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DEVELOPMENT AND PLANNING LAW

(2011 Revision)

DEVELOPMENT AND PLANNING REGULATIONS

(2011 Revision)

Revised under the authority of the Law Revision Law (1999 Revision).

The Development and Planning Regulations, 1977 made the 28th July, 1977 consolidated with Laws 7 of 2003 (part) enacted the 25th June, 2003, 31 of 2003 (part) enacted the 4th December, 2003 and 8 of 2004 (part) enacted the 18th March, 2004, and with the-

Development and Planning (Amendment) Regulations, 1977 made the 6th December, 1977

Development and Planning (Amendment) Regulations, 1979 made the 18th September, 1979

Development and Planning (Amendment) Regulations, 1980 made the 25th March, 1980

Water Authority Law, 1982 (18 of 1982) (part) enacted the 9th December, 1982

Development and Planning (Amendment) Regulations, 1985 made the 26th March, 1985

Development and Planning (Amendment) (No. 2) Regulations, 1990 (sic) made the 24th July, 1990

Development and Planning (Amendment) Regulations, 1991 made the 5th March, 1991

Development and Planning (Amendment) (Fees) Regulations, 1991 made the 16th December, 1991

Development and Planning (Amendment) Regulations, 1992 made the 21st January, 1992

Development and Planning (Amendment) (No. 2) Regulations, 1992 made the 6th October, 1992

Development and Planning (Amendment) Regulations, 1993 made the 21st December, 1993

Development and Planning (Amendment) Regulations, 1994 made the 15th March, 1994
Building Code Regulations, 1995 (part) made the 11th August, 1995
Development and Planning (Amendment) Regulations, 1997 made the 20th May, 1997
Development and Planning (Amendment) (No. 2) Regulations, 1997 made the 19th August, 1997
Development and Planning (Amendment) (No. 3) Regulations, 1997 made the 11th November, 1997
Development and Planning (Amendment) (Temporary Provisions) Regulations, 2001 made the 20th November, 2001
Development and Planning (Amendment) (Heights of Buildings) Regulations, 2002 made the 16th April, 2002
Development and Planning (Amendment) (Heights of Buildings) (No.2) Regulations, 2002 made the 23rd July, 2002
Development and Planning (Amendment) Regulations, 2005 made the 22nd March, 2005
Development and Planning (Amendment) (No. 2) Regulations, 2005 made the 29th March, 2005
Development and Planning (Amendment) Regulations, 2006 made the 8th August, 2006
Development and Planning (Amendment) Regulations, 2010 made the 25th May, 2010
Development and Planning (Amendment) (No. 2) Regulations, 2010 made the 13th July, 2010.

Consolidated and revised this 31st day of July, 2011.

Note (not forming part of the Regulations): This revision replaces the 2010 Revision which should now be discarded.

DEVELOPMENT AND PLANNING REGULATIONS

(2011 Revision)

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DEVELOPMENT AND PLANNING REGULATIONS

(2011 Revision)

1. These regulations may be cited as the Development and Planning Regulations (2011 Revision). Citation

2. In these regulations - Definitions

“agricultural/residential” means land, the primary use of which is both agricultural and residential;

“Agricultural/Residential zone” means a zone designated as such on the map;

“ancillary building” means a garage or other buildings 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;

“apartment” with reference to a building or block, denotes a building which is used or intended to be used as a home or residence for more than two families living in separate quarters;

“approved Agent” means an architect, engineer, surveyor, draughtsman or other person -

- (a) who has professional qualifications, training, or experience in architecture, building, construction or civil engineering, and is licensed under the Trade and Business Licensing Law (2007 Revision) to practise as such in the Islands; and
- (b) who is approved by the Authority for the purpose of submitting to the Authority plans and applications under these Regulations;

“areas” mean the areas shown on the map and “zones” have a similar meaning;

“Authority” includes “Board” in the alternative;

“Beach Resort/Residential zone” means a zone designated as such on the map;

“business” with reference to any building, denotes commercial use and includes a shop, restaurant, bank, office or other place in which people are commonly employed in any trade or profession;

“Commercial zone” includes a General Commercial zone, a Neighbourhood Commercial zone and a Marine Commercial zone;

“communal open space” means an open outdoor area within the curtilage of a residential development for the enjoyment of residents and their guests on a shared basis.

“cottage colony” means any premises or complex of premises which are operated on a commercial basis for providing living accommodation for six or more paying guests, the character of which is that of a group of cottages;

“detached house” means a dwelling unit on its own exclusive lot;

“duplex” means two dwelling units one above the other or side by side having a common wall and being on one lot;

“dwelling unit” means two or more rooms used or intended for the domestic use of one or more individuals living as a single housekeeping unit, with exclusive cooking, eating, living, sleeping and sanitary facilities;

“final certificate” means a certificate issued under regulation 34 authorising the occupation and use of a building on the completion of a building operation;

“General Commercial zone” means a zone designated as such on the map;

“General Commercial zone 1” means the area designated as such on the plan set out in Schedule 3;

“General Commercial zone 2” means the area designated as such on the plan set out in Schedule 3;

“Government-approved low cost housing programme” means any development, or intended development, designated by the Governor under regulation 7;

“gross acreage” means an area inclusive of roads and other developments;

“guest house” means premises having the external appearance of a dwelling unit but operated on a commercial basis providing sleeping accommodation for six or more paying guests and where no facilities are provided for persons other than those guests and the owner and staff;

“Heavy Industrial zone” means a zone designated as such on the map;

“heavy industry” means any industry other than light or cottage industries;

“height of a building” means the vertical distance measured from the average finished height of the development site of the relevant application to -

- (a) in the case of a building with a gabled or a hip roof, the lowest point at which the underside of the sloping roof structure meets the exterior wall; or
- (b) in the case of a building with any other style of roof, the highest point at which the underside of the roof structure meets the exterior wall of the building, excluding cornices, parapet walls and railings;

“Historic Overlay zone” means a zone designated as such on the map;

“hotel” has the meaning ascribed to it in the Hotels Aid Law (1995 Revision);

“Hotel/Tourism zone” means a zone designated as such on the map;

“Hotel/Tourism zone 1” means the area designated as such on the plan set out in Schedule 4;

“Industrial zone” includes a Heavy Industrial zone and a Light Industrial zone;

“industry” means the use of land for the carrying on of any industry or industrial process;

“Institutional zone” means a zone designated as such on the map;

“Law” means the Development and Planning Law (2008 Revision);

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“Light Industrial zone” means a zone designated as such on the map;

“light industry” means an industry which is carried on in a special building and in which the process carried on or the machinery used is such as if carried on or used in a residential area would not cause detriment to the amenity of that area including detriment by reason of noise, vibration, smell, fumes, electrical interference, smoke, soot, ash, dust or grit;

“lot” has the meaning ascribed to the word “parcel” in the Registered Land Law (2004 Revision);

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“low water mark” means, in relation to any place, the average height of all low waters of the sea at that place throughout any one calendar year;

“map” means the zoning map of Grand Cayman which is annexed to the development plan and “plan” has a similar meaning;

“Mangrove Buffer zone” means a zone designated as such on the map;

“Marine Commercial zone” means a zone designated as such on the map;

“massing”, in relation to a development, means the overall size, bulk and dimensions of the buildings concerned and their overall appearance resulting from their juxtaposition;

“national disaster” includes hurricane, fire, flood, earthquake, outbreak of pestilence, outbreak of infectious disease or any other calamity whether similar to the foregoing or not;

“Neighbourhood Commercial zone” means a zone designated as such on the map;

“parking area” means an open space reserved for parking vehicles related to any building;

“prescribed” means prescribed by the Law or these regulations;

“public access” means private land over which members of the public enjoy rights by virtue of any law;

“public building” means any building used for civic, administrative, religious or social purposes to which the public has access and includes a town hall, post office, church and public hall;

“Public Open Space zone” means a zone designated as such on the map;

“public utility building” means any building which is essential to the proper provision of public utility services including water, electricity and communications;

“residential land” means any lot, plot, tract, area, piece or parcel of land including any building used exclusively or intended to be used for family dwelling or concomitant uses specified herein;

“Residential zone” means a zone designated as such on the map;

“recovery period” has the meaning assigned by section 2(1);

“resort residential” means any area of land used primarily for the accommodation of tourists and which may also be used for normal residential use;

“Scenic Coastline zone” means those parts of the coastline of the Islands designated as such on the map;

“section” means a section of the Law;

"semi-detached house" means a dwelling unit on its own exclusive lot, sharing a common wall and boundary with not more than one other dwelling unit;

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“service road” has the meaning ascribed to it in the Roads Law (2005 Revision);

“setback” means the horizontal distance between any boundary of a parcel and any building on the parcel;

“site coverage” means the total area covered by a building divided by the area of the lot on which it stands expressed as a percentage;

“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 the ceiling next above it;

“temporary development” means -

- (a) the carrying out of building, engineering or other operations in, on, over or under any land, including the clearing of land; or
- (b) the making of any material change in the use of any building or other land,

at any time during a recovery period, for the purpose of the restoration of the Islands following a national disaster;

“warehouse” means any building designed or adapted for the storage of goods other than goods held for sale by retail;

“water lens” means an underground source of fresh water; and

“workshop” means any building where work of a light industrial nature is carried out and includes motor repair shops, carpenters’ shops and any ancillary building used for the repair of goods or equipment.

