

CAYMAN ISLANDS



**Development and Planning Act
(2021 Revision)**

DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 2021

(SL 14 of 2021)

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Development and Planning Act
(2021 Revision)**DEVELOPMENT AND PLANNING
(AMENDMENT) REGULATIONS, 2021**
(SL 14 of 2021)

In exercise of the powers conferred by section 42 of the Development and Planning Act (2021 Revision) the Cabinet makes the following Regulations —

Citation

1. These Regulations may be cited as the Development and Planning (Amendment) Regulations, 2021.

Amendment of regulation 2 of the Development and Planning Regulations (2020 Revision) - definitions

2. The *Development and Planning Regulations (2021 Revision)*, in these Regulations referred to as the “principal Regulations”, are amended in regulation 2 as follows —
 - (a) by deleting the definition of the word “**apartment**” and substituting the following definition —

“**apartment building**” means a building that has three or more dwelling units, with —

 - (a) at least one dwelling unit entirely or partially above another; and
 - (b) each dwelling unit having a separate entrance directly from outside or through a common inside area;”;

- (b) in the definition of the word “**duplex**”, by deleting the words “and being on one lot”;
- (c) in the definition of the words “**guest house**”, by deleting the words “six or more paying guests” and substituting the words “paying guests”;
- (d) by deleting the definition of the words “**semi-detached house**”; and
- (e) by inserting in the appropriate alphabetical sequence the following definitions —

“**General Commercial zone 3**” means the area designated as such on the plan set out in Schedule 3;

“**General Commercial zone 4**” means the area designated as such on the plan set out in Schedule 3; and

“**townhouse**” means a dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides;”.

Amendment of regulation 6 - applications for building

3. The principal Regulations are amended in regulation 6 as follows —

- (a) by repealing paragraph (1) and substituting the following paragraph —
 - “(1) Applications for planning permission —
 - (a) to carry out development, other than subdivisions, shall be made on a form provided by the Director and accompanied by the following drawings —
 - (i) site lot plan;
 - (ii) floor plans; and
 - (iii) front, rear and side elevations; and
 - (b) for subdivisions shall be made on a form provided by the Director and accompanied by a plan showing —
 - (i) the location of the site;
 - (ii) the lot layout;
 - (iii) the road layout, where applicable;
 - (iv) the approximate lot sizes;
 - (v) land uses within the subdivision, including land for public purposes where applicable; and
 - (vi) existing topographical detail.”;
- (b) by inserting after paragraph (1A) the following paragraph —
 - “(1B) All plans submitted for planning permission to carry out development, including subdivisions, shall be drawn to an imperial scale that allows plan details to be viewed with



sufficient clarity to indicate the nature and character of the work to the satisfaction of the Director.”; and

- (c) by repealing paragraph (6).

Amendment of regulation 8 - general requirements re parking, height, setbacks, waterfront property, etc.

4. The principal Regulations are amended in regulation 8 as follows —

- (a) in paragraph (1) as follows —

- (i) by deleting subparagraphs (b) and (c) and substituting the following subparagraphs —

“(b) in General Commercial zones 1, 2, 3, and 4, up to one hundred per cent of the parking spaces, except for those required for persons with disabilities, may be located not more than seven hundred feet from the respective building, as part of a Parking Management Strategy prepared to the satisfaction of the Authority; and

(c) in a Neighbourhood Commercial zone or Hotel/Tourism zone, fifty per cent of the parking spaces, may be located not more than five hundred feet from the respective building, as part of a Parking Management Strategy prepared to the satisfaction of the Authority.”;

- (ii) in subparagraph (iv), by inserting after the word “feet” the words “of which at least one per cent, but not less than one space of the total spaces, shall be dedicated to electric vehicles, for buildings exceeding 5000 sq. ft. in gross floor area”; and

- (iii) in subparagraph (viii), by deleting the words “and semi-detached”;

- (b) in paragraph (2), by deleting subparagraph (a) and substituting the following subparagraph —

“(a) in a General Commercial zone, shall not exceed sixty-five feet or five storeys, whichever is the less, except —

(i) where the building is in General Commercial zone 1, the maximum permitted height is one hundred and thirty feet or ten storeys, whichever is the lesser of the two;

(ii) where the building is in General Commercial zone 2, the maximum permitted height is ninety-one feet or seven storeys, whichever is the lesser of the two;

(iii) where the building is in General Commercial zone 3, the maximum permitted height is sixty-five feet or five storeys, whichever is the lesser of the two; and

