



April 15, 2018

MEMORANDUM

FROM: The Chairman, & Members of the Board

TO: ALL PROPERTY OWNERS OF LYFORD CAY

NOTES

THE PROPOSED LYFORD CAY ZONING ORDER 2018

Dear Lyford Cay Residents,

THE GENERAL SCHEME – for quick overview, the attached plans are very helpful.

1. **THE LYFORD ZONING ORDER BOUNDARIES.**

See PLAN # 1. (attached to the Draft Order) - Shows the whole Lyford Cay Zoning District Perimeter.

Full Legal Description: (Section 3 & First Schedule).

ALL THAT part of the Western District of the Island of New Providence shown on PLAN 1 now known as Lyford Cay and comprising the original Cay or island which historically was known as Simms Cay or Lyford Cay and is now joined by an isthmus to the mainland of New Providence and the other parcels of land lying within the outer perimeter boundary shown on PLAN 1 portions of which were laid out and developed as the 'Lyford Cay Club' and as residential communities all of which is now commonly known as 'Lyford Cay' and which said Lyford Cay bounded on the North by the Atlantic Ocean on the Northwest by the Sea at Clifton Bay on the South and Southeast by the main Western Road and on the East partly by the main Western Road and partly by various parcels of land thought to be the property of New Providence Development Company Limited, the Lyford Cay Hospital, the Mosko Group, The Holowesko Fund and others and partly by the Islands at Old Fort Development.

2. **SINGLE FAMILY RESIDENCE ONLY – See PLAN # 2 shaded PINK**

Section 4 - Prohibits new buildings in the areas shown on Plan # 2 in pink for any use other than for a SINGLE-FAMILY RESIDENCE OR DWELLING HOUSE.

Do not be alarmed if this seems restrictive.

A “dwelling house” is defined (Section 2) to include:

“dwelling house” means one or more buildings or structures collectively providing complete living facilities for a single family including permanent provisions for living, cooking, eating, and sanitation; and appropriate accessory structures including rooms for accommodation of guests, staff quarters, garages, or combined garage and apartment.

Section 7 – Prohibits land with existing or future buildings within the Plan # 2 Shaded PINK area from being: -

“..... used for any purpose other than one single family residence or dwelling house and in particular (but not by way of limitation) no tract of land or building thereon shall be used (i) for the purpose of any trade manufacturing business or commercial undertaking including the business of a guest-house, boarding-house time-share unit club, or hotel/resort facilities or (ii) as a duplex house or multi-unit complex, apartment house, hotel, condominium building or other buildings in occupation by more than one family with guests and staff....”

These 2 cited provisions, remove one of the great dangers faced by the Lyford Cay Community - and prohibits that there could suddenly be in our midst discos, beach clubs and bars, watersports staging sites, public or private clubs, hotels, guest houses, resorts, or other trade manufacturing business or commercial undertaking business activities etc.

The provisions would not prohibit whole house rentals long term or periodic single family use which includes guests and servants.

3. **MULTI-FAMILY RESIDENTIAL USE (Ten (10) properties – See PLAN # 3 shaded ORANGE**

SECTION 5 allows new buildings to be erected on the 10 properties shaded ORANGE and marked “MF-1” through “MF-10” on PLAN # 3.

The actual “MF-1” through “MF-10” properties are actually named in the SECOND SCHEDULE, using their current names.

These are already built upon and can be re-used likewise.

4. “NON-CONFORMING USES PROPERTIES (**FIVE (5) OWNERSHIP CATEGORIES–
See PLAN # 4.**)

Non-conforming is planning jargon to designate a very different but permitted or allowed land use, different in this case from single or multi-family use.

SECTION 6 names the actual ownership categories and these properties are colour coded on PLAN # 4 and described in some detail in the THIRD SCHEDULE. Section 6 reads:

“6. It is hereby ordered that non-conforming uses shall be permitted upon those ten parcels shown and denoted as ‘Lyford Cay POA (POA)’, ‘Lyford Cay Sothebys International Realty’, ‘Lyford Cay Club (PC)’, ‘The Church of Saint Christopher (CH)’, and ‘Lyford Cay International School (SCH)’ on PLAN 4 and described in the Third Schedule which are consistent with the uses of each such parcel set forth in the Third Schedule”.

5. “LOCAL STUDY AREA LAND / PROPERTIES (**FOUR (4) parcels or clusters of acreage –
See PLAN # 5.**)

SECTION 8. Provides ... *That it is hereby ordered that the areas designated LSA-1, LSA-2, LSA-3 and LSA-4 and shown on “Plan 5” and described in the Fourth Schedule, respectively together be designated a Local Study Area under Section 22 of the Planning and Subdivision Act.*

The background to this area, with which members can quickly familiarize themselves by looking at PLAN # 5 is more complex and requires virtually repeating the cover letter.