3. Applications for planning permission to carry out development are to be made to the Authority in the manner prescribed and, subject to regulation 5, such applications shall be examined and dealt with by the Authority having regard to the development plan and these Regulations. Mode of application

4. Development shall be in accordance with land uses indicated on the development plan, which is held in the offices of the Authority and identified by the signature of the Governor thereon together with a reference to these Regulations. Permitted development

5. (1) The control of development, including buildings and subdivision of land, shall be in accordance with these Regulations and the development plan. Control of development

(2) Notwithstanding the requirements of subregulation (1), the Authority may give permission for development deviating from these regulations only as provided in the development plan.

(3) These regulations shall be read with and interpreted having regard to the development plan, provided that where there is a conflict between these regulations and the Planning Statement for the Cayman Islands 1977, these regulations shall prevail.

6. (1) Applications for planning permission to carry out development other than subdivisions under regulation 23 are to be made on the prescribed forms and accompanied by the following drawings- Applications for building

- (a) a location plan (on the same scale as the Registry Index Map where possible);
- (b) a site lot plan at a convenient natural scale to indicate items in subregulation (3);
- (c) floor plans to a scale of: 1/8 inch = 1 foot or 1/4 inch = 1 foot; and
- (d) front and rear elevations to a scale of: 1/8 inch = 1 foot or 1/4 inch = 1 foot

When major development is involved additional elevations must be submitted together with a statement of the material to be used in the external

finish of walls and roofs and if the Authority so requires, their colour must be shown on the drawings.

- (2) (a) Subject to paragraph (g) of section 13(2), no person shall construct or change a building without a building permit.
- (b) Prior to commencing the construction of, or the change to, a building, a person shall lodge with the Director an application for a building permit, which shall be accompanied by the fees set out in Schedule 2.
- (c) Notwithstanding regulation 35(3), this subregulation applies to Little Cayman.

(3) Applications for planning permission shall be made, by an approved Agent or by the owner of a duplex or single family home, to the Authority in the manner prescribed and, subject to regulation 5, such applications shall be examined and dealt with by the Authority having regard to the development plan and these Regulations.

(4) The site plan must show-

- (a) the location of the proposed building;
- (b) the location of existing buildings on the site and on adjacent land;
- (c) the front, rear and side setbacks;
- (d) the dimensions of relevant lots (for subdivision);
- (e) the fronting roads giving their names and widths;
- (ea) the existing and proposed site levels
- (f) the water and sanitary drainage systems; and
- (g) the north point.

(5) The location plan must show the position of the lot in relation to the adjoining lots and, if possible be a copy of the relative Registry Index Map. In special circumstances the Authority may require a topographical survey.

(6) Water supply and sanitary drainage systems must be shown on floor plans.

(7) On every plan the identity of the person who prepared it must appear and each site lot plan must be certified as follows-

“I hereby certify that all the dimensions shown on this plan are correct.

Signature_____

Address_____”.

Government-approved
low cost housing
programmes

7. For the purposes of these regulations, the Governor may designate as a Government-approved low cost housing programme, any development (or intended development) of one or more low cost dwelling units.

8. In respect of any application for planning permission for development of public, commercial, industrial or domestic buildings, parking shall be provided on the parcel to which the application relates except that -

General requirements re parking, height, setbacks, waterfront property, etc.

- (a) in a General Commercial zone, fifty per cent of the parking space may be provided on land located not more than five hundred feet from the respective building; and
- (b) in General Commercial zone 1, up to one hundred per cent of the parking space may be located not more than seven hundred feet from the respective building.

The minimum parking space for a vehicle is 8 feet 6 inches wide by 16 feet long, exclusive of access thereto and spaces must be provided upon the following scale

-

- (i) churches and other places of worship - one space per 8 seats;
- (ii) cinema, theatres and places of public assembly - one space per 4 seats;
- (iii) clubs, restaurants, recreation halls and bars - one space per 200 square feet;
- (iv) commercial development - one space per 300 square feet;
- (v) industrial development - one space per 1,000 square feet;
- (vi) hotels - one space per two guest rooms;
- (vii) apartments and cottage colonies - one and one half spaces per apartment; and
- (viii) dwelling units - one space per unit.

In no case may the building plus the car parking area exceed seventy-five per cent of the lot except in General Commercial zones where building plus parking area may occupy up to ninety per cent of the lot, the remainder being suitably landscaped.

- (2) The maximum permitted height of a building -
 - (a) in General Commercial zone 1, shall not exceed ninety-one feet or seven storeys, whichever is the less, except that the maximum permitted height of any such building shall not exceed the height limitation prescribed by the Director of Civil Aviation with regard to the flight approach zone patterns of an airport;
 - (b) in General Commercial zone 2, shall not exceed sixty-five feet or five storeys, whichever is the less, except that the maximum permitted height of any such building shall not exceed the height limitation prescribed by the Director of Civil Aviation with regard to the flight approach zone patterns of an airport;

- (c) in a high density Residential zone, medium density Residential zone, low density Residential zone or a Beach Resort/Residential zone, is forty feet or three storeys, whichever is the less; and, where the height of a building is three storeys, the building shall be so designed that no continuous vertical facade or elevation exceeds twenty-five feet or two storeys in height;
- (d) in an Agricultural/Residential zone, is two storeys; and
- (e) in a Hotel/Tourism zone, shall not exceed sixty-five feet or five storeys, whichever is the less, except that when the building is a hotel or apartment in Hotel/Tourism zone 1, the maximum permitted height is one hundred and thirty feet or ten storeys, whichever is the less.

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(3) Subregulation (2) does not apply to any building registered as, or as part of, a strata title under the Strata Titles Registration Law (2005 Revision), or which has been leased or subleased for a period exceeding thirty-one years, which is an integral part of a hotel development of not less than one hundred bedrooms in a Hotel/Tourism zone, and which is to be used on a continuous and ongoing basis as part of the hotel development and the occupants of which have access to all the facilities of the hotel development. A building to which this subregulation applies shall have a maximum permitted height of ninety-one feet to the soffits of the eaves or seven storeys whichever is the less.

(4) Subregulation (2) does not apply to any chimney, church spire, dome, cupola, stage tower, water cooling tower, elevated water storage tank, elevator tower, radio or television antenna tower, smokestack, parapet wall or structure of a like nature, and any necessary mechanical appurtenances thereof:

Provided that-

- (a) in Grand Cayman the maximum permitted height of any such structure and appurtenance, if any, shall not exceed the height limitation prescribed by the Director of Civil Aviation within the flight approach zone pattern of the Owen Roberts International Airport; and
- (b) in the case of a radio or television antenna tower or structure of a like nature where the structural stability of the tower or structure is reliant upon guys, it shall not be erected on any lot nearer to any of the boundaries of that lot than a distance less than the height of such structure or appurtenance.

(5) Subject to subregulation (6), setbacks (building lines) are to be measured to septic tanks, sewage treatment plants, deep wells and cisterns, and to the walls, stairs or balconies of the buildings; and setbacks governed by the

Roads Law (2005 Revision) shall be in accordance with the requirements thereof and in all other cases the requirements of these regulations apply.

(6) Maximum and minimum setbacks for underground facilities and structures shall be at the discretion of the Authority.

(7) Solid waste storage areas shall be setback a minimum of six feet from adjacent property boundaries and shall be screened with vegetation and fencing

(8) In Commercial zones and Industrial zones -

- (a) the maximum density and minimum setbacks shall be at the discretion of the Authority;
- (b) the minimum road setbacks shall be twenty feet and the minimum side and rear setbacks shall be six feet, unless otherwise specified by the Authority; and
- (c) parking areas shall not be provided within road setbacks.

(9) After the 6th May, 2002, the minimum lot size in a Commercial zone or Industrial zone shall be twenty thousand square feet.

(10) The following provisions apply to waterfront property -

- (a) in Central George Town, within the area enclosed from a point on the waterfront map reference MM593 331 (Eden Rock), thence in a northerly direction along such waterfront to map reference MM597 344 (Whitehall Bay), thence due east to the edge of the road reserve of North Church Street, thence southerly along the western road reserve boundaries of North Church Street, Harbour Drive and South Church Street to map reference MM 594 331, thence due west to the point of commencement, new buildings or additions to existing buildings may be permitted but any such buildings (including ancillary buildings, structures and walls) shall not at any point be closer than seventy-five feet to high water mark; but this restriction shall not apply to any works carried out by the Highway Authority established under the Roads Law (2005 Revision) where the works are for the protection of the existing road against undermining or scouring by the sea or to any works carried out by the Port Authority established under the Port Authority Law (1999 Revision) where the works are for the improvement or repair of the George Town port facility;
- (b) in areas where the shoreline is beach or mangrove (except in a Hotel/Tourism zone), all structures and buildings, including

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- ancillary buildings, walls and structures, shall be setback a minimum of seventy-five feet from the high water mark;
- (c) in areas where the shoreline is ironshore (except hotel and tourist related zones), all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of fifty feet from the high water mark;
 - (d) in areas where the shoreline is a canal or inland waterway, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of twenty feet from the high water mark;
 - (e) in a Hotel/Tourism zone, all structures and buildings up to three storeys, including ancillary buildings, walls and structures, shall be setback a minimum of one hundred and thirty feet from the high water mark, with an additional fifteen foot setback for each additional storey;
 - (f) in a Beach Resort/Residential zone, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of seventy-five feet from the high water mark;
 - (g) in a Marine Commercial zone, all structures and buildings up to two storeys, including ancillary buildings, walls and structures, shall be setback a minimum of fifty feet from the high water mark, with an additional fifteen foot setback for the third storey;
 - (h) in a Neighbourhood Commercial zone, all structures and buildings up to two storeys, including ancillary buildings, walls and structures, shall be setback a minimum of fifty feet from the high water mark, with an additional fifteen foot setback for the third storey; and
 - (i) in other areas, no land adjacent to the waterfront (except in the Hotel/Tourism zone) may be developed by buildings unless each lot is at least one hundred feet in mean distance measured from high water mark at right angles to the nearest edge of the road boundary, and no building including ancillary buildings, walls and structures, shall, at any point, be closer than fifty feet to high water mark in areas where the coastline is ironshore, or seventy-five feet in other areas.

