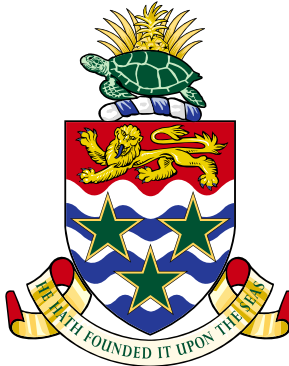


**CAYMAN ISLANDS**



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

# **DEVELOPMENT AND PLANNING REGULATIONS**

**(2022 Revision)**

**Supplement No. 3 published with Legislation Gazette No. 3 of 18th January, 2022.**

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Development and Planning (Amendment) Regulations, 2021 made the 9th February, 2021.

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Law 18 of 1982-9th December, 1982

Law 7 of 2003-25th June, 2003

Law 31 of 2003-4th December, 2003

Law 8 of 2004-18th March, 2004

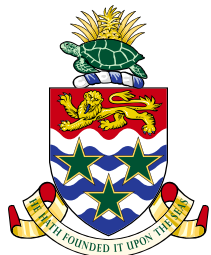
Law 56 of 2020-7th December, 2020.

Consolidated and revised this 31st day of December, 2021.

*Note (not forming part of these Regulations): This revision replaces the 2021 Revision which should now be discarded.*



CAYMAN ISLANDS



Development and Planning Act  
(2021 Revision)

DEVELOPMENT AND PLANNING  
REGULATIONS  
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## CAYMAN ISLANDS

Development and Planning Act  
(2021 Revision)DEVELOPMENT AND PLANNING  
REGULATIONS  
(2022 Revision)

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**Citation**

1. These Regulations may be cited as the *Development and Planning Regulations (2022 Revision)*.

**Definitions**

2. In these Regulations —

“**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 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;

“**areas**” means the areas shown on the map and “**zones**” has 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;

“**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;

“**excavation**” means the removal or recovery by any means of soil, rock or minerals, other than surface vegetation, from land or water, not being Crown sea bed, on or beneath the surface thereof, whether exposed or submerged;

“**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;

“**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;

“**Government-approved low cost housing programme**” means any development, or intended development, designated by the Cabinet 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





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 highest point on a proposed or existing building to the proposed finished grade directly below that point; and, for the purposes of this definition, “**finished grade**” means the highest grade within five feet of the building and includes natural grade when no terrain alteration is proposed;

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

“**hotel**” has the meaning ascribed to it in the *Hotels Aid Act (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;

“**Hotel/Tourism zone 2**” means the area designated as such on the plan set out in Schedule 4;

“**Hotel/Tourism zone 3**” 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 Act (2021 Revision)*;

“**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**” means a legally registered parcel of land and includes a land strata lot;

“**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;

“**Permit**” means a permit issued under the *Building Code Regulations (2022 Revision)*;

“**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;

“**quarry**” means a place where rock, ore, stone, peat or similar materials are excavated for off-site use to supply material for construction, industrial, manufacturing or other purposes; and “**quarrying**” includes blasting, primary processing (such as washing, screening, crushing or storage of the material excavated) and the making of concrete or asphalt from the material excavated;

“**reclaimed**”, in relation to land, means a process that increases the land use capability of a site by changing the land’s character or environment through the raising of the land level or the drainage of the land;

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

“**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;

“**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;

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



“**setback**” means the horizontal distance between any boundary of a parcel and any building or structure on the parcel and, where a parcel is adjacent to the sea, “**setback**” includes the horizontal distance between the high water mark and any building or structure 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;

“**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;

“**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.

### Mode of application

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.

### Permitted development

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.

### Control of development

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

- (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 1997, these Regulations shall prevail.

### **Applications for building**

- 6.** (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.
- (1A) 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.
- (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.
- (2) (a) No person shall, without a Permit, construct or change a building or structure or carry out, in respect of any land, building or structure, any work that requires planning permission; and the holder of a Permit shall not in respect of any land, building or structure to which the Permit relates, carry out any work other than the work authorised by the Permit.
  - (b) Prior to commencing the construction of, or the change to, a building or structure, a person shall obtain a Permit and, for that purpose, shall lodge



with the Director an application for a Permit, which shall be accompanied by the fees (if any) set out in Schedule 2.

- (c) Notwithstanding regulation 35(3), this subregulation applies to Little Cayman.
- (3) Unless exempted by the Authority, an application for planning permission with any setback adjacent to the sea shall include a Mean High Water Mark survey physically defined on ground no more than six months prior to the application being submitted, and the survey plan shall be authenticated by the Department of Lands and Survey.
- (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) **Repealed** by regulation 3(c) of the *Development and Planning (Amendment) Regulations, 2021 [SL 14 of 2021]*.
- (7) All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design and every plan shall be certified as follows —

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

Signature \_\_\_\_\_

Address \_\_\_\_\_”.

### **Government-approved low cost housing programme**

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

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

8. (1) In respect of any application for planning permission for development, parking shall be provided on the parcel to which the application relates except that —



- (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;
- (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.

