

CAYMAN ISLANDS



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**THE DEVELOPMENT AND PLANNING LAW
(2011 REVISION)**

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REGULATIONS, 2014**

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REGULATIONS, 2014**

The Cabinet, in exercise of the powers conferred by section 42 of the Development and Planning Law (2011 Revision), makes the following Regulations -

1. (1) These Regulations may be cited as the Development and Planning (Amendment) Regulations, 2014.

Citation and commencement

(2) These Regulations shall come into force immediately after section 26 of the Development and Planning (Amendment) Law, 2014 comes into force.

2. The Development and Planning Regulations (2013 Revision), in these Regulations referred to as the “principal Regulations”, are amended in regulation 2 as follows -

Amendment of regulation 2 of the Development and Planning Regulations (2013 Revision) - definitions

- (a) by deleting the definition of the words “approved Agent”;
- (b) in the definition of the words “dwelling unit” by deleting the words “, with exclusive cooking, eating, living, sleeping and sanitary facilities”;
- (c) by inserting, after the definition of the words “Hotel/Tourism zone 1”, the following definition -
“ “Hotel/Tourism zone 2” means the area designated as such on the plan set out in Schedule 4;”;
- (d) by deleting the definition of the word “lot” and substituting the following definition -
“ “lot” means a legally registered parcel of land and includes a land strata lot;”;
- (e) by inserting, after the definition of the words “parking area”, the following definition -
“ “Permit” means a permit issued under the Building Code Regulations (2013 Revision);” and

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

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

- (a) by repealing subregulation (1)(i) and substituting the following subparagraph -
 - “(i) churches and other places of worship, including ancillary uses (such as church halls, classrooms and recreation rooms) - one space per 150 square feet;”;
- (b) by repealing subregulation (2)(e) and substituting the following paragraph -
 - “(e) in a Hotel/Tourism zone, shall not exceed sixty-five feet or five storeys, whichever is the less, but 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 the less; and”;
- (c) by repealing subregulation (3);
- (d) in subregulation (10)(d) by deleting the words “a canal or” and substituting the word “an”;
- (e) in subregulation (10)(e) by deleting the words “for the third through the seventh storey” and substituting the words “for each of the fourth through the seventh storeys”;
- (f) by inserting after subregulation (10)(e) the following paragraph -
 - “(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;”;
- (g) in subregulation (12A) by inserting after the words “notice of such application” the words “shall be made on the form provided by the Director and”;
- (h) in subregulation (13) by deleting the words “Notwithstanding subregulations (1),” and substituting the words “Notwithstanding subregulations (1), (2),”; and
- (i) by inserting after subregulation (13) the following subregulation -
 - “(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

- (g) in subregulation (8)(j) by deleting the words “or fifty per cent of the height of the building, whichever is the greater,”.
6. The principal Regulations are amended in regulation 15 by repealing subregulation (3)(a). Amendment of regulation 15 - Beach Resort/Residential zones
7. The principal Regulations are amended in regulation 24 by repealing subregulation (2)(a) and substituting the following paragraph - Amendment of regulation 24 - planned area developments
- “(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;”.
8. The principal Regulations are amended in regulation 28(6) as follows - Amendment of regulation 28 - land for public purposes
- (a) in the definition of the words “improved value”, by deleting the word “and” appearing at the end of paragraph (b) of the definition; and
- (b) by inserting, after the definition of the words “improved value”, the following definition -
- “ “public”, in relation to a subdivision, means landowners within the subdivision; and”.
9. The principal Regulations are amended in regulation 32 by deleting the words “from the public road to the sea. Such” and substituting the words “, per every two hundred feet, from the public road to the sea, either on the subject property or on such other property as may be deemed suitable by the Authority; and such”. Amendment of regulation 32 - public rights of way in Hotel/Tourism zones
10. The principal Regulations are amended in regulation 34 by deleting the words “but, in the case of an owner/occupier who possesses Caymanian Status no special permission for the occupation of part of an uncompleted building is required if such part complies with the approved plans”. Amendment of regulation 34 - final certificate
11. The principal Regulations are amended by inserting after regulation 37 the following regulation - Insertion of regulation 37A - Infrastructure fund
- “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 subsection (4).