(11) Notwithstanding paragraphs (b) to (h) of subregulation (10), the Authority may grant permission for a setback to be located at a lesser distance than that prescribed in those paragraphs, having regard to-

- (a) the elevation of the property and its environs;
- (b) the geology of the property;
- (c) the storm/beach ridge;

- (d) the existence of a protective reef adjacent to the proposed development;
- (e) the location of adjacent development; and
- (f) any other material consideration which the Authority considers will affect the proposal.

(12) Applications for the approval of places of public assembly, gas stations, garages, clubs, restaurants, bars, cinemas, excavations, bulk storage tanks, dive shops and relation structures, quarries, hotels, industrial plants including workshops, obnoxious and other similar establishments shall be advertised by the applicant in a manner approved by the Authority twice in a newspaper published and circulating in the Islands, with a period of at least seven days but not more than ten days between each successive publication of the advertisement; and within twenty-one days of the final advertisement, owners of full legal capacity who for the time being reside within a radius of one thousand feet of the boundaries of the land to which the application relates, or who own land within a radius of one thousand feet of the boundaries but reside elsewhere in the Islands, may lodge objections with the Authority, stating their grounds.

(12A) Notwithstanding subregulation (12), where the Law requires notification of adjacent owners prior to consideration of the application by the Authority, the following owners shall be notified -

- (a) in the case of an application relating to development in a Residential zone -
 - (i) where the application relates to three to five apartments, owners at a minimum radius of one hundred and fifty feet from the perimeter of the land to which the application relates;
 - (ii) where the application relates to six to ten apartments, owners at a minimum radius of two hundred and fifty feet from the perimeter of the land to which the application relates;
 - (iii) where the application relates to eleven or more apartments, owners at a minimum radius of four hundred and fifty feet from the perimeter of the land to which the application relates; and
 - (iv) where the application relates to any other land uses, owners at a minimum radius of five hundred feet from the perimeter of the land to which the application relates;
- (b) in the case of an application relating to development in an Institutional zone, owners at a minimum radius of five hundred feet from the perimeter of the land to which the application relates

- (c) in the case of an application relating to development in any other zone, owners at a minimum radius of three hundred feet from the perimeter of the land to which the application relates; and
- (d) in the case of an application for the subdivision of land in any zone -
 - (i) where the application relates to not more than six lots, owners at a minimum radius of one hundred and fifty feet from the perimeter of the land to which the application relates;
 - (ii) where the application relates to seven to ten lots, owners at a minimum radius of two hundred and fifty feet from the perimeter of the land to which the application relates; and
 - (iii) where the application relates to eleven or more lots, owners at a minimum radius of four hundred and fifty feet from the perimeter of the land to which the applications relates.

(12B) In the case of an application relating to minor matters of development (including signs, fences, pools, cabanas, docks, seawalls, land clearing, television antennae, containers, and ancillary building for storage) in any zone, the notification requirements specified in subregulation (12A)(a) to (d) may be varied by the Authority such that only the owners of adjoining parcels and, where applicable, owners of parcels across the abutting road, are required to be notified.

(12C) Where -

- (a) the radius measured from the perimeter of a proposed subdivision lot remains within the remnant of the subject parcel of land;
- (b) the radius measured from the perimeter of a proposed development area (including a parking of service area) remains within the subject parcel of land; or
- (c) good cause exists,

the notification requirements specified in subregulation (12A)(a) to (d) may be reduced by the Authority such that only the owners who are in reasonable proximity to the proposed subdivision lot or development are required to be notified.

(12D) Subregulation (12C) does not apply to quarries.

(13) Notwithstanding subregulations (1) to (10) and (13) and regulations 9(6), (7) and (8), 10, 12, 13, 14 and 15, the Authority may grant planning permission to carry out development that does not comply with all or any of those provisions if the Authority is satisfied that -

- (a) the development is a Government-approved low cost housing programme;

- (b) (i) an exceptional circumstance exists, that is to say, if -
 - (A) the proposed site coverage, building setback, lot size, lot shape, parking provision, density, building height, rear setback on a corner lot, is similar to what is common in the area; or
 - (B) there is an unusual terrain characteristic that limits the site's development potential; and
- (ii) sufficient reason to grant a variance exists, that is to say, if -
 - (A) any of the items mentioned in sub-subregulation (b)(i) are present;
 - (B) there is need to accommodate a physically challenged or indigent family member; and
 - (C) the adjoining property owner does not object to the variance request. (c) a planned area development pursuant to regulation 24 (1); or
- (c) the development is a planned area development pursuant to regulation 24 (1).

9. (1) In a residential zone, the primary uses are residential and horticultural. Applicants for permission to effect any development in a Residential zone shall ensure that the massing, scale, proportion and design of such development is consistent with the historic architectural traditions of the Islands.

Residential zone

(2) In determining whether applicants have satisfied the requirements of subregulation (1), the Authority shall have regard, among other things, to-

- (a) the compatibility of any building with the landform;
- (b) the use of embellishments and features which distinguish local architecture;
- (c) whether the balance and proportions of any buildings are those of traditional building forms;
- (d) the use of traditional stone walls, picket fences, hedging and roadside plantings;
- (e) the use of colourful tropical vegetation; and
- (f) the presence of natural vegetation, beaches, coves or on shore or sea views.

(3) Commercial, agricultural, religious, social and educational development (including recreational facilities and public and civic buildings), may be permitted if the applicant has advertised details of his application (other than an application having relation to any temporary development) twice in a newspaper published and circulating in the Islands, with a period of not less than seven days or more than ten days between each successive publication of the advertisement, and there are no objections, from an owner, which the Authority regards as raising grounds for refusing such permission.

(4) Any other variation from the primary use shall only be granted after the applicant has advertised details of his application two times in a newspaper published and circulating in the Islands, with a period of not less than seven days or more than ten days between each successive publication of the advertisement, and it is established to the satisfaction of the Authority that the majority of owners not under a legal disability who -

- (a) for the time being reside within a radius of one thousand feet of the boundaries of the land to which the application relates; or
- (b) reside elsewhere and own any building or land (including a strata lot) within a radius of one thousand feet of the boundaries of the land to which the application relates,

have given their written approval to the variation; except that where the variation concerned relates to an expansion of an existing development on the parcel of land on which it is situated or on an adjoining parcel of similar size, the radius applicable shall be reduced to seven hundred and fifty feet.

(5) Notwithstanding the foregoing regulations, no use of land in a residential zone shall be dangerous, obnoxious, toxic or cause offensive odours or conditions or otherwise create a nuisance or annoyance to others.

(6) In high density areas, detached and semi-detached houses and, if in suitable locations, guest houses and apartments are permissible provided-

- (a) the maximum density is eight detached or semi-detached houses or four two-bedroom or six one-bedroom duplexes per acre;
- (b) the maximum density for guest houses is thirty-five bedrooms per acre;
- (c) the maximum number of apartments is twenty-five per acre with a maximum of forty-two bedrooms per acre;
- (d) the minimum lot size for each detached and semi-detached house is 5,000 square feet;
- (e) the minimum lot size for duplexes is 5,000 square feet;
- (f) the minimum lot width is 60 feet for detached and semi-detached houses and duplexes and 100 feet for guest houses and apartments;
- (g) the maximum site coverage for each detached and semi-detached house, duplex, guest house and apartment is forty per cent of the lot size;
- (h) the minimum front and rear setbacks are 20 feet;
- (i) the minimum side set back is 10 feet for a building of one storey, and 15 feet or fifty per cent of the height of the building, whichever is greater, for a building of more than one storey; and

- (j) a detached or semi-detached house or duplex shall be not more than two storeys and a guest house or apartment not more than three storeys in height and shall, where it is three storeys in height, be so designed that no continuous vertical facade or elevation exceeds two storeys or 25 feet in height.

(7) In medium density areas, detached and semi-detached houses and, in suitable locations, guest houses and apartments are permissible provided-

- (a) the maximum density is five detached and semi-detached houses or three two bedroom duplexes per acre;
- (b) the maximum density for guest houses is twenty bedrooms per acre;
- (c) the maximum number of apartments is twenty per acre with a maximum of thirty bedrooms per acre;
- (d) the minimum lot size for each detached and semi-detached house is 7,500 square feet;
- (e) the minimum lot size for duplexes is 7,500 square feet;
- (f) the minimum lot size for guest houses and apartments is 12,500 square feet and 20,000 square feet respectively;
- (g) the minimum lot width for detached and semi-detached houses is 60 feet and for guest houses and apartments is 100 feet;
- (h) the maximum site coverage for detached and semi-detached houses, duplexes, guest houses and apartments is twenty five per cent of the lot size;
- (i) the minimum front and rear setbacks are 20 feet;
- (j) the minimum side setback is 10 feet for a building of one storey and 15 feet or fifty per cent of the height of the building, whichever is the greater, for a building of more than one storey; and;
- (k) no building shall be more than 3 storeys in height and shall, where it is 3 storeys in height, be so designed that no continuous vertical facade or elevation exceeds 2 storeys or 25 feet in height.

