation will be conducted by competent, professional personnel who will investigate and report on the prevailing environmental conditions, ecology, hydrogeology and water mass transports. The report will predict probable effects/works;
 - b) A complete and exact written description of the proposed site, including charts, maps, photographs, topographic charts, submerged land contours, and subsurface profiles, as required by the scope and complexity of the work and the site;
 - c) A complete and exact written description of the proposed work for which the permit is sought, defining the modifications, alterations, or construction and their methods. This description must include details of supervisory and control procedures and the credentials of the personnel responsible for this function;
 - d) A written guarantee that a final completion report will be furnished by the applicant within six months after termination of the work. The report will detail actual work accomplished, describe final site geometry and the movement of materials, as well as the environmental conditions of the site and the adjacent properties after the work is terminated.

17. Applications for Development of Lands.

(1) Application for development of land shall be in the form set out in schedule I hereto.

- a) Drawings shall be made originally either in ink or pencil and prints made. Each application form must be accompanied by two (2) printed copies of plans;
- b) The name of the owner, date of the plan and the signature of the persons who prepared the plan, must be shown on all plans. The following statement should appear on each sub-division plan for each application and shall be signed by the Surveyor, Town Planner, etc., as follows:

“I hereby certify that the boundaries of the land to be subdivided and their relationship to the adjacent land are accurate as set out on Cadastral Survey Map or as per boundary survey, and correctly shown on this plan.

Signature

Address

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18. Plans and Layouts.

(1) Plans and layouts shall be provided as follows:

- a) Where it is desired to construct more than one house on any area of land, a subdivision plan must first be submitted to the Authority for approval;
- b) To show the road access to each building lot as well as connections with existing streets and roads on adjoining subdivisions or on adjoining unsubdivided property;
- c) Drawn to scale sufficiently large to facilitate accurate checking;
- d) Sub-division plans shall be accompanied by a location sketch showing existing subdivisions in the vicinity and name of owners of land adjoining the proposed subdivision;
- e) Showing to the satisfaction of the Authority, position of roads, road reserves, cross drainage structures, roadside drainage and the construction specifications of each road;
- f) Survey of a layout is not required until approval for subdivision has first been obtained. The final survey plan will be compared with the approved layout plan (Survey plans additionally require approval by the Chief Surveyor under the Land Surveyor’s Ordinance, 1970).

19. Proposed Land Use.

- (1) a) Plans and layouts shall clearly indicate the purpose for which various lots are to be used, such as-
Residential (distinguishing between single family, two family and multiple family), Commercial (specifically identifying special uses such as service station, etc. where possible), Industrial, School Sites, Parks and Agricultural Area;
- b) Application for the approval of gas stations, garages, clubs and churches, obnoxious and industrial plants, e.g. machine shop, must be advertised by the applicant at his

expense in the local newspaper in three consecutive issues giving a period of two weeks after final publication in which objections may be lodged with the Authority.

20. Commencement of Building.

- (1) Commencement of building on any approved sub-division must be within twelve months of the date of permit or the permit will be deemed to have lapsed.