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 -

Development Type	Infrastructure Fund Fees per gross sq. ft.
An industrial building	\$1.50
A commercial building	\$2.50
A hotel building	\$2.50
An apartment building	\$2.50
An institutional building	\$2.50
A house, duplex, or related structures -	
(i) 3,001 to 4,000 sq. ft. in	\$1.00

- (c) in Area C, \$.50 per square foot of the gross floor area of the development and \$100 per lot for the subdivision of land;
- (d) without prejudice to the respective amounts prescribed in subparagraphs (a), (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 A, at a rate of \$20,000 per apartment, in respect of applications relating to 11 or more apartments; 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 subparagraphs (a), (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 building 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 finalized.

(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;

been made for
this type of
development
of the
detached
house

- (b) by inserting after item 8 the following item and particulars -

Item	Type of development	Fee
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”;

- (c) in item 14 -

- (i) by inserting after the word “excavation” wherever it appears the words “or quarry”; and
(ii) in paragraph (c) of the particulars relating to the fee, by inserting after the word “excavated” the words “or quarried”; and

- (d) by inserting after item 14 the following item and particulars -

Item	Type of development	Fee
14A.	Removal of shoreline debris following inclement weather	\$250”.

13. (1) The principal Regulations are amended in paragraph 2 of Schedule 2 as follows - Amendment of Schedule 2

- (a) by deleting the words “building permit” wherever they appear and substituting the word “Permit”;
(b) by inserting, after the words “For an industrial building per square foot”, the following descriptions and fees -

Description	Fee
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”;

request for the issuance of a Foundation Permit
 or for special permission to occupy
 and substituting the following description and fee -

“Description	Fee
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”.

(2) The principal Regulations are amended in paragraph 3 of Schedule 2 as follows -

- (a) by deleting the words “building permit” wherever they appear and substituting the word “Permit”;
- (b) by inserting, after the words “For a duplex \$1 per square foot”, the following description and fees -

“Description	Fee
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;	
(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	

“Description	Fee
“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”; and
(f) by deleting the following description and fee -	
“An administrative filing fee in respect of a request for the issuance of a Foundation Permit or for special permission to occupy	\$100”,
and substituting the following description and fee -	

“Description	Fee
“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”.

(3) The principal Regulations are amended by repealing paragraph 4 of Schedule 2 and substituting the following paragraph -

- “4. Permit fees are payable as follows -
- (a) fifty per cent on submission of a Permit application; and
 - (b) fifty per cent on issuance of a Permit.”.

14. The principal Regulations are amended in Schedule 4 by inserting, after the plan relating to Hotel/Tourism zone 1, the following plan -

Amendment of Schedule
4 - Hotel/Tourism Zone
1

15. The principal Regulations are amended in Schedule 5 by deleting the words “Duplicate building permit \$25 per duplicate” and substituting the following items and particulars -

Amendment of Schedule 5 - miscellaneous fees

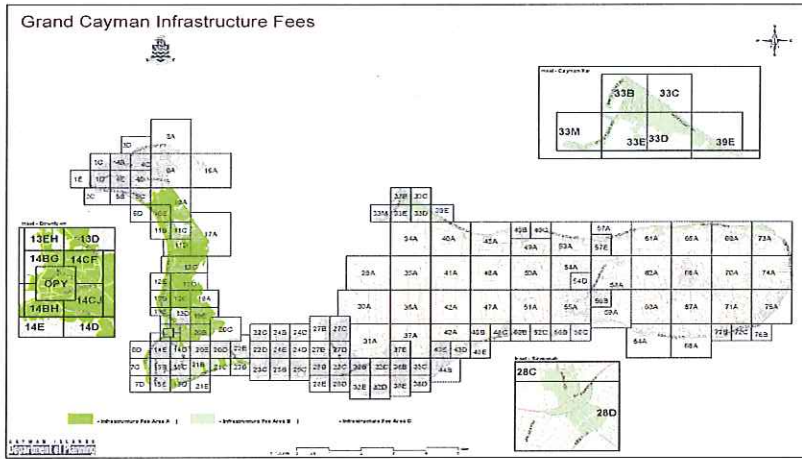
“Item or Service Provided	Fee	Fee
Reissue/Duplicate Permit	\$50 per	reissuance/duplicate
Online Planning System service transaction -		
Electronic submissions	\$10 per submission	
Paper based submissions	\$15 per submission”.	

16. The principal Regulations are amended by inserting after Schedule 5 the following schedule -

Insertion of Schedule 6 - Infrastructure Fund - Area A, Area B and Area C

“SCHEDULE 6

Infrastructure Fund - Area A, Area B and Area C



Made in Cabinet the _____ day of _____, 2014.

Clerk of the Cabinet.