(8) In low density areas, detached and semi-detached houses and, in suitable locations, guest houses and apartments are permissible provided-

- (a) the maximum density is four detached or semi-detached houses or two three-bedroom duplexes per acre;
- (b) the maximum density for guest houses is sixteen bedrooms per acre;
- (c) the maximum number of apartments is fifteen per acre with a maximum of twenty-four bedrooms;
- (d) the minimum lot size for each detached and semi-detached house is 10,000 square feet;

- (e) the minimum lot size for duplexes is 12,500 square feet
- (f) the minimum lot size for guest houses and apartments is 25,000 square feet;
- (g) the minimum lot width for detached and semi-detached houses and duplexes is 80 feet and for guest houses and apartments is 100 feet;
- (h) the maximum site coverage for detached and semi-detached houses, duplexes, guest houses and apartments is twenty-five per cent of the lot size;
- (i) the minimum front and rear setbacks are 20 feet;
- (j) the minimum side set back is 10 feet for a building of one storey and 15 feet or fifty per cent of the height of the building, whichever is the greater, for a building of more than one storey; and
- (k) no building shall be more than 3 storeys in height and shall, where it is 3 storeys in height, be so designed that no continuous vertical facade or elevation exceeds 2 storeys or 25 feet in height.

(9) Subject to subregulations (6), (7) and (8), the maximum height of guest houses and apartments in a Residential zone shall be at the discretion of the Authority in accordance with the scale and character of buildings in the area.

(10) Notwithstanding subregulations (6), (7) and (8), detached and semi-detached houses, duplexes and, if in suitable locations, apartments are permissible in Government-approved low cost housing programmes provided –

- (a) the minimum lot size for detached houses is 4,800 square feet, or 60 feet wide by 80 feet deep;
- (b) the minimum lot size for a duplex is 6,500 square feet with a minimum lot width of 80 feet;
- (c) the minimum lot size for a semi-detached house is 4,000 square feet with a minimum width of 50 feet;
- (d) the maximum density is 9 detached houses per acre;
- (e) the maximum density is 11 semi-detached houses per acre;
- (f) the maximum density is 4 two-bedroom or 6 one-bedroom duplexes per acre; and
- (g) in all other respects, the requirements of subregulation (6) apply.

Hotel/tourism related
development

10. (1) Hotels, cottage colony developments and apartments are permitted in Hotel/Tourism development zones if they comply with the following requirements-

- (a) the maximum number of bedrooms for hotels is sixty-five per acre;
- (b) the maximum number of apartments is twenty-five per acre;

- (c) the minimum lot size for hotels and apartments is half an acre with a minimum lot width of 100 feet;
- (d) the minimum lot size for residential development within a hotel zone is 12,500 square feet and the minimum lot width 100 feet;
- (e) the maximum site coverage for hotels and apartments is forty per cent of the lot size;
- (f) the minimum side setbacks are a minimum of 20 feet;
- (g) the minimum rear setbacks are 25 feet from the road edge or lot boundary as the case may be; and
- (h) 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.

(2) In certain cases unrelated development may be permitted by the Authority within a Hotel/Tourism zone but it will be required to conform to the setback requirements applicable to hotels as well as to all other requirements applicable to its own particular type of development.

(3) Entertainment facilities which are related primarily to the needs of the tourism industry should normally be located within an Hotel/Tourism development zone.

(4) Applications in respect of entertainment facilities outside an Hotel/Tourism development zone will be considered on their merits, having regard to the character of the surrounding area and any relevant regulations.

11. (1) The Authority may, for such period as it may specify, permit building on any lot which does not conform to regulation 9(6), (7) or (8) or regulation 10(1), where-

Temporary relaxation of certain regulations in case of certain strata title development

- (a) such building forms part of a development of strata titles under the Strata Titles Registration Law (2005 Revision), on a larger parcel of land of which such lot forms a part and such development as a whole complies with the said provisions by the Authority;
- (b) that on the completion of all stages of the development such lot will be combined with such larger parcel; and
- (c) a restriction under Division 3 of the Registered Land Law (2004 Revision) has been registered against the remainder of such larger parcel which will ensure that in the event of the development of the larger parcel not being completed within such time as the Authority deems reasonable, the dimensions of the lot on which such building is temporarily permitted as aforesaid will be

2005 Revision

2004 Revision

modified so as to bring the building on it into compliance with the aforementioned subregulations.

Industrial development

12. (1) Industrial development is permissible within Heavy and Light Industrial zones provided that-

- (a) it is not detrimental to the surrounding area;
- (b) it provides centres of local employment;
- (c) access to industrial areas is ensured; and
- (d) this regulation is complied with fully.

(2) The Authority may, in the case of each heavy and light industrial development, determine-

- (a) the minimum size of the lot;
- (b) the maximum height and bulk of structures;
- (c) ancillary uses permitted on the site;
- (d) ancillary uses prohibited;
- (e) the maximum permitted floor area;
- (f) the location of development including structures, loading and unloading areas and other facilities;
- (g) the number and location of parking spaces; and
- (h) the amount, type and location of screening and landscaping required.

(3) Any other form of development is permissible in an Industrial zone if it does not change the primary use of the zone for industrial purposes.

(4) Light industrial development may be permitted by the Authority in other areas provided it is not offensive and does not adversely affect the area, and in Residential zones is also subject to regulation 9(3), (4) and (5) as follows-

- (a) industry linked to or based upon agriculture may alternatively be located conveniently to the agricultural activity with which it is associated;
- (b) industry which is linked to or based upon fishing, boating, sailing and related activities may alternatively be located conveniently to the activity with which it is associated;
- (c) light industry linked to the needs of local communities may alternatively be located conveniently within a residential area; and
- (d) heavy industry shall only be carried on in areas zoned for heavy industry.

(5) The Authority will require an acceptable standard of layout, design and construction and a high degree of landscaping in order to achieve the screening from public roads, and adjoining property of industrial buildings and structures,

storage areas, waste disposal areas and parking and loading areas. Additionally, the Authority may require reasonable provisions for integration of the development into its surroundings.

(6) In a Heavy Industrial zone, heavy industrial development may be permitted as a principal use, and, for the purposes of this regulation, heavy industrial uses shall include but not be limited to power generation, fuel refining and storage, solid waste disposal and recycling, quarrying and mining, and mechanised and other forms of manufacture.

13. (1) Commercial zones fall into the three following categories-

Commercial zones

- (a) General Commercial zones in which the primary use is commercial, including, but not limited to, use for-
 - (i) banks and other financial institutions;
 - (ii) shops for the selling of groceries, books, souvenirs, and pharmaceutical goods and for the selling or repair of jewellery, furniture, hardware, wearing apparel, and radio, television and electrical goods;
 - (iii) restaurants, bars and other catering facilities;
 - (iv) chambers, rooms and offices where professional services are provided including legal, accountancy and real estate offices;
 - (v) the premises of cobblers and seamstresses;
 - (vi) supermarkets;
 - (vii) petrol stations;
 - (viii) motor vehicle, motor cycle and cycle sale rooms and rental offices;
 - (ix) professional premises used by doctors, dentists and other health care providers and medical laboratories;
 - (x) parking facilities provided on a commercial basis; and
 - (xi) recreational facilities including theatres, night clubs, miniature golf links, bowling alleys, dance halls and amusement arcades;
- (b) Neighbourhood Commercial zones are zones in which the primary use is a less intense form of development of that permitted in a General Commercial zone and which cater principally for the needs of persons resident in, or in the vicinity of, the zone; and
- (c) Marine Commercial zones are zones in which the primary use is that permitted in a General Commercial zone but in which, in addition, commercial uses related to marine activities are permitted, including, but not limited to-
 - (i) docks;

- (ii) marinas and boat moorings;
- (iii) handling and storing cargo;
- (iv) the maintenance, repair and fuelling of maritime vessels;
- (v) boat chartering and water sport operations; and
- (vi) fishing and fish processing.

(2) Banks and financial institutions engaged primarily in international trade may be permitted only in a Commercial zone. Banks may be permitted in a Neighbourhood Commercial zone if their principal purpose is to serve the needs of persons residing in, or in the vicinity of that zone.

(3) Offices may be permitted in zones other than Commercial zones if they are-

- (a) ancillary to, or required for the efficient functioning of a development; and
- (b) located in, or adjacent to, such development.

(4) Supermarkets and shops intended to serve persons both from within and outside their immediate neighbourhood may be permitted only in a Commercial zone unless the Authority is satisfied that there are circumstances which otherwise require.

(5) Shops and other enterprises necessary for meeting the daily needs of a community may be permitted in, or close to, that community.

(6) Uses other than commercial uses may be permitted in a Commercial zone if that can be done without changing the primary commercial use of that zone.

- (7) (a) The maximum height of any building in a Neighbourhood Commercial zone shall be forty feet or three storeys, whichever is the greater; and
- (b) the maximum height of any building in a Marine Commercial zone shall be forty feet or three storeys, whichever is the greater.

(8) In a General Commercial zone, residential development is permissible if the development is not on the ground floor of the building, and does not occupy more than seventy per cent of the gross floor area of the building.