The background to this area goes back to the founding Developer, the Hon. E. P. Taylor who initially laid out the Lyford Cay No. 1 Subdivision with a part of it running South all the way to the (then) new Western Road which became the new West Bay Street or Queen’s Highway after the Lyford Cay Road Diversion Act had its set of CCR’s layout of the Lyford Cay No. 1 Subdivision.

However, after the initial layout, Mr. Taylor changed his planning scope and pulled back the southernmost section of the No. 1 Subdivision and excluded it from the original inland fenced perimeter of Lyford Cay and ran no roads or utilities or infrastructure to those lots, with intent

that that section and other acreage between the original fence line and the re-routed Western Road would be included in another township development. This other acreage was agreed by the then LCPOA Board to be included within Lyford Cay if restricted to Five (5) acre parcels or greater and permitted some horses etc.

Since then, and other events happening, these areas are all within the current Lyford Cay Community perimeter and future Zoning District but there is ongoing discussion as to their future land use. We have been advised that for the current zoning submission, to designate all of these parcels, in aggregate just over 100 acres as “Study Areas” as allowed by the current law (The Planning and Subdivision Act, 2010).

The rationale is that we can go forward with the current Draft Order while dialogue and consultations continue on the important thinking and negotiations between land owners and the Community.

6. FRAGMENTATION OF ESTATE PARCELS / SUBDIVISION OF LOTS / SEVERANCE ETC. Section 9 of the Draft Zoning Order

This aspect of Lyford Cay’s current and ongoing development is an extremely vexing one.

As said in the cover letter, that without a Zoning Order, those properties which were laid out without Restrictive Covenants, the community can never rest from initiatives to establish *discos, beach clubs and bars, watersports staging sites, public or private clubs, hotels, guest houses, resorts, or other trade manufacturing business or commercial undertaking business activities etc.*

Likewise, without a Zoning Order, there will continue to be efforts made from time to time to break up Estate Parcels into smaller lot subdivisions or town house complexes or splitting existing smaller lots to make smaller properties.

Where there are CCR’s there is some protection, but the Board is finding that neighbours are almost always reluctant to take unpleasant action against neighbours and seek the POA’s help which is not always practicable.

Again, there is the dilemma of balancing private property rights and keeping the quality and nature of neighbourhoods and the value of properties etc.

The proposed allowable degrees of fragmentation or subdivisions, that we have included in Section 8 would prohibit cutting up land into lots of less than Two (2 acres) or if coastal or shoreline, into properties with less than 90 feet sea frontage and running from sea to Lyford roads.

If there are CCR's which define these requirements, then the restrictive covenants will prevail.

In this way, under the Planning and Subdivision Act it will be illegal for Town Planning Authorities to approve fragmentations and subdivision / severance forbidden by a Zoning Order and the Community and the LCPOA will be spared from having to react on a case by case basis and be involved in long and expensive Judicial Reviews etc.

7. **PROPOSED INCORPORATION INTO THE DRAFT ZONING ORDER OF “The Lyford Cay Guidelines & Regulations (formerly called “the Lyford Cay Urban Code”) (Section 10).**

To avoid the legal drafting logistics in seeking to have the Zoning Order itself consolidate and codify all of the numerous details of standards and regulation, our advisors have updated the former Urban Code, now re-named, and it is hoped that there will be consensus on this draft. This consensus will be after consultation and information and input from members in a very widely accepted format. Once approved, it will be given the force of law, by enablement in the Zoning Order but changeable by the majority of members in future meetings, if so desired.

8. **DESCRIPTIONS OF THE “LEGAL NON-CONFORMING” PROPERTIES AND THEIR USES. (Section 11 and Second and Third Schedules)**

These are existing and well-known properties and they carry on as before.

9. *** COASTAL SETBACKS WITH NORTH SHORE OF CLIFTON BAY EXCEPTIONS;**
- * RESTRICTION ON DOCKS AND BOAT LIFTS OFF SANDY BEACHES, GENERAL BUILDING SETBACKS;**
- * MAXIMUM SITE COVERAGE;**
- *MINIMUM PARKING REQUIREMENTS;**

*** SIGNAGE;**

*** BUILDING HEIGHTS**

Each of the above are dealt with in the FIFTH SCHEDULE to the Draft ZONING ORDER. We hope that they are clear enough for all but in our coming consultations, we will be happy to explain further.

Respectfully submitted.