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, including ancillary uses (such as church halls, classrooms and recreation rooms) - one space per 150 square feet;
- (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 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;
- (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) detached houses and duplexes - one space per dwelling 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 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
- (b) **repealed** by regulation 4(c) of the *Development and Planning (Amendment) Regulations, 2012*.
  - (c) in a high density Residential zone, medium density Residential zone or low density 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 twenty-five feet or two storeys, whichever is the less;
  - (e) in a Hotel/Tourism zone, shall not exceed sixty-five feet or five storeys, whichever is less, but —
    - (i) when the building is a hotel or apartment in Hotel/Tourism zone 1 or in Hotel/Tourism zone 2, the maximum permitted height is one hundred and thirty feet or ten storeys, whichever is less; and
    - (ii) when the building is a hotel or apartment in Hotel/Tourism zone 3, the maximum permitted height is ninety-one feet or seven storeys, whichever is less; and
  - (f) in a Beach Resort/Residential zone, shall not exceed fifty-five feet or four storeys, whichever is the less; and, where the height of a building is four storeys, the building shall be so designed that no continuous vertical facade or elevation exceeds twenty-five feet or two storeys in height;
- (3) **Repealed** by regulation 4(c) of the *Development and Planning (Amendment) Regulations, 2014*.
  - (4) Subregulation (2) does not apply to any chimney, storey below grade, 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, non-habitable ancillary spaces, 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 Act (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.
- (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.
- (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 Act (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 Act (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 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 an 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 of the fourth through the seventh storeys, and the minimum setback for the eighth through the tenth storeys shall be the same as that for the seventh storey;
- (ea) in areas where the shoreline is a canal, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of twenty feet from the physical edge of the canal;
- (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 except in areas where the shoreline is iron shore, where the minimum setback shall be fifty 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 (a) 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 related 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 (including a strata lot) 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), prior to consideration of an application for planning permission by the Authority, notice of such application shall be made on the form provided by the Director and shall be served on the following owners not more than three days prior to the date upon which the application is submitted to the Department of Planning —
- (a) in the case of an application relating to development in a Residential zone —



- (i) where the application relates to three to five apartment buildings or townhouses, 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 apartment buildings or townhouses, 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 apartment buildings or townhouses, 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;
  - (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,

and the applicant shall certify in writing that the notification of owners required in this subregulation is complete and accurate.

(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 or 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.

(12E) Within twenty-one days from the date of proof of notification required in subregulations (12A), (12B) and (12C), an adjacent owner of full legal capacity may lodge an objection with the Authority, stating that person's grounds.

(13) Notwithstanding subregulations (1), (2), (5), (7) and (9) and regulations 9(6), (7) and (8), 10, 12, 13, 14, 15, 26 and 27, the Authority may grant planning permission to carry out development that does not comply with all or any of those provisions, with the exception of the number of permitted storeys in subregulation (2), if the Authority is satisfied that —

- (a) the development is a Government-approved low cost housing programme;
- (b) there is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that —
  - (i) the characteristics of the proposed development are consistent with the character of the surrounding area;
  - (ii) unusual terrain characteristics limit the site's development potential; or
  - (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; or
- (c) the development is a planned area development pursuant to regulation 24 (1),

and, in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the Authority shall in addition be satisfied that the adjoining property owners have been notified of the application 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.



- (14) Where the Authority or Board receives an application for permission to carry out planned area development or special purpose developments, the Authority or Board, as the case may be, may —
- (a) consider the likely impact of the proposed development on the infrastructure of the Islands as well as on the educational, social, medical and other aspects of life in the Islands;
  - (b) consider whether there are other issues of national importance which are relevant to the determination of the application for development and require evaluation;
  - (c) consider whether there are technical or scientific aspects of the proposed development which are of so unfamiliar a character as to jeopardise a proper determination of the application for development unless there is a special inquiry for the purpose;
  - (d) identify and investigate the considerations relevant to, or the technical or scientific aspects of, the proposed development which, in its opinion, are relevant to the question whether the application should be approved;
  - (e) assess the importance to be attached to those considerations or aspects;
  - (f) consider whether the development proposed in the application should instead be carried out at an alternative site; and
  - (g) arrange for the carrying out of research of any kind appearing to it to be relevant to an application.
- (15) Notwithstanding anything contained in these Regulations, there shall be no requirement for minimum setbacks between any volumetric parcels that form part of a volumetric plan registered pursuant to the *Registered Land Act (2018 Revision)* except that where a volumetric parcel —
- (a) is a building; or
  - (b) contains a building,
- the setback requirements applicable to a building on the base parcel shall apply.
- (16) For the avoidance of doubt, subject to subregulation (15), a volumetric plan is subject to the general requirements contained in this regulation.
- (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.

**Residential zone**

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.
- (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, hotel, tourism-related, agricultural, religious, social and educational development (including recreational facilities and public and civic buildings), may be permitted in suitable locations and if the applicant has advertised details of that person's 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 adjacent owner as provided for in regulation 8(12A), (12B) and (12C) and lodged within twenty-one days of the final advertisement, 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 that person's 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 houses, duplexes and, if in suitable locations, guest houses and apartment buildings or townhouses are permissible provided —
  - (a) **repealed** by regulation 5(b) of the *Development and Planning (Amendment) Regulations, 2014*.
  - (b) the maximum density for guest houses is thirty-five bedrooms per acre;
  - (c) the maximum number of apartment buildings or townhouses is twenty-five per acre with a maximum of forty-two bedrooms per acre;
  - (d) the minimum lot size for each detached house is 5,000 square feet;
  - (e) the minimum lot size for each duplex is 5,000 square feet;
  - (ea) the minimum lot size for guest houses and apartment buildings or townhouses is 5,000 square feet;
  - (f) the minimum lot width is 60 feet for detached houses and duplexes and 100 feet for guest houses and apartment buildings or townhouses;
  - (g) the maximum site coverage for each detached house, duplex, guest house and apartment buildings or townhouses 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 for a building of more than one storey;
  - (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;
  - (j) **repealed** by regulation 5(b)(vi) of the *Development and Planning (Amendment) Regulations, 2016*.
- (7) In medium density areas, detached houses, duplexes and, in suitable locations, guest houses and apartment buildings or townhouses are permissible provided —
  - (a) **repealed** by regulation 5(d) of the *Development and Planning (Amendment) Regulations, 2014*.
  - (b) the maximum density for guest houses is twenty bedrooms per acre;
  - (c) the maximum number of apartment buildings or townhouses is twenty per acre with a maximum of thirty bedrooms per acre;