(9) In a Neighbourhood Commercial zone or a Marine Commercial zone, residential development is permissible if the development is not on the ground floor of the building.

(10) Notwithstanding subregulations (8) and (9), residential development may be permitted on any or all floors of a building in a General Commercial zone, a Neighbourhood Commercial zone or a Marine Commercial zone if -

- (a) the development is a replacement or redevelopment of an existing residential development; or
- (b) the development forms part of a mixed-use development situated on one parcel of land and the planned development includes a mixture of commercial and residential uses proposed for close interaction.

(11) Site coverage, parking areas, driveways and service areas in any Neighbourhood Commercial or Marine Commercial zone shall not exceed seventy-five per cent of the lot concerned but in a General Commercial zone site coverage, parking areas, driveways and service areas may cover up to ninety per cent of the lot.

(12) Parking facilities, in a commercial zone shall be on the basis of one car parking space for every three hundred square feet of commercial development:

Provided that where any commercial development is within Block OPY, George Town as demarcated on the Land Registry maps, it shall be on the basis of one such space for every five hundred feet.

14. (1) In Institutional zones the primary use is for public, religious, educational and recreational purposes and includes, but is not limited to, use for schools, churches, cemeteries, playing fields and sports facilities, prisons, hospitals, nursing homes, police and fire stations, courts, town halls, community centres and retirement homes.

Institutional zones

(2) Subject to any other provision of the Law and these regulations religious institutions, social and educational development including recreational facilities and public and civic buildings are permissible in any zone where they meet the needs of the community.

(3) The maximum density and minimum lot size are at the discretion of the Authority except in Residential zones where the requirements relating to setbacks and site coverage for High Density Areas shall apply.

(4) Front setbacks from the road reserves are twenty-five feet.

(5) Subject to subregulation (3), other setbacks will be at the discretion of the Authority after it has taken in account the need to minimise any detriment to the amenities of adjoining owners.

(6) Parking facilities in an Institutional zone shall be as follows-

Form of development	Number of car parking spaces
---------------------	------------------------------

Churches and other places of
worship

One space for every eight seats

Other buildings

At the discretion of the Authority.

Beach
Resort/Residential zones

15. (1) The Beach Resort/Residential zone is a transition zone between the Hotel/Tourism zone and the low density Residential zone. Development within this zone will generally be permitted if it has the appearance of residential development in scale and massing.

(2) The following development is permitted in the Beach Resort/Residential zone-

- (a) detached and semi-detached houses;
- (b) duplexes;
- (c) beach resorts; and
- (d) in locations considered by the Authority to be suitable, guest houses, apartments, cottage colonies and tourism related development.

- (3) (a) The maximum density for houses or duplexes is four detached or semi-detached houses, or four three-bedroom duplexes per acre;
- (b) the maximum density for guest houses is thirty bedrooms per acre;
- (c) the maximum density for apartments is twenty per acre with a maximum of thirty bedrooms;
- (d) the maximum density for beach resorts is thirty bedrooms per acre; and
- (e) the maximum number of cottages is eight per acre.

(4) All development shall meet the following minimum requirements prior to approval by the Authority-

- (a) lot sizes-
 - (i) the minimum lot size for detached and semi-detached houses is 10,000 square feet and 8,000 square feet respectively;
 - (ii) the minimum lot size for duplexes is 10,000 square feet; and
 - (iii) the minimum lot size for apartments, cottage colonies, beach resorts, guest houses or tourist-related development is one half of an acre;
- (b) setbacks-
 - (i) side setbacks shall be a minimum of twenty feet;
 - (ii) rear setbacks shall be twenty feet minimum from the road edge or lot boundary, as the case may be, except for buildings over one storey for which the rear setbacks shall be twenty-five feet minimum; and

- (iii) setbacks to ancillary structures may be determined by the Authority at its discretion.

(5) Where an application for planning permission is made for development in a Beach Resort/Residential zone the Authority shall ensure that the development will provide-

- (a) a high standard of accommodation, amenity and open space; and
- (b) outdoor facilities, including swimming pools, gardens and sun decks/patios/terraces with a substantial amount of landscaping, and incorporate sufficient screening to provide privacy from adjacent properties.

(6) Where planning permission is granted for a development in a Beach Resort/Residential zone which has a frontage of two hundred feet or more, the Authority shall ensure that a public right of way to the sea is set aside and dedicated; such a right of way shall be a minimum of six feet wide for every two hundred feet of frontage or part thereof, and may be within an area set aside for setbacks.

16. (1) In an Historic Overlay zone, the Authority shall have a duty to promote and encourage the preservation of historic buildings and conserve their historic architectural heritage. Historic Overlay zones

(2) In considering any application for permission to develop within an Historic Overlay zone, the Authority shall, in its discretion, ensure that the development-

- (a) conforms to the traditional workmanship, design, scale, massing, form, materials, decoration, colour and methods of construction of the buildings and the location of windows and doors in them; and
- (b) in its setting, reflects the historic pattern of development in the Islands.

17. (1) Public Open Space zones comprise predominantly undeveloped areas of land vested, or intended to be vested, in the Government or over which the public have rights and which is available to members of the public generally (whether subject to fulfilling any lawful condition or not) for purposes of sport, recreation, or the enjoyment or study of nature. Such areas include, but are not limited to, parks, reserves, beaches, playgrounds, sports grounds and playing fields, plazas, public access ways and land set aside for public purposes development and subdivisions under regulations 28 and 32. Public Open Space zones

(2) It is the duty of the Authority to preserve Public Open Space zones.

(3) The Authority shall permit development within a Public Open Space zone only if the development-

- (a) is compatible with the character and function of the zone; and
- (b) buildings forming part of such development are directly associated with, and promote, the principal purposes and actual use of the zone.

(4) In considering any application for development in a Public Open Space zone, the Authority shall ensure that the intended development-

- (a) will preserve, to the greatest possible extent, the natural features and character of the land;
- (b) is not detrimental to the natural character or appearance of the land;
- (c) accords preference to use of natural building materials;
- (d) includes adequate landscaping and planting to improve the appearance of the zone; and
- (e) displays a high standard of design and use of materials consistent with the character and heritage of the Islands.

(5) In carrying out its duties under this regulation, the Authority shall enable and facilitate the discharge of the lawful functions of any other statutory authority in relation to any Public Open Space zone.

Mangrove Buffer zones

18. (1) In considering any matter relating to a Mangrove Buffer zone the Authority shall have regard to the ecological functions performed by the mangroves including-

- (a) service as a nursery and natural habitat for marine life, birds, insects, reptiles and crustaceans;
- (b) filtration of overland run-off to the sea and ground water aquifer recharge;
- (c) export of organic particulate and soluble organic matter to coastal areas; and
- (d) coastal protection, and the protection of the Island against storms and hurricanes.

(2) All forms of development shall be prohibited in a Mangrove Buffer zone except in exceptional circumstances, and only where equivalent storm protection is provided by some other means and it can be demonstrated to the Authority that the ecological role of the peripheral mangroves will not be substantially adversely affected by the proposed development.

(3) The width of any Mangrove Buffer zone in any area shall be shown on the zoning maps.

(4) An application for access through a Mangrove Buffer zone may be approved at the discretion of the Authority, but only if the Authority is satisfied that-

- (a) it is absolutely necessary to gain safe boating access to and from a development area;
- (b) there is no other safe and suitable alternative boating access located within a neighbouring development area;
- (c) the width of the access is kept to a practical minimum and does not exceed one hundred feet;
- (d) any dredging complies with the conditions of approval from the responsible authority; and
- (e) all requisite approvals, licences and permissions for any work relating to the sea bed have already been granted by the Governor in Cabinet and other responsible authorities.

(5) All development permitted within an area abutting a Mangrove Buffer zone shall be setback a minimum distance of fifteen feet from the inland boundary of a Mangrove Buffer zone, unless, in the opinion of the Authority, it is not feasible to achieve this standard, in which case the minimum setback shall be at the discretion of the Authority.

(6) Red mangroves in a Mangrove Buffer zone will be protected from damage or destruction by any development except when the Authority decides, in its discretion, that exceptional circumstances exist which justify it.

19. (1) In relation to any land above the water lenses marked on the map-

Land above water lenses

- (a) residential and agricultural development will in general be permitted over a water lens; and
- (b) industrial development will be permitted over a water lens only if-
 - (i) the development is a small industrial land use;
 - (ii) it requires a supply of water readily available; and
 - (iii) it can be demonstrated that this facility cannot be provided elsewhere on the Islands.

(2) Strict conditions shall be imposed to ensure that the water in the lens shall not be contaminated by the development or by the effluent therefrom and that the quantity of water used will not deplete the lens to the disadvantage of existing users.

20. It is the duty of the Authority to ensure that the open character of scenic shoreline land is preserved, in particular that of the beaches, and also to safeguard the public's right to use the beaches and to gain access to them through public rights of way.