- (iv) where the building is in General Commercial zone 4, the maximum permitted height is twenty-five feet or two storeys, whichever is the lesser of the two, and is subject to any limitation on height as may be prescribed by the Cayman Islands Airports Authority with regard to the flight approach zone patterns of an airport, whichever is the lesser of the two; and”;
- (c) in paragraph (4), by inserting after the words “of a like nature,” the words “non-habitable ancillary spaces,”;
- (d) by inserting after paragraph (9) the following paragraph —
 - “(9A) In a Commercial zone or an Industrial zone the minimum lot size, lot width, setbacks and site coverage for land strata lots and volumetric parcels which are intended to allow the conveyance of dwelling units in an approved duplex, apartment building or townhouse shall be at the discretion of the Authority.”;
- (e) in paragraph 12A(a), in subparagraphs (i), (ii) and (iii), by deleting the word “apartments” wherever it appears and substituting the words “apartment buildings or townhouses”;
- (f) in paragraph (13), by inserting after the word “application” where it last appears the words “and, within twenty-one days of proof of notification, an adjoining owner of full legal capacity may lodge an objection with the Authority, stating the grounds of the objection.”; and
- (g) by inserting after paragraph (16) the following paragraphs —
 - “(17) Prior to the issuance of a permit, the applicant shall ensure that the site boundaries are set out on the ground by a licensed land surveyor.
 - (18) Walls and fences adjacent to a road shall be setback a minimum of four feet from the roadside parcel boundary, and vehicular gates adjacent to a road shall be setback a minimum of twelve feet from the roadside parcel boundary.”.

Amendment of regulation 9 - residential zone

5. The principal Regulations are amended in regulation 9 as follows —
- (a) by deleting the word “apartments” wherever it appears and substituting the words “apartment buildings or townhouses”;
 - (b) in paragraphs (6) to (9), by deleting the words “and semi-detached” wherever they appear;
 - (c) in paragraph (6), by inserting after subparagraph (i) the following subparagraph —



- “(ia) the minimum lot size, lot width, setbacks and site coverage for land strata lots and volumetric parcels which are intended to allow the conveyance of dwelling units in an approved duplex, apartment building or townhouse shall be at the discretion of the Authority.”;
- (d) in paragraph (7), by inserting after subparagraph (j) the following subparagraph —
- “(ja) the minimum lot size, lot width, setbacks and site coverage for land strata lots and volumetric parcels which are intended to allow the conveyance of dwelling units in an approved duplex, apartment building or townhouse shall be at the discretion of the Authority.”;
- (e) in paragraph (8), by inserting after subparagraph (j) the following subparagraph —
- “(ja) the minimum lot size, lot width, setbacks and site coverage for land strata lots and volumetric parcels which are intended to allow the conveyance of dwelling units in an approved duplex, apartment building or townhouse shall be at the discretion of the Authority.”; and
- (f) in paragraph (10) as follows —
- (i) by deleting the words “and semi-detached”; and
- (ii) in paragraphs (c) and (e), by deleting the words “semi-detached”.

Amendment of regulation 10 - hotel/tourism related development

6. The principal Regulations are amended in regulation 10(1) as follows —
- (a) by deleting the word “apartments” wherever it appears and substituting the words “apartment buildings or townhouses”; and
- (b) by deleting subparagraphs (d) to (h) and substituting the following subparagraphs —
- “(d) the minimum lot size for each detached house is 10,000 square feet and for each duplex is 12,500 square feet and both with a minimum lot width of eighty feet;
- (e) the maximum site coverage for hotels and apartment buildings or townhouses is forty percent of the lot size and for a detached house or duplex is thirty percent of the lot size;
- (f) the minimum side setback is 20 feet, except as otherwise specified in subparagraph (g);
- (g) for a detached house or duplex, the minimum side setback is 10 feet for a building of one storey, 15 feet for a building not

- exceeding three storeys and 20 feet for a building exceeding three storeys;
- (h) the minimum front setback is 20 feet from the road side property boundary;
 - (i) where the parcel does not have a high water mark setback, inland waterway setback or canal setback, the minimum rear setback is 20 feet;
 - (j) in the case of a cottage colony development —
 - (i) the maximum number of cottage units is ten per acre;
 - (ii) no cottage unit contains more than two bedrooms; and
 - (iii) the maximum site coverage is twenty-five per cent of the lot size; and
 - (k) the minimum lot size, lot width, setbacks and site coverage for land strata lots and volumetric parcels which are intended to allow the conveyance of dwelling units in an approved duplex, apartment building or townhouse shall be at the discretion of the Authority.”.

Amendment of regulation 13 - commercial zones

7. The principal Regulations are amended in regulation 13 as follows —

- (a) in paragraph (8), by deleting the word “seventy” and substituting the word “eighty”; and
- (b) in paragraph (10) as follows —
 - (i) in subparagraph (a), by deleting the word “or” where it last occurs;
 - (ii) in subparagraph (b), by deleting the full-stop and substituting the words “; or”; and
 - (iii) by inserting after subparagraph (b) the following subparagraph —

“(c) the development is located within areas General Commercial zone 1, General Commercial zone 2, General Commercial zone 3 or General Commercial zone 4.”.