- (d) the minimum lot size for each detached house is 7,500 square feet;
  - (e) the minimum lot size for each duplex is 7,500 square feet;
  - (f) the minimum lot size for guest houses and apartment buildings or townhouses is 12,500 square feet and 20,000 square feet respectively;
  - (g) the minimum lot width for detached houses and duplexes is 60 feet and for guest houses and apartment buildings or townhouses is 100 feet;
  - (h) the maximum site coverage for detached houses, duplexes, guest houses and apartment buildings or townhouses is thirty 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 for a building of more than one storey;
  - (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;
  - (k) **repealed** by regulation 5(c)(vii) of the *Development and Planning (Amendment) Regulations, 2016*.
- (8) In low density areas, detached and houses, duplexes and, in suitable locations, guest houses and apartment buildings or townhouses are permissible provided —
- (a) **repealed** by regulation 5(f) of the *Development and Planning (Amendment) Regulations, 2014*.
  - (b) the maximum density for guest houses is sixteen bedrooms per acre;
  - (c) the maximum number of apartment buildings or townhouses is fifteen per acre with a maximum of twenty-four bedrooms;
  - (d) the minimum lot size for each detached house is 10,000 square feet;
  - (e) the minimum lot size for each duplex is 12,500 square feet
  - (f) the minimum lot size for guest houses and apartment buildings or townhouses is 25,000 square feet;
  - (g) the minimum lot width for detached houses and duplexes is 80 feet and for guest houses and apartment buildings or townhouses is 100 feet;
  - (h) the maximum site coverage for detached houses, duplexes, guest houses and apartment buildings or townhouses is thirty 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 for a building of more than one storey;
  - (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

- (k) **repealed** by regulation 5(d)(vi) of the *Development and Planning (Amendment) Regulations, 2016*.
- (9) **Repealed** by regulation 5(e) of the *Development and Planning (Amendment) Regulations, 2016*.
- (10) Notwithstanding subregulations (6), (7) and (8), detached houses, duplexes and, if in suitable locations, apartment buildings or townhouses 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 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 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 apartment buildings or townhouses 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 apartment buildings or townhouses is twenty-five per acre;
  - (c) the minimum lot size for hotels and apartment buildings or townhouses is half an acre with a minimum lot width of 100 feet;
  - (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.
- (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 a Hotel/Tourism development zone.
- (4) Applications in respect of entertainment facilities outside a Hotel/Tourism development zone will be considered on their merits, having regard to the character of the surrounding area and any relevant regulations.

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

- 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 —
- (a) such building forms part of a development of strata titles under the *Strata Titles Registration Act (2013 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 Act (2018 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 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.

## **Commercial zones**

### **13. (1) Commercial zones fall into the three following categories —**

- (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) **Repealed** by regulation 6 of the *Development and Planning (Amendment) Regulations, 2016*.
- (4) **Repealed** by regulation 6 of the *Development and Planning (Amendment) Regulations, 2016*.
- (5) **Repealed** by regulation 6 of the *Development and Planning (Amendment) Regulations, 2016*.
- (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 eighty 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;
  - (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; or
  - (c) the development is located within areas General Commercial zone 1, General Commercial zone 2, General Commercial zone 3 or General Commercial zone 4.

- (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) **Repealed** by regulation 6 of the *Development and Planning (Amendment) Regulations, 2016*.

### **Institutional zones**

- 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.
- (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 into account the need to minimise any detriment to the amenities of adjoining owners.
- (6) Parking facilities in an Institutional zone shall be as follows —

<b>Form of development</b>	<b>Number of car parking spaces</b>
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) a detached house;



- (b) duplexes;
  - (c) beach resorts; and
  - (d) in locations considered by the Authority to be suitable, guest houses, apartment buildings or townhouses, cottage colonies and tourism related development.
- (3) (a) **repealed** by regulation 6 of *the Development and Planning (Amendment) Regulations, 2014*.
- (ab) the maximum site coverage for a detached house, duplexes, guest houses and apartment buildings or townhouses is thirty percent of the lot size;
  - (b) the maximum density for guest houses is thirty bedrooms per acre;
  - (c) the maximum density for apartment buildings or townhouses is twenty per acre with a maximum of sixty 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 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;
  - (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; and
  - (c) the maximum site coverage is forty percent of the lot size; and
  - (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.

- (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 from the road 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.

### **Historic Overlay zones**

- 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.
- (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.

### **Public Open Space zones**

- 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.
- (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 Islands 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 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.

### **Land above water lenses**

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

### **Scenic shoreline**

- 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.



**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.

**Repealed**

- 23. Repealed** by regulation 9 of *Development and Planning (Amendment) Regulations, 2021 [SL 14 of 2021]*.

**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 adjacent parcels of land that equals or exceeds forty acres, and may include parcels on both sides of a road;
  - (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 minimises conflicts with existing public roads;
  - (e) provide for necessary infrastructure and services that will minimise 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 shall be five storeys or sixty-five feet, whichever is the less, but in Hotel/Tourism zone 1, the maximum

permitted height shall be ten storeys or one hundred and thirty feet, whichever is the less.

- (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 Act (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.