Scenic shoreline

Development And Planning Regulations (2011 Revision)

- Agricultural/residential land
21. Two houses per acre may be built on agricultural/residential land but if the Authority is satisfied that any such land is not situated over a water lens and is not particularly suited to agriculture, it may permit any development which complies with the requirements for low density residential areas.
- Authority may permit building on lot below minimum size
22. Where circumstances so justify, the Authority may permit building of dwelling units on a lot the size of which is below the prescribed minimum and must so permit if the lot existed as a separate lot on the 28th day of August, 1977.
- Application for subdivisions
23. (1) Applications for subdivisions shall be made on the form provided stating the registration section, block and parcel number of the land and must be signed by the proprietor or his agent.
- (2) In subdivisions of six lots or less, three prints of the proposals shall be submitted and such prints may be copies of the registry index map.
- (3) In subdivisions of over six lots, six prints shall be submitted, the original being signed by the proprietor or his agent and the person who prepared it.
- (4) Proposed subdivisions are to be drawn to one of the following scales- 1:625; 1:1,250; 1:2,500.
- (5) The plans shall show -
- (a) the location of site (shown as an inset with the site bordered red together with the block and parcel numbers of adjoining lots);
 - (b) the road layout including road widths and access;
 - (c) the approximate lot sizes;
 - (d) land use within the subdivision, including land for public purposes; and
 - (e) existing topographical detail (the Authority may require a separate topographical map).
- (6) Applications shall be accompanied by a statement as to -
- (a) water supply and sewage disposal;
 - (b) road specifications;
 - (c) power and light to be available; and
 - (d) drainage.
- Planned area developments
24. (1) Planned area developments are master planned developments of large tracts of land that provide for a mix of land uses, densities and open space and a planned area development may be considered when a proposed master plan is submitted to the Authority for approval.

- (2) A plan submitted under subregulation (1) shall -
- (a) involve a parcel of land or a group of contiguous parcels of land that equals or exceeds forty acres;
 - (b) propose a mixture of at least three different land uses for close interaction;
 - (c) provide up to 5% of gross land area as open space to serve the development;
 - (d) provide an internal circulation network that minimizes conflicts with existing public roads;
 - (e) provide for necessary infrastructure and services that will minimize the impact on the existing infrastructure of the Islands;
 - (f) not be dangerous, obnoxious, toxic or cause offensive odours or conditions or otherwise create a nuisance or annoyance to adjacent properties; and
 - (g) be in compliance with applicable regulations regarding fire, health and public safety.

(3) Subject to the Law and these Regulations, planned area developments are permissible in all areas of the Islands and in all zones, except Industrial, Public Open Space and Mangrove Buffer.

(4) The maximum permitted height for commercial, apartments and hotels shall be five storeys or sixty-five feet, whichever is less, but in Hotel/Tourism zone 1, the maximum permitted height shall be seven storeys or ninety-one feet, whichever is less, for apartments and hotels.

(5) The Authority shall require the submission of a Development Statement for a planned area development, the purpose of the statement being to set out the development parameters of the planned area development, including appropriate plans and data in sufficient detail to adequately explain the proposed development.

(6) A Development Statement shall provide standards for development including -

- (a) proposed land uses, including -
 - (i) mix of land use types;
 - (ii) proposed densities of development; and
 - (iii) a statement addressing compatibility and impact of proposed uses with surrounding properties;
- (b) site planning, including -
 - (i) setbacks and site coverage;
 - (ii) provision for parking and service areas;
 - (iii) provision for open spaces, both public and private; and

- (iv) an internal zoning or land use map, which indicates proposed mix of land uses within the master planned area;
- (c) design, including -
 - (i) building design - scale, mass, height, form and proportion;
 - (ii) allowance for natural light and ventilation;
 - (iii) sign placement and design;
 - (iv) street furniture and lighting; and
 - (v) provision for extensive landscaping;
- (d) infrastructure, including -
 - (i) internal road network;
 - (ii) water supply, either public or private;
 - (iii) sewage disposal system;
 - (iv) a comprehensive storm-water management plan; and
 - (v) provision for electrical, liquefied petroleum gas and telecommunication facilities (to be placed underground where feasible);
- (e) phasing, including -
 - (i) timeframe for construction and installation of infrastructure works, as specified in sub-subregulation (d); and
 - (ii) timeframe for construction of buildings within the master planned area, which depicts each stage of development and applicable estimated timeframe for commencement and completion.

(7) Where an application is made to the Authority in accordance with subregulations (1), (2), (5) and (6) for approval of a planned area development, the Authority may approve such application, either unconditionally or subject to such conditions as it thinks fit, or may refuse such application.

(8) Upon approval of an application under this regulation, the Authority shall cause a copy of the approved Master Plan, together with the approved Planning Statement, to be lodged with the Director, who shall keep a Register (to be called the Planned Area Development Register) of all such approved planned area developments in the principal office of the Department of Planning; and thereafter the Master Plan and Planning Statement, shall, subject to any amendment approved by the Authority, have effect as if the same were the development plan made pursuant to Part II of the Law.

Road requirements

25. Planning applications involving the provision of new public roads or the extension of existing private roads on frontage development or an existing road shall comply with the following conditions-

- (a) truncations shall be provided at all road intersections and junctions, the minimum truncation length measured from the lot corner along the respective boundaries being ten feet;
- (b) cul-de-sacs (roads without through access) may not normally extend further than eight hundred feet, but if “finger” development associated with it on both sides makes it impractical to comply with that restriction, an adequate turning circle for road vehicles shall be provided at the end;
- (c) proposed roads shall intersect one another at an angle of not less than 70 degrees;
- (d) service roads for rear access to commercial and industrial development shall be provided;
- (e) the points of access onto a throughway from a subdivision shall be kept to the minimum practicable and not less than 1/4 mile apart, unless the Authority otherwise permits;
- (f) minimum road reserves shall be thirty feet with a maximum reserve of fifty feet or as laid down by the Roads Law (2005 Revision);
- (g) the Authority may require provision for the continuation of principal roads to adjoining subdivisions or their proper projections when adjoining property is not subdivided and also continuation of such minor roads as may be necessary for extensions of utilities and access to adjoining properties; and
- (h) roads shall be constructed to the standard specified by the Authority.

2005 Revision

26. (1) Buildings for human habitation shall be provided with potable drinking water as well as water for domestic purposes and if such potable water is from a well it shall, if so required by the Chief Medical Officer, be rendered free from bacteria.

Water requirements

(2) The developer shall indicate the manner in which a water supply of not less than fifty gallons per person per day will be provided.

(3) The developer of any subdivision shall provide space and design for a complete water reticulation system, whether or not an approved supply is immediately available for connection.

(4) No approval shall be given to any water supply unless the Authority has firstly ascertained the location of all septic tanks in lots adjoining the lot on which the water supply is to be situated, and determined that the water supply is, having regard to the location of such tanks, satisfactorily sited.

Sewerage requirements 27. (1) The developer of a subdivision shall submit a proposal for a satisfactory sewerage system:

Provided that in small subdivisions, individual septic tanks are acceptable.

(2) Buildings intended for human habitation shall be provided with water borne sanitation draining to a septic tank of accepted design approved by the Chief Medical Officer except in areas designated by the Chief Medical Officer as having comprehensive sewerage systems. The effluent from a septic tank shall drain through a cased drainage and be discharged at such distance from any water supply as the Authority shall determine to be satisfactory after inspection of the lot on which such discharge is to take place and the lots adjoining such lot, and septic tanks shall be so located that the house drainage may eventually be connected to a main sewer and shall comply with setbacks.

Land for public purposes

28. (1) According to the size of a subdivision, the Authority may require the applicant to set aside land not exceeding five percent of the gross area of the land being developed, for public purposes, including active and passive recreation and public rights of way.

(2) The Authority may permit an applicant to pay, in lieu of setting aside land in a proposed subdivision under subregulation (1), a sum of money not less than five percent of the improved value of the gross area of land to be developed, if the Authority is satisfied that -

- (a) the subdivision has sufficient land set aside for public purposes;
- or
- (b) greater public benefit would be derived from the payment.

(3) The Authority may permit an applicant to pay, in lieu of setting aside land for public purposes in a subdivision that was registered prior to the relevant date, a sum of money not less than the improved value of the land for public purposes, if the Authority is satisfied -

- (a) that -
 - (i) the subdivision has sufficient land set aside for public purposes; or
 - (ii) greater public benefit would be derived from the payment; and
- (b) that the majority of landowners within the subdivision have given their written consent to the proposed payment of cash in lieu of the land for public purposes.

(4) Permission under subregulation (2) or (3) may be granted subject to such conditions as the Authority considers fit.

- (5) Money paid pursuant to subregulation (2) or (3) shall be applied to -
- (a) the acquisition of private land for public purposes; and
 - (b) the improvement of land used for public purposes, including recreation centres, transportation routes and public rights of way.
- (6) In this regulation -

“improved value” -

- (a) in relation to a subdivision the application for which is approved after the relevant date, means the value of the gross area of the land being developed on the date that the request to pay cash in lieu is made to the Authority, plus an additional amount of forty percent of that value; and
- (b) in relation to land for public purposes that existed prior to the relevant date, means the value of that land on the date that the request to pay cash in lieu is made to the Authority, plus an additional amount of forty percent of that value; and

“the relevant date” means the date of commencement of the Development and Planning (Amendment) Regulations, 2010.

29. Reclaimed land for development and public areas must comply with the minimum soil levels and other requirements prescribed from time to time by the Mosquito (Research and Control) Law (2007 Revision).

Flooding

2007 Revision

30. In subdivisions, provision shall be made for-

Provision for schools

- (a) one primary school for every 400 families-the site reserved for a primary school being approximately three acres; and
- (b) one secondary school for every 2,000 families-the site reserved for a secondary school being approximately seven acres.

31. (1) Suitable landscaping shall be carried out and shade trees planted where practicable.

Landscaping

(2) In reclaimed swamp areas interlocked sections of existing trees shall, where practicable, be left to provide windbreaks until replaced by suitable reforestation.