Amendment of regulation 15 - Beach Resort/ Residential zones

8. The principal Regulations are amended in regulation 15 as follows —

- (a) by deleting the word “apartments” wherever it appears and substituting the words “apartment buildings or townhouses”;
- (b) by deleting the words “detached and semi-detached houses” wherever they appear and substituting the words “a detached house”;
- (c) in paragraph (4) as follows —



- (i) by repealing subparagraph (a) and substituting the following subparagraph —
 - “(a) lot sizes —
 - (i) the minimum lot size for a detached house is 10,000 square feet;
 - (ii) the minimum lot size for a duplex is 10,000 square feet;
 - (iii) the minimum lot size for apartment buildings, townhouses, cottage colonies, beach resorts, guest houses or tourist-related development is one half of an acre; and
 - (iv) the minimum lot size, lot width, setbacks and site coverage for land strata lots and volumetric parcels which are intended to allow the conveyance of dwelling units in an approved duplex, apartment building or townhouse shall be at the discretion of the Authority;”;
- (ii) in subparagraph (b), by deleting the full-stop and substituting the words “; and”;
- (iii) by inserting after subparagraph (b) the following subparagraphs —
 - “(c) the maximum site coverage is forty percent of the lot size;”;
 - “(d) the minimum lot width for detached houses and duplexes is eighty feet and for beach resorts, guest houses, apartment buildings, townhouses, cottage colonies and other tourism related development is one hundred feet.”;
- (d) in paragraph (6), by inserting after the words “public right of way” the words “from the road”.

Repeal of regulation 23 - application for subdivisions

9. The principal Regulations are amended by repealing regulation 23.

Amendment of regulation 24 - planned area developments

10. The principal Regulations are amended in regulation 24(4) by deleting the words “, for apartments and hotels”.

Amendment of regulation 32 - public rights of way in Hotel/Tourism zones

11. The principal Regulations are amended in regulation 32 by deleting the words “two hundred feet, from the public road” and substituting the words “two hundred feet or part thereof, from a road”.

Amendment of regulation 37A - infrastructure fund

12. The principal Regulations are amended in regulation 37A(4) as follows —

- (a) by deleting the words “An apartment building” wherever they appear and substituting the words “An apartment building or townhouse”; and
- (b) in subparagraph (d), by repealing subparagraph (ii) and substituting the following subparagraph —
 - “(ii) in area A1, at a rate of \$20,000 per apartment or townhouse, in respect of applications relating to eleven or more apartments or townhouses; and”.

Amendment of Schedule 1 - application fees for planning permission

13. The principal Regulations are amended in Part I of Schedule 1 as follows —

- (a) in item 2(c), by deleting the word “apartment” and substituting the words “apartment building or townhouse”; and
- (b) by deleting item 21 and substituting the following items —
 - “21. Application for the installation of a fuel or liquefied petroleum gas storage tank exceeding an aggregate total of 1,000 gallons in size \$250
 - 21A. Permission for a generator —
 - (a) relating to a house or duplex \$100
 - (b) relating to any use other than in relation to a house or duplex \$250”

Amendment of Schedule 2 - areas

14. The principal Regulations are amended in Schedule 2 as follows —

- (a) in paragraph 2 as follows —
 - (i) by inserting the after the words “*For an apartment*” the words “building or townhouse”;
 - (ii) by inserting after the item with the description “For any other building not specified in this Schedule” the following item and particulars —
 - “For the installation of a fuel or liquefied petroleum gas storage tank, or a generator —
 - (a) relating to a house or duplex \$100