### **Water requirements**

- 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.
- (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.** The developer of a subdivision shall submit a proposal for a satisfactory sewerage system.

### **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;
  - “public”**, in relation to a subdivision, means landowners within the subdivision; and
  - “the relevant date”** means the 16th June, 2010.

## Flooding

- 29.** (1) Reclaimed land for development and public areas shall comply with the minimum soil levels and other requirements prescribed from time to time by the *Mosquito (Research and Control) Act (2007 Revision)*.
- (2) Where land is adjacent to the sea, a canal or inland waterway, the finished floor level of all buildings on the land shall be at least seven feet above mean sea level; and, where land is in any other location, the finished floor level of all buildings on the land shall be at least five feet above mean sea level.

## Provision for schools

- 30.** In subdivisions, provision shall be made for —
- (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.

**Landscaping**

31. (1) Suitable landscaping shall be carried out and shade trees planted where practicable.
- (2) In reclaimed swamp areas interlocked sections of existing trees shall, where practicable, be left to provide windbreaks until replaced by suitable reafforestation.

**Public rights of way in Hotel/Tourism zones**

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 per every two hundred feet or part thereof, from a road to the sea, on the subject property; and such right of way may be within the area set aside for setbacks under these Regulations.

**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.

**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 1997.
- (2) The control of development in Little Cayman shall be in accordance with Appendix 2 of the Planning Statement for the Cayman Islands 1997.
- (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.

**Repealed**

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.

## Infrastructure fund

- 37A.**(1) There is established an infrastructure fund for the purpose of providing funds for development of roads, affordable housing and other infrastructure in the Islands.
- (2) The fund shall be administered by the Ministry of Finance and allocations and disbursements approved by Cabinet and shall consist of moneys received under subregulation (4).
- (3) In this regulation —
- (a) Area A1 means the areas designated as such on the plan set out in Schedule 6;
  - (b) Area A2 means the areas designated as such on the plan set out in Schedule 6;
  - (c) Area B means the areas designated as such on the plan set out in Schedule 6; and
  - (d) Area C means the areas designated as such on the plan set out in Schedule 6 and includes the registration sections, blocks and parcels in Little Cayman.
- (4) A person to whom planning for development granted pursuant to an application made on or after the 19th December, 2014, shall contribute to the infrastructure fund as follows —
- (a) in Area A1 —

<b>Development Type</b>	<b>Infrastructure Fund Fee per gross sq. ft.</b>
An industrial building	\$2.50
A commercial building	\$4.50
A hotel building	\$4.50
An apartment building or townhouse	\$4.50
An institutional building	\$3.50

A house, duplex, or related structures	\$3.50
Subdivision of land	\$200 per lot
A change of use of a building or land	The rate applicable to the type of development being changed to
An extension to a building	The rate applicable to each type of building specified in this paragraph

## (ab) in Area A2

<b>Development Type</b>	<b>Infrastructure Fund Fee per gross sq. ft.</b>
An industrial building	\$2.50
A commercial building	\$4.50
A hotel building	\$4.50
An apartment building or townhouse	\$4.50
An institutional building	\$3.50
A house, duplex, or related structures and any extension thereto	\$3.50
Subdivision of land	\$200 per lot
A change of use of a building or land	The rate applicable to the type of development being changed to

## (b) in Area B —

<b>Development Type</b>	<b>Infrastructure Fund Fee per gross sq. ft.</b>
An industrial building	\$1.50
A commercial building	\$2.50
A hotel building	\$2.50
An apartment building or townhouse	\$2.50



- |  |   |
|--|---|
| An institutional building  | \$2.50  |
| A house, duplex, or related structures   |   |
| (i) up to 4,000 sq. ft. in gross floor area  | \$1.00  |
| (ii) 4,000 to 5,000 sq. ft. in gross floor area  | \$1.50  |
| (iii) exceeding to 5,000 sq. ft. in gross floor area   | \$3.50  |
| An extension to a house, duplex or related structure which would increase its gross floor area to the respective areas specified in paragraph (i), (ii) or (iii) | The appropriate rate for the gross floor area specified in paragraphs (i), (ii) and (iii) |
| Subdivision of land  | \$100 per lot   |
| A change of use of a building or land  | The rate applicable to the type of development being changed to                           |
| An extension to a building other than a house or duplex  | The rate applicable to each type of building specified in this paragraph                  |
- (c) in Area C, \$.25 per square foot of the gross floor area of the development and any extension thereto and \$100 per lot for the subdivision of land;
- (d) without prejudice to the respective amounts prescribed in paragraphs (a), (ab), (b) and (c) in the Islands an affordable housing fee is payable on the issue of a Certificate of Completion or Certificate of fitness for Occupancy, and will be assessed as follows —
- (i) at a rate of \$3,000 per hotel room; and
- (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
- (e) in any case where the Authority is of the opinion that the development (including any temporary development) is necessary for the purpose of restoration following a national disaster, fifty per cent of the respective amounts prescribed in paragraphs (a), (ab), (b) and (c).
- (5) The total contribution under subsection (4)(a) to (e) is payable as follows —
- (a) fifty per cent of the contribution is payable on the issue of a permit; and

- (b) fifty per cent of the contribution is payable on the issue of a Certificate of Completion, Certificate of Occupancy or Certificate of fitness for Occupancy;

and for subdivision of land, the contribution is payable prior to the subdivision being finalised.

- (6) The interest earned on the moneys of the infrastructure fund shall be retained for the purposes of the fund.