32. In Hotel/Tourism zones, the Authority, when granting planning permission in relation to land which has a shoreline of two hundred feet or more in a development other than private single dwelling units, shall require the owner to set aside and dedicate to the public a right of way of not less than six feet in width from the public road to the sea. Such right of way may be within the area set aside for setbacks under these regulations.

Public rights of way in Hotel/Tourism zones

Development And Planning Regulations (2011 Revision)

- Canals 33. Canals shall not be straight and, at the point of entrance from the sea, so designed as to provide adequate protection from storm surges and, wherever possible, to meander through the area with an inlet to provide circulation of water.
- Final certificate 34. Certificates of fitness for occupancy shall be obtained from the Authority before any new buildings are occupied. The Authority may grant special permission for occupation of part of a building prior to completion but, in the case of an owner/occupier who possesses Caymanian Status no special permission for the occupation of part of an uncompleted building is required if such part complies with the approved plans.
- Cayman Brac and Little Cayman 35. (1) The control of development in Cayman Brac shall be in accordance with Appendix 1 of the Planning Statement for the Cayman Islands 1977.
- (2) The control of development in Little Cayman shall be in accordance with Appendix 2 of the Planning Statement for the Cayman Islands 1977.
- (3) Subject to paragraph (c) of regulation 6(2), regulations 1 to 34 shall not apply in relation to land in Cayman Brac and Little Cayman. The Board may, by notice published in the Gazette, declare that any or all of regulations 1 to 34 shall apply in relation to land in Cayman Brac and Little Cayman.
- Repeal of regulation 36* 36. *Repealed by regulation 9 of the Development and Planning (Amendment) (No. 2) Regulations 2010*
- Fees 37. (1) An application fee is payable to the Authority and must accompany the application for planning permission in accordance with Schedule 1. Fees are not refundable, irrespective of the Authority's decision, but additional fees will not be charged for re-submission of amended plans required by the Authority.
- (2) The fees prescribed in Schedule 5 shall be charged for the provision of the items and services specified in relation thereto.
- Penalties 38. A person who contravenes these regulations is guilty of an offence and liable on summary conviction to a fine of five thousand dollars.

SCHEDULE 1

APPLICATION FEES FOR PLANNING PERMISSION

PART I - Application for Planning Permission and Development

Item	Type of development	Fee
1.	Permission to subdivide	A fee calculated at the rate of \$100 in respect of each lot in the proposed subdivision
2.	Construction of or extension to -	A fee calculated at the rate of -
	(a) a house	25 cents in respect of each square foot of the proposed development
	(b) a duplex	30 cents in respect of each square foot of the proposed development
	(c) an apartment	40 cents in respect of each square foot of the proposed development
3.	Carrying out of commercial or industrial development (not being hotel, petrol station or agricultural development)	A fee calculated at the rate of 50 cents in respect of each square foot of the proposed development
4.	Carrying out of hotel development	A fee calculated at the rate of 40 cents in respect of each square foot of the proposed development
5.	Carrying out of petrol station development	A fee calculated at the rate of \$1.50 in respect of each square foot of the proposed development
6.	Carrying out of agricultural development	A fee calculated at the rate of 10 cents in respect of each square foot of the proposed development
7.	Construction of a social club or place of assembly	A fee calculated at the rate of 25 cents in respect of each square foot of the proposed development

Development And Planning Regulations (2011 Revision)

8.	Construction of a church or church hall	A fee calculated at the rate of 25 cents in respect of each square foot of the proposed development
9.	Construction of a swimming pool relating to -	
	(a) a house	\$100
	(b) a duplex or an apartment	\$150
10.	Erection of a sign that is -	
	(a) 30 square feet or less	\$75
	(b) more than 30 square feet	\$500
11.	(a) Construction of a fence that is 4 feet high or less, relating to a detached house	\$100
	(b) Construction of a fence that is more than 4 feet high, relating to a detached house	\$250
	(c) Construction of a fence of any height, relating to any use of land other than use as a detached house	\$400
12.	Modification of the shoreline or the construction of dock	\$500
13.	Rezoning of land (if not included as part of a development plan review)	
	(a) for residential purposes	\$2,000
	(b) for any purpose other than a residential	\$5,000

- | | | |
|---|---|---|
| <p>14. Carrying out of an excavation</p> | <p style="text-align: center;">purpose</p> | <p>(a) in Grand Cayman -</p> <p style="padding-left: 20px;">(i) in respect of an excavation where the fill is to be removed from the site, an application fee of \$10,000; and</p> <p style="padding-left: 20px;">(ii) in any case where the fill is to remain on site, an application fee of \$2,000;</p> <p>(b) in Cayman Brac or Little Cayman -</p> <p style="padding-left: 20px;">(i) in respect of an excavation where the fill is to be removed from the site, an application fee of \$5,000; and</p> <p style="padding-left: 20px;">(ii) in any case where the fill is to remain on site, an application fee of \$1,000; and</p> <p>(c) if planning permission is granted, a fee calculated at the rate of 25 cents in respect of each cubic yard to be excavated</p> |
| <p>15. Permission for a change of use of land (car parks, etc.)</p> | <p>The fee that would have been payable under this Schedule if the application were an application for development for the proposed new use</p> | |
| <p>16. Clearing of land by mechanical means</p> | <p>\$100 per acre or part thereof</p> | |
| <p>17. Erection of a telecommunication tower or similar structure</p> | <p>\$1,000</p> | |

Development And Planning Regulations (2011 Revision)

- | | | |
|-----|--|---|
| 18. | Construction of a tennis court | \$200 |
| 19. | Construction of a golf course | \$2,500 |
| 20. | Modifications to planning permission | A fee calculated at the rate of -
(a) \$100 in respect of each amendment or deletion of a condition of planning permission;
(b) \$25 in respect of each amendment of a house plan; and
(c) \$100 in respect of any other proposed modification |
| 21. | Construction of a fuel liquefied petroleum gas storage tank or generator -
(a) relating to a house or duplex
(b) for any use other than in relation to a house or duplex | \$100
\$250 |
| 22. | Permission for a planned area development | A fee calculated at the rate of \$500 per acre |

Part II - Application for Outline Planning Permission

The application fee for outline planning permission for development is fifty per cent of the fee that would be payable under Part I in respect of an application for planning permission for the development.

Part III - Application for Planning Permission for Development Made After the Development Has Been Started or Has Been Completed

The application fee for planning permission for development made after the development has been started or has been completed is ten times the fee that would be payable under Part I in respect of an application for planning permission for the development.

Part IV - Application for Planning Permission for Development following a National Disaster

1. The application fee for planning permission for temporary development is fifty per cent of the fee that would be payable under Part I in respect of an application for planning permission for the development.
2. No application fee is payable for planning permission for the restoration or the re-building of a building following a national disaster.

Part V - Administrative Filing Fee

Where an application is withdrawn prior to a decision being made by the Authority in respect of the application, an administrative filing fee is payable at the rate of -

- (a) fifty per cent of the fee that would be payable under Part I in respect of the application; or
- (b) \$50,

whichever is greater.

SCHEDULE 2

1. For the purposes of the Law -

“Area A” means the following registration sections, blocks and parcels-

Registration Section	Block
(a) West Bay	Block 5C (parcels with water frontage only, but including any parcel subsequently derived from another parcel with water frontage existing at the 8th December, 1997), 5D, 10A, 10E, 11B, 11C, 11D, 12C, 12D, 12E, 17A.
(b) George Town	13B, 13C, 13E, 13EH (parcels with road frontage on West Bay Road, Eastern Avenue and North Church Street), 13D (parcels with road frontage on Eastern Avenue), 14BG, 14BH, 14BJ, 14C, 14D (parcels with road frontage on Elgin Avenue, Huldah Avenue and Thomas Russell Avenue), OPY, 18A, 19A, 19E, 20B, 20C (parcels north of Owen Roberts International Airport).

- (c) Bodden Town 28C, 28D (those parcels zoned Neighbourhood Commercial)
- (d) North Side and East End 33C, 33CJ, 33D, 33E, 33M, 39E, 57A, 61A, 65A, 69A, 73A.

“Area B” means all other registration sections, blocks and parcels in Grand Cayman and Little Cayman not included in Area A.