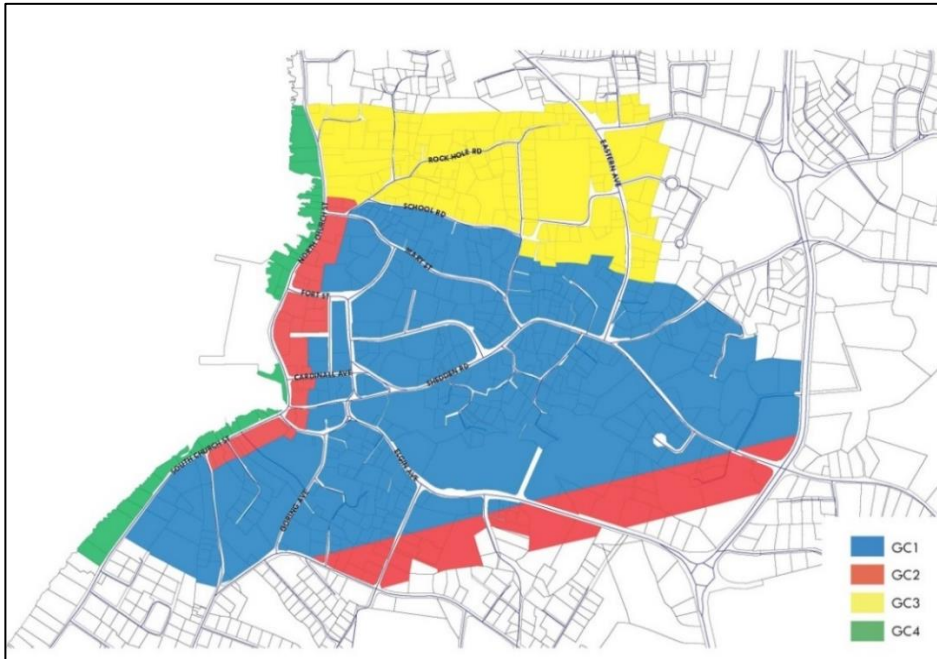


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- (b) for any use other than in relation to a house or duplex \$250”; and
- (b) in paragraph 3 as follows —
- (i) by inserting the after the words “*For an apartment*” the words “building or townhouse”; and
- (ii) by inserting after the item with the description “For any other building not specified in this Schedule” the following item —
- “For the installation of a fuel or liquefied petroleum gas storage tank, or a generator —
- (a) relating to a house or duplex \$100
- (b) for any use other than in relation to a house or duplex \$250”.

Amendment of Schedule 3 - general commercial zones

- 15. The principal Regulations are amended by deleting Schedule 3 and substituting the following Schedule —

**“SCHEDULE 3
GENERAL COMMERCIAL ZONES**



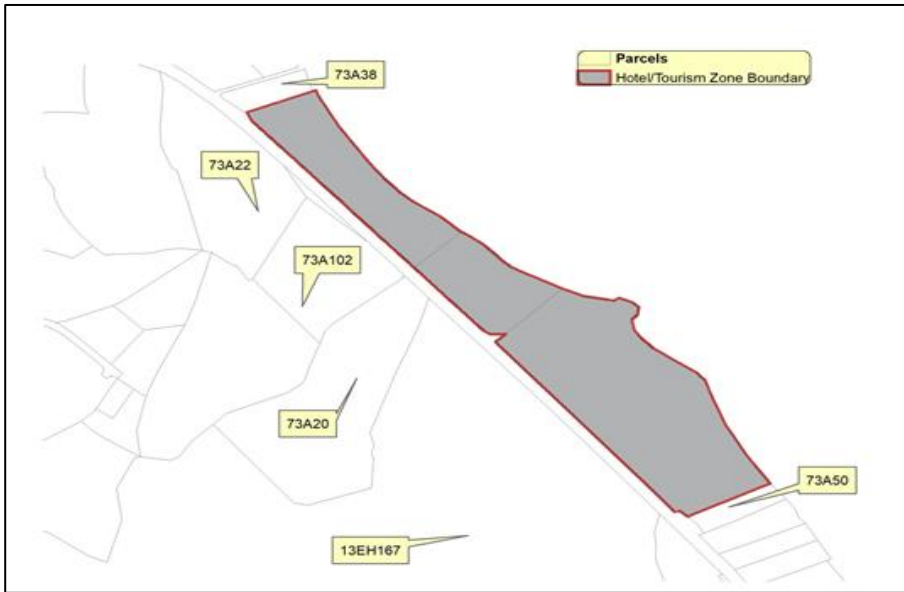
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Amendment of Schedule 4 - Hotel/Tourism Zones

16. The principal Regulations are amended in Schedule 4 by inserting the following plans —

“Hotel/Tourism Zone 3





Amendment of Schedule 5 - miscellaneous fees

17. The principal Regulations are amended in Schedule 5 by deleting the item “Online Planning System service transaction” and its particulars and substituting the following item and particulars —

“Online Planning System service transaction —

Electronic submissions	\$10 per submission
Paper based submission	\$25 per submission
File retention	\$25 per application”.

Made in Cabinet the 9th day of February, 2021.

Kim Bullings

Clerk of the Cabinet

A draft of these Regulations was laid on the 16th day of October, 2020 in the Legislative Assembly in accordance with section 42(3) of the Development and Planning Act (2021 Revision).

An amended draft of these Regulations was approved the 2nd day of November, 2020 by the Legislative Assembly in accordance with section 42(3) of the Development and Planning Act (2021 Revision).

Zena Merren-Chin

Clerk of the Legislative Assembly