- (7) In this Part —

“**affordable housing**” means any Government assisted housing programme undertaken under the auspices of the National Housing Development Trust, Sister Islands Affordable Homes or any similar Government entity;

“**Certificate of Completion**”, in relation to a building, means a certificate issued by the Authority that certifies the building is complete in accordance with planning permission requirements but does not grant permission to occupy;

“**Certificate of fitness for Occupancy**” or “**Certificate of Occupancy**”, in relation to a building, means a certificate issued by the Authority that the building is complete in accordance with planning requirements and grants permission to occupy; and

“**infrastructure**” means public services and utilities used in common by the residents of the Islands.

## Penalties

- 38.** A person who contravenes these Regulations commits an offence and is 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 building or townhouse	40 cents in respect of each square foot of the proposed development
2A.	Addition to a detached house, in any case where —	\$0.00, if the application is not filed after the fact
	(a) the extension does not exceed 500 square feet;	A fee calculated at the rate of \$2.50 in respect of each square foot of the proposed development, if the application is filed after the fact
	(b) the square footage of the extension does not exceed 10 per cent of the gross floor area of the ground floor of the existing detached house; and	
	(c) an application has not been made for this type of development of the detached house	
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

Item	Type of development	Fee
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
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
8A.	Construction of any other institutional building	A fee calculated at the rate of 25 cents in respect of each square foot of the proposed development
8B.	Ancillary buildings	A fee calculated at the rate of the primary use 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) <b>repealed</b> by regulation 13(b) of the <i>Development and Planning (Amendment) Regulations, 2016</i>	



Item	Type of development	Fee
	(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
11A.	A deck with a vertical measurement of six inches or more from finished grade	A fee calculated at the rate of the primary use in respect of each square foot of the proposed deck
12.	Modification of the shoreline or the construction of dock	\$500
13.	<b>repealed</b> by regulation 13(d) of the <i>Development and Planning (Amendment) Regulations, 2016</i>	
14.	Carrying out of an excavation or quarry	<p>(a) in Grand Cayman —</p> <p>(i) in respect of an excavation or quarry where the fill is to be removed from the site, an application fee of \$10,000; and</p> <p>(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>(i) in respect of an excavation or quarry where the fill is to be removed from the site, an application fee of \$5,000; and</p> <p>(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 or quarried</p>

<b>Item</b>	<b>Type of development</b>	<b>Fee</b>
14A.	Removal of shoreline debris following inclement weather	\$250
15.	Permission for a change of use of land (car parks, etc.)	The fee that would have been payable under this Schedule if the application were an application for development for the proposed new use
16.	Clearing of land by mechanical means	\$100 per acre or part thereof
17.	Erection of a telecommunication tower or similar structure	\$1,000
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 — \$100 in respect of each amendment or deletion of a condition of planning permission; \$25 in respect of each amendment of a house plan; and \$100 in respect of any other proposed modification
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>Item</b>	<b>Type of development</b>	<b>Fee</b>
	(b) relating to any use other than in relation to a house or duplex	\$250
22.	Permission for a planned area development	A fee calculated at the rate of \$500 per acre but all other relevant fees prescribed in this Schedule are applicable to the individual developments within the planned area development
23.	Photovoltaic power station with a minimum output of one megawatt	\$5,000

### **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

### AREAS

#### 1. For the purposes of the Act —

“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 Permit fees are payable in Area A —

<i>Description</i>	<i>Fee</i>
For an apartment building or townhouse	\$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

<i><b>Description</b></i>	<i><b>Fee</b></i>
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
For an agricultural building	\$1.00 per square foot
For a church or church hall	\$1.00 per square foot
For an institutional building	\$1.50 per square foot
For any other building not specified in this Schedule	\$1.00 per square foot
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
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



<i><b>Description</b></i>	<i><b>Fee</b></i>
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 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 related to —	
(a) agriculture	\$50
(b) a house or duplex	\$100
(c) any development other than a house, duplex or agriculture	\$200
For ancillary buildings	the fee rate for new construction applied to the square footage of the ancillary building
For a dock or mooring piles related to —	
(a) residential development	\$200

<i><b>Description</b></i>	<i><b>Fee</b></i>
(b) any other type of development	\$500
For a photovoltaic power station with a minimum output of one megawatt	\$5,000
For the installation of a stand-alone permanent electrical service related to —	
(a) agriculture	\$100
(b) a house or duplex	\$200
(c) any development other than a house, duplex or agriculture	\$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, per discipline, relating to —	
(a) a house or duplex	\$50
(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
In regard to a house or duplex, an administrative filing fee in respect of a request for the issuance of a Foundation Permit, special permission to occupy, alternate means and methods, special electrical service connection, or modification of electrical requirements	\$100
In regard to development other than a house or duplex, an administrative filing fee in respect of a request for the issuance of a Foundation Permit, special permission to occupy, alternate means and methods, special electrical service connection, or modification of electrical requirements	\$250



**3. The following Permit fees are payable in Area B:**

<i>Development</i>	<i>Fee</i>
For an apartment building or townhouse	\$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 an addition to a detached house, in any case where —	\$0.00, if the application is not filed after the fact
(a) the extension does not exceed 500 square feet;	A fee calculated at the rate applicable to new construction applied to the square footage of the addition, if the application is filed after the fact
(b) the square footage of the extension does not exceed 10 per cent of the gross floor area of the ground floor of the existing detached house;	
(c) the extension does not result in the gross floor area of the detached house being greater than 5,000 square feet;	\$2 per square foot
(d) the addition does not change the classification of the detached house; and	
(e) a previous application has not been made for this type of development of the detached house	\$1.50 per square foot
For a restaurant or bar	