2. The following building permit fees are payable in Area A:

<i>Description</i>	<i>Fee</i>
For an apartment	\$2.50 per square foot
For a house not exceeding 1,200 square feet	\$100
For a house exceeding 1,200 square feet but not exceeding 1,500 square feet	\$0.50 per square foot
For a house exceeding 1,500 square feet but not exceeding 2,000 square feet	\$0.75 per square foot
For a house exceeding 2,000 square feet but not exceeding 2,500 square feet	\$1 per square foot
For a house exceeding 2,500 square feet but not exceeding 4,000 square feet	\$1.50 per square foot
For a house exceeding 4,000 square feet	\$2 per square foot
For an addition to a house exceeding 2,500 square feet	\$1.50 per square foot
For a duplex	\$2 per square foot
For a restaurant or bar	\$3.50 per square foot
For an office, shop or other commercial building	\$3 per square foot
For a hotel	\$3 per square foot
For a gas station	\$5 per square foot
For a swimming pool related to -	
(a) any single family residential development	\$500
(b) any development other than a single family residential development	\$2,000
For an illuminated sign -	
(a) 30 square feet or less	\$100
(b) more than 30 square feet	\$200
For an industrial building	\$1.50 per square foot
Renovations to any development other than a house	Fifty per cent of the fee that is payable for new

	construction of the development for the area being renovated	
For an addition to any building, in any case where the addition does not change the classification of the building	The fee rate for new construction applied to the square footage of the addition	
For each subsequent review of an application after the first two reviews, for each discipline in the building trade, in respect of an application relating to -		
(a) a house or duplex under 4,000 square feet		\$125 per review
(b) any development (other than a house or duplex under 4,000 square feet)		\$250 per review
For each inspection after the first re- inspection of failed workmanship		\$100
Administrative filing fee	Where an application is withdrawn prior to the issuance of a building permit, an administrative filing fee is payable at the rate of -	
	(a) fifty per cent of the fee payable under Part I in respect of the application;	
	or	
	(b) \$50,	
	whichever is greater.	
For a modification to an existing electrical service or the installation of a stand-alone permanent electrical service related to -		
(a) a house or duplex		\$200
(b) any development other than a house or duplex		\$400
For an electrical reconnection (not related to a natural disaster) in respect of -		
(a) a house or duplex		\$50 per meter
(b) any other type of development		\$100 per meter

For modifications to approved plans in respect of each amendment submission relating to -	
(a) a house or duplex	\$25
(b) any other type of development	\$100
For an Elevator Certification Permit	\$400 per elevator unit
For an Elevator Certification Renewal	\$200 per elevator unit
For alterations to an existing elevator	\$150 per elevator unit
An administrative filing fee in respect of a request for the issuance of a Foundation Permit or for special permission to occupy	\$100

3. The following building permit fees are payable in Area B:

<i>Development</i>	<i>Fee</i>
For an apartment	\$1.75 per square foot
For a house not exceeding 1,200 square feet	\$50
For a house exceeding 1,200 square feet but not exceeding 1,500 square feet	\$0.25 per square foot
For a house exceeding 1,500 square feet but not exceeding 2,000 square feet	\$0.40 per square foot
For a house exceeding 2,000 square feet but not exceeding 2,500 square feet	\$0.50 per square foot
For a house exceeding 2,500 square feet but not exceeding 4,000 square feet	\$0.75 per square foot
For a house exceeding 4,000 square feet	\$1 per square foot
For an addition to a house exceeding 2,500 square feet	\$1 per square foot
For a duplex	\$1 per square foot
For a restaurant or bar	\$2 per square foot
For an office, shop or other commercial building	\$1.50 per square foot
For a hotel	\$1.75 per square foot
For a gas station	\$3.50 per square foot
For a swimming pool related to -	
(a) any single family residential development	\$400
(b) any development other than a single family residential development	\$1,000
For an illuminated sign -	
(a) 30 square feet or less	\$50
(b) more than 30 square feet	\$100
For an industrial building	\$1.25 per square foot
Renovations to any development other than a house	Fifty per cent of the fee that is payable for new

	construction of the development for the area being renovated
For an addition to any building, in any case where the addition does not change the classification of the building	The fee rate for new construction applied to the square footage of the addition
For each subsequent review of an application after the first two reviews, for each discipline in the building trade, in respect of an application relating to -	
(a) a house or duplex under 4,000 square feet	\$125 per review
(b) any development (other than a house or duplex under 4,000 square feet)	\$250 per review
For each inspection after the first re- inspection of failed workmanship	\$100
Administrative filing fee	Where an application is withdrawn prior to the issuance of a building permit, an administrative filing fee is payable at the rate of-
	(a) fifty per cent of the fee payable under Part I in respect of the application;
	or
	(b) \$50,
	whichever is greater.
For a modification to an existing electrical service or the installation of a stand-alone permanent electrical service related to -	
(a) a house or duplex	\$200
(b) any development other than a house or duplex	\$400
For an electrical reconnection (not related to a natural disaster) in respect of -	
(a) a house or duplex	\$50 per meter
(b) any other type of development	\$100 per meter

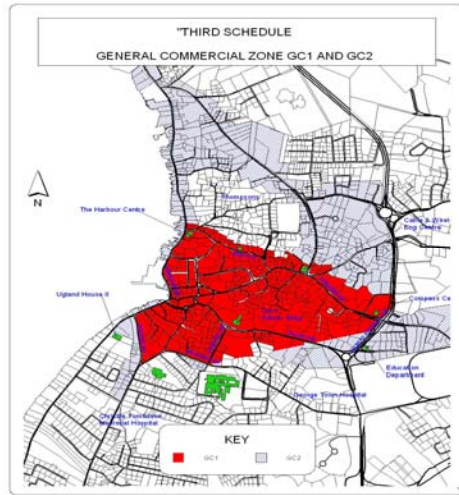
For modifications to approved plans in respect of each amendment submission relating to -

(a) a house or duplex	\$25
(b) any other type of development	\$100
For an Elevator Certification Permit	\$400 per elevator unit
For an Elevator Certification Renewal	\$200 per elevator unit
For alterations to an existing elevator	\$150 per elevator unit
An administrative filing fee in respect of a request for the issuance of a Foundation Permit or for special permission to occupy	\$100

4. Building Permit fees are payable as follows -

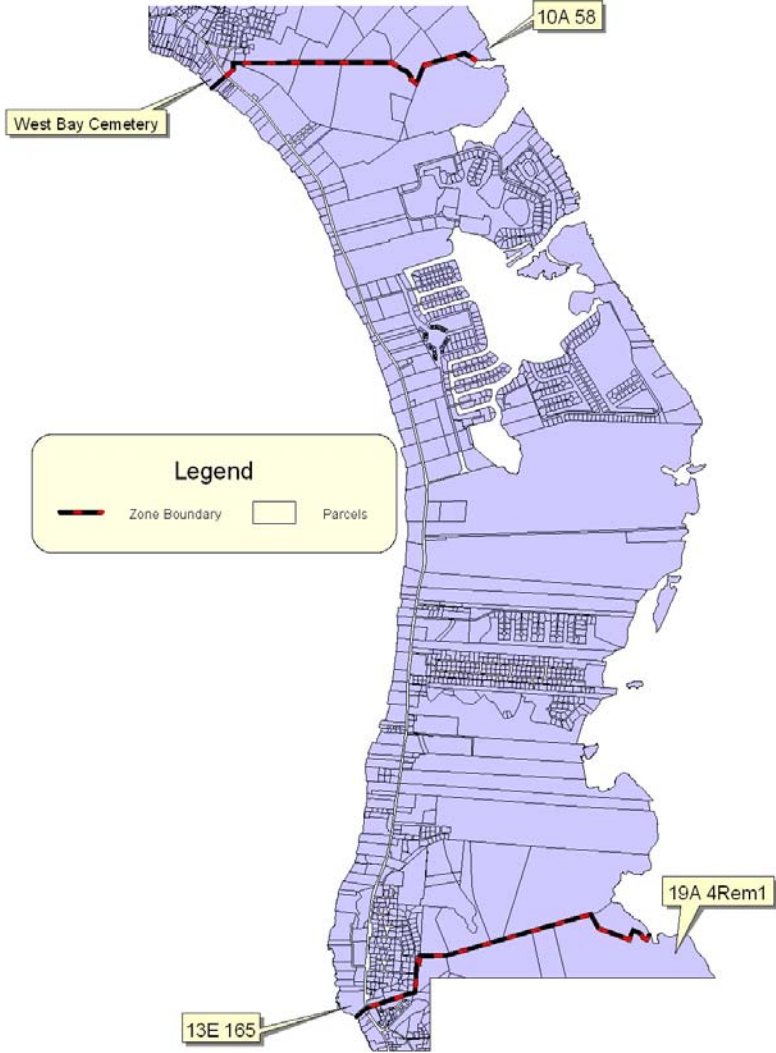
- (a) fifty per cent on submission of a building permit application; and
- (b) fifty per cent on issuance of a Building Permit.

SCHEDULE 3



SCHEDULE 4

Hotel/Tourism Zone 1



SCHEDULE 5

regulation 37(2)

MISCELLANEOUS FEES

Item or Service Provided	Fee
Photocopy of the Minutes of the Central Planning Authority or the Development Control Board	\$0.50 per page
Development plan -	
Planning statement, together with 11" x 17" map	\$25
Map (24" x 36") accompanying a development plan	\$50
Map (36" x 60") accompanying a development plan	\$100
Land Development Guide (containing the procedures and guidelines of the Central Planning Authority or the Development Control Board)	
colour edition	\$50
black and white edition	\$35
Electronic transaction -	
Customised maps	\$100 per hour
Customised reports, statistics and analyses, and customised information on land use and other matters	\$100 per hour
List of applicants that have received planning permission	\$50
Catalogue containing reports, statistics, analyses, information on land use, information on available maps, and other material	\$50
Photocopies of application forms, letters and other documents	\$1 per copy
Letter or other document specifying whether or not there is compliance with the Development and Planning Law (2008 Revision) and any regulations made thereunder ("Due Diligence Letter")	\$100 per parcel of land
Letter or other document certifying or describing a zone designated as such on the zoning map of Grand Cayman	\$25
Retrieving a departmental file for the purpose of locating plans and answering questions from a member of the public	\$25 per file
Duplicate building permit	\$25 per

duplicate

Letter or other document certifying whether or not planning permission is required for the carrying on of a trade or business under the Trade and Business Licensing Law (2007 Revision) \$25 per letter or document

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Kim Bullings
Clerk of Cabinet

(Price \$ 10.40)