For an office, shop or other commercial building	\$1.75 per square foot
For a hotel	\$3.50 per square foot
For a gas station	\$400
For a swimming pool related to —	
(a) any single family residential development	
(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
For an agricultural building	\$0.50 per square foot
For a church or church hall	\$1.00 per square foot
For an institutional building	\$1.50 per square foot
For any other building not specified in this Schedule	\$0.50 per square foot
For the installation of a fuel or liquefied petroleum gas storage tank, or a generator —	
(a) relating to a house or duplex	\$100
(b) or any use other than in relation to a house or duplex	\$250
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)	\$250 per review





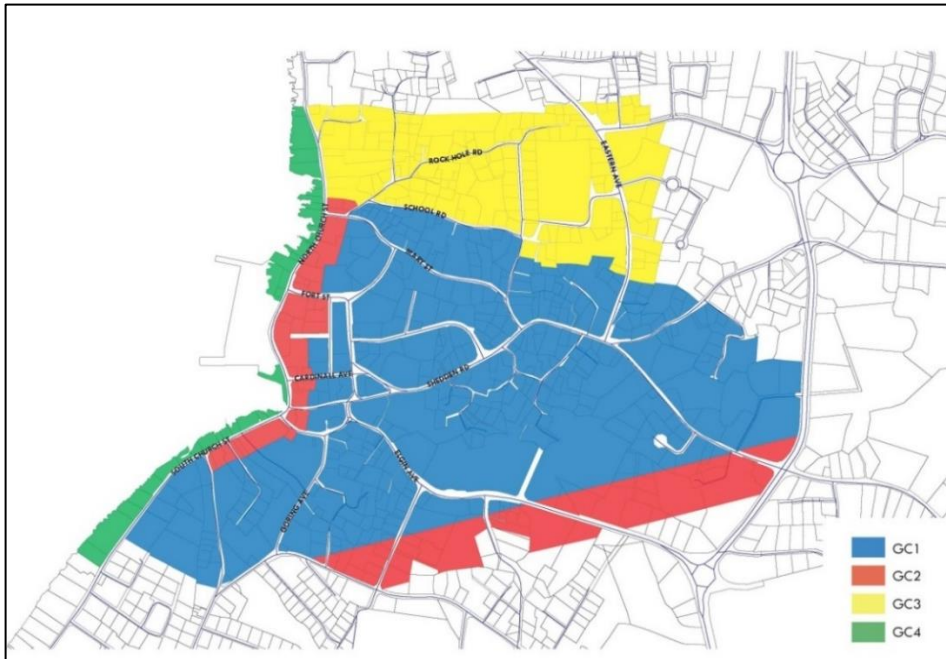
under 4,000 square feet)	
For each inspection after the first re- inspection of failed workmanship	\$100
Administrative filing fee	Where an application is withdrawn prior to the issuance of a Permit, an administrative filing fee is payable at the rate of-  (a) fifty per cent of the fee payable under Part I in respect of the application; or  (b) \$50,  whichever is greater.
For a modification to an existing electrical service related to —	
(a) agriculture	\$50
(b) a house or duplex	\$100
(c) any development other than a house, duplex or agriculture	\$200
For ancillary buildings	the fee rate for new construction applied to the square footage of the ancillary building
For a dock or mooring piles related to —	
(a) residential development	\$200
(b) any other type of development	\$500
For a photovoltaic power station with a minimum output of one megawatt	\$5,000
For the installation of a stand-alone permanent electrical service related to —	
(a) agriculture	\$100
(b) a house or duplex	\$200

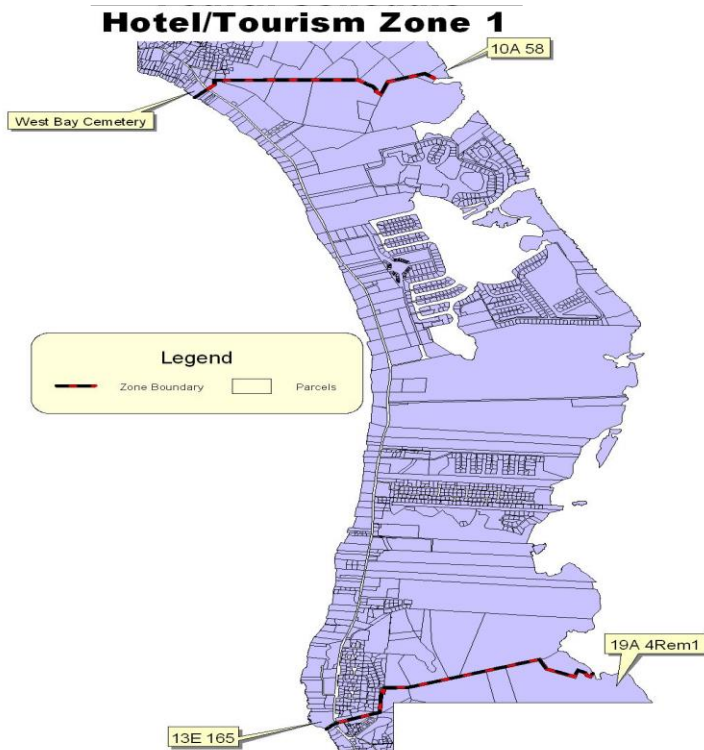
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4. (c) any development other than a house, duplex or agriculture \$400
- For an electrical reconnection (not related to a natural disaster) in respect of —
- (a) a house or duplex \$50 per meter
- (b) any other type of development \$100 per meter
- For modifications to approved plans in respect of each amendment submission, per discipline, relating to —
- (a) a house or duplex \$50
- (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
- In regard to a house or duplex, an administrative filing fee in respect of a request for the issuance of a Foundation Permit, special permission to occupy, alternate means and methods, special electrical service connection, or modification of electrical requirements \$100
- In regard to development other than a house or duplex, an administrative filing fee in respect of a request for the issuance of a Foundation Permit, special permission to occupy, alternate means and methods, special electrical service connection, or modification of electrical requirements \$250
- Permit fees are payable as follows —**
- (a) fifty per cent on submission of a Permit application, and such fee is non-refundable; and
- (b) fifty per cent on issuance of a Permit.
5. Permit fees for renovations to any development other than a house that have started or have been completed prior to a permit application being submitted to the Department of Planning are two times the fee that would be payable under paragraph 2 or 3.



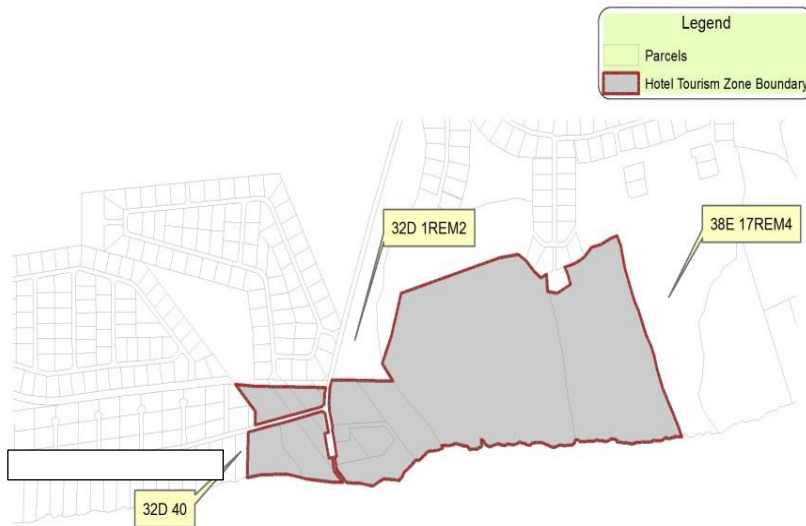
## SCHEDULE 3

### GENERAL COMMERCIAL ZONES

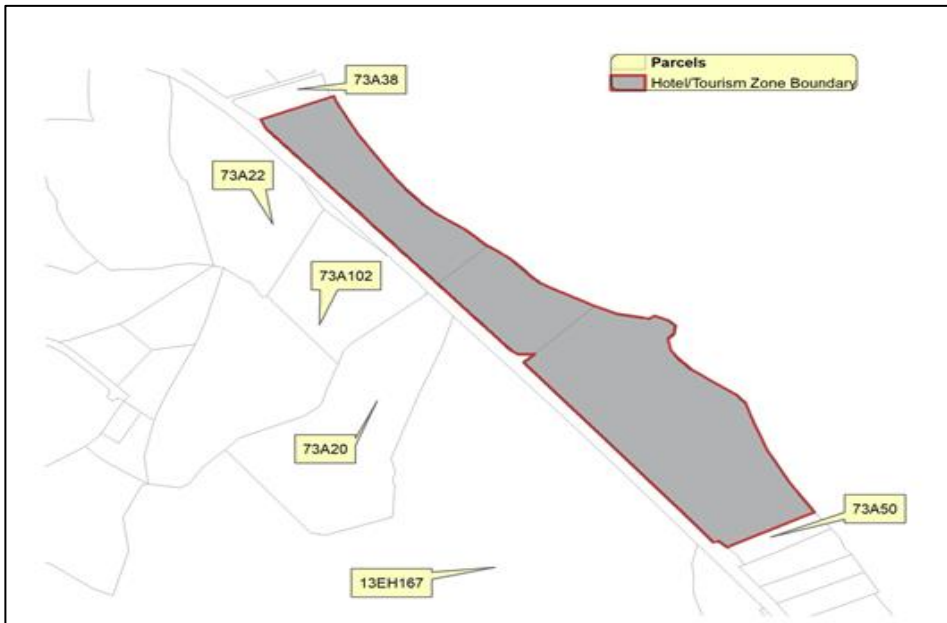


**SCHEDULE 4***(regulation 2)***HOTEL/TOURISM ZONES**

## Hotel/Tourism Zone 2



### Hotel/Tourism Zone 3



**SCHEDULE 5****MISCELLANEOUS FEES**

<b>Item or Service Provided</b>	<b>Fee</b>
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 <i>Development and Planning Act (2021 Revision)</i> 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

<b>Item or Service Provided</b>	<b>Fee</b>
Reissue/Duplicate Permit	\$50 per reissuance/ duplicate
Online Planning System service transaction —	
Electronic submissions	\$10 per submission
Paper based submissions	\$25 per submission
File retention	\$25 per application
Letter or other document certifying whether or not planning permission is required for the carrying on of a trade or business under the <i>Trade and Business Licensing Act (2021 Revision)</i>	\$25 per letter or document
Administrative filing fee for the 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 purpose	\$5,000
Reclamation of a confiscated illegal sign	\$50
Copy of plans submitted for planning permission or permits	\$3 per plan
Letter to release restriction on land register	\$50





## Infrastructure Fund - Area A1, Area A2, Area B and Area C



**Publication in consolidated and revised form authorised by the Cabinet this 11th day of January, 2022.**

**Kim Bullings**  
*Clerk of the Cabinet*



## ENDNOTES

### Table of Legislation History:

SL #	Law/Act #	Legislation	Commencement	Gazette
14/2021		Development and Planning (Amendment) Regulations, 2021	11-Feb-21	LG13/2021/s1
		<b>Development and Planning Regulations (2021 Revision)</b>	22-Jan-21	LG7/2021/s8
	56/2020	Citation of Acts of Parliament Act, 2020	3-Dec-20	LG89/2020/s1
		<b>Development and Planning Regulations (2020 Revision)</b>	14-Jan-20	LG5/2020/s1
46/2018		Development and Planning (Amendment) Regulations, 2018	14-May-19	LG15/2019/s1
		<b>Development and Planning Regulations (2018 Revision)</b>	16-Mar-18	GE22/2018/s12
58/2017		Development and Planning (Amendment) Regulations, 2017	28-Jun-17	GE53/2017/s3
		<b>Development and Planning Regulations (2017 Revision)</b>	31-May-17	GE45/2017/s10
78/2016		Development and Planning (Amendment) Regulations, 2016	19-Dec-16	G26/2016/s9
		<b>Development and Planning Regulations (2015 Revision)</b>	17-Jul-15	GE53/2015/s8
70/2014		Development and Planning (Amendment) Regulations, 2014	19-Dec-14	GE96/2014/s2
		<b>Development and Planning Regulations (2013 Revision)</b>	11-Oct-13	GE82/2013/s7
27/2013		Development and Planning (Amendment) Regulations, 2013	17-Mar-13	GE41/2013/s6
58/2012		Development and Planning (Amendment) Regulations, 2012	19-Nov-12	G24/2012/s1
		<b>Development and Planning Regulations (2011 Revision)</b>	24-Oct-11	G22/2011/s11
25/2010		Development and Planning (Amendment) (No. 2) Regulations, 2010	30-Aug-10	G18/2010/s5
		<b>Development and Planning Regulations (2010 Revision)</b>	25-Oct-10	G22/2010/s7
17/2010		Development and Planning (Amendment) Regulations, 2010	16-Jun-10	GE33/2010/s1
8/2006		Development and Planning (Amendment) Regulations, 2006	1-Jul-06	G24/2006/s2
		<b>Development and Planning Regulations (2006 Revision)</b>	26-Jun-06	G13/2006/s7
6/2005		Development and Planning (Amendment) (No. 2) Regulations, 2005	11-Apr-05	GE9/2005/s2
5/2005		Development and Planning (Amendment) Regulations, 2005	18-Apr-05	G8/2005/s1
		<b>Development and Planning Regulations (2005 Revision)</b>	25-Jul-05	G15/2005/s6
	8/2004	Development and Planning (Amendment) (Temporary Provisions) Law, 2004 (part)	3-May-04	G9/2004/s9
	31/2003	Development and Planning (Amendment) (No.2) Law, 2003 (part)	9-Jan-04	GE2/2004/s1
	7/2003	Development and Planning (Amendment) Law, 2003 (part)	22-Aug-03	GE24/2003/s6
		<b>Development and Planning Regulations (2003 Revision)</b>	2-Jun-03	G11/2003/s11
15/2002		Development and Planning (Amendment) (Heights of Buildings) (No.2) Regulations, 2002	12-Aug-02	G16/2002/s7



SL #	Law/Act #	Legislation	Commencement	Gazette
14/2002		Development and Planning (Amendment) (Heights of Buildings) Regulations, 2002	6-May-02	G9/2002/s5
10/2001		Development and Planning (Amendment) (Temporary Provisions) Regulations, 2001	23-Nov-01	GE27/2001/s1
12/1997		Development and Planning (Amendment) (No. 3) Regulations, 1997	8-Dec-97	G25/1997/s2
		<b>Development and Planning Regulations (1998 Revision)</b>	17-Aug-98	G17/1998/s3
11/1997		Development and Planning (Amendment) (No. 2) Regulations, 1997	15-Sept-97	G19/1997/s1
10/1997		Development and Planning (Amendment) Regulations, 1997	18-Jun-97	G7B/1997/s1
1/1995		Building Code Regulations, 1995 (part)	29-Apr-96	GE29.Apr/1995/s1
		<b>Development and Planning Regulations (1995 Revision)</b>	24-Jul-95	G15/1995/s3
13/1994		Development and Planning (Amendment) Regulations, 1994	5-Apr-94	G7/1994/s6
7/1993		Development and Planning (Amendment) Regulations, 1993	24-Dec-93	GE24.Dec/1993/s2
15/1992		Development and Planning (Amendment) (No. 2) Regulations, 1992	22-Oct-92	G22.Oct/1992/s2
14/1992		Development and Planning (Amendment) Regulations, 1992	10-Feb-92	G3/1992/s1
19/1991		Development and Planning (Amendment) (Fees) Regulations, 1991	3-Jan-92	GE3/1992/s1
18/1991		Development and Planning (Amendment) Regulations, 1991	15-Mar-91	G6/1991/s1
22/1990		Development and Planning (Amendment) (No. 2) Regulations, 1990 ( <i>sic</i> )	31-Jul-90	GE31.Jul/1990/s4
17/1985		Development and Planning (Amendment) Regulations, 1985	15-Apr-85	G8/1985/s1
	18/1982	Water Authority Law, 1982 (part)	18-Apr-83	G8/1983/s4
10/1980		Development and Planning (Amendment) Regulations, 1980	8-Apr-80	G7/1980/s3
21/1979		Development and Planning (Amendment) Regulations, 1979	24-Sep-79	G20/1979/s1
41/1977		Development and Planning (Amendment) Regulations, 1977	19-Dec-77	G26/1977/s14
33/1977		Development and Planning Regulations, 1977	29-Aug-77	G18/1977/s5

(Price: \$13.60)

