

CAYMAN ISLANDS



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**THE DEVELOPMENT AND PLANNING LAW
(2008 REVISION)**

**THE DEVELOPMENT AND PLANNING (AMENDMENT)
REGULATIONS, 2010**

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**THE DEVELOPMENT AND PLANNING LAW
(2008 REVISION)**

**THE DEVELOPMENT AND PLANNING (AMENDMENT)
REGULATIONS, 2010**

The Governor in Cabinet, in exercise of the powers conferred by section 42 of the Development and Planning Law (2008 Revision), makes the following regulations -

1. These regulations may be cited as the Development and Planning (Amendment) Regulations, 2010. Citation

2. The Development and Planning Regulations (2006 Revision), in these regulations referred to as the “principal Regulations”, are amended by repealing regulation 28 and substituting the following regulation - Repeal and substitution of regulation 28 of the Development and Planning Regulations (2006 Revision) - land for public purposes

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

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

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

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

purposes, if the Authority is satisfied -

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

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

(5) Money paid pursuant to subregulation (2) or (3) shall be applied to -

- (a) the acquisition of private land for public purposes; and
- (b) the improvement of land used for public purposes, including recreation centres, transportation routes and public rights of way.

(6) In this regulation -

“improved value” -

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

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

2010.”.

3. The principal Regulations are amended in regulation 37 as follows - Amendment of regulation 37 - fees
- (a) by renumbering regulation 37 as regulation 37(1); and
 - (b) by inserting after regulation 37(1) as renumbered the following subregulation -
 - “ (2) The fees prescribed in the Fifth Schedule shall be charged for the provision of the items and services specified in relation thereto.”.

4. The First Schedule to the principal Regulations is amended as follows - Amendment of First Schedule - application fees for planning permission
- (a) by repealing Part I and substituting the following Part -

“PART I-Application for Planning Permission and Development

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

| | | |
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| | | 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 |
| 9. | Construction of a swimming pool relating to - | |
| | (a) a house | \$100 |
| | (b) a duplex or an apartment | \$150 |
| 10. | Erection of a sign that is - | |
| | (a) 30 square feet or less | \$75 |
| | (b) more than 30 square feet | \$500 |
| 11. | (a) Construction of a fence that is 4 feet high or less, relating to a detached house | \$100 |
| | (b) Construction of a fence that is more than 4 feet high, relating to a detached house | \$250 |

| | | |
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| | (c) Construction of a fence of any height, relating to any use of land other than use as a detached house | \$400 |
| 12. | Modification of the shoreline or the construction of dock | \$500 |
| 13. | Rezoning of land (if not included as part of a development plan review) - | |
| | (a) for residential purposes | \$2,000 |
| | (b) for any purpose other than a residential purpose | \$5,000 |
| 14. | Carrying out of any excavation or dredging | |
| | (a) in Grand Cayman - | |
| | (i) in respect of a commercial quarry, an application fee of \$10,000; and | |
| | (ii) in any case where the fill is to remain on site, an application fee of \$2,000; | |
| | (b) in Cayman Brac or Little Cayman - | |
| | (i) in respect of a commercial quarry, an application fee of \$5,000; and | |
| | (ii) in any case where the fill is to remain on site, an application fee of \$1,000; and | |

| | | |
|-----|--|--|
| | | (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 dredged |
| 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 - <ul style="list-style-type: none"> (a) \$100 in respect of each amendment or deletion of a condition of planning permission; (b) \$25 in respect of each amendment of a house plan; and (c) \$100 in respect of any other proposed modification |

21. Construction of a fuel liquefied petroleum gas storage tank or generator -
- (a) relating to a house or duplex \$100
 - (b) for any use other than in relation to a house or duplex \$250”;

(b) by repealing Part III and substituting the following Part -

“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.”; and

(c) by inserting after Part IV the following Part -

“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.”.

5. The Second Schedule to the principal Regulations is amended by repealing paragraphs 2 and 3 and substituting the following paragraphs -

Amendment of Second Schedule - building permit fees

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

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

For each subsequent review of an application after the first two reviews, for each discipline in the building trade, in respect of an application relating to -

- (a) a house or duplex under 4,000 square feet \$125 per review
- (b) any development (other than a house or duplex under 4,000 square feet) \$250 per review

For each inspection after the first re- inspection of failed workmanship \$100
 Administrative filing fee

Where an application is withdrawn prior to the issuance of a building permit, an administrative filing fee is payable at the rate of -

- (a) fifty per cent of the fee payable under Part I in respect of the application;
 - or
 - (b) \$50,
- whichever is greater.

For a modification to an existing electrical service or the installation of a stand-alone permanent electrical service related to -

- (a) a house or duplex \$200
- (b) any development other than a house or duplex \$400

For an electrical reconnection (not related to a natural disaster) in respect of -

- (a) a house or duplex \$50 per meter
- (b) any other type of development \$100 per meter

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

- (a) a house or duplex \$25
- (b) any other type of development \$100

For an Elevator Certification Permit \$400 per elevator unit

For an Elevator Certification Renewal \$200 per elevator unit

| | |
|--|-------------------------|
| For alterations to an existing elevator | \$150 per elevator unit |
| An administrative filing fee in respect of a request for the issuance of a Foundation Permit or for special permission to occupy | \$100 |

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

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

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

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

Insertion of Fifth Schedule - miscellaneous fees

6. The principal Regulations are amended by inserting after the Fourth Schedule the following schedule -

“FIFTH SCHEDULE (Regulation 37(2))

MISCELLANEOUS FEES

| Item or Service Provided | Fee |
|--|-----------------|
| Photocopy of the Minutes of the Central Planning Authority or the Development Control Board | \$0.50 per page |
| Development plan - | |
| Planning statement, together with 11” x 17” map | \$25 |
| Map (24” x 36”) accompanying a development plan | \$50 |
| Map (36” x 60”) accompanying a development plan | \$100 |
| Land Development Guide (containing the procedures and guidelines of the Central Planning Authority or the Development Control Board) | |
| colour edition | \$50 |
| black and white edition | \$35 |
| Electronic transaction - | |
| Customised maps | \$100 per hour |
| Customised reports, statistics and analyses, and customised information on land use and other matters | \$100 per hour |
| List of applicants that have received planning permission | \$50 |
| Catalogue containing reports, statistics, analyses, information on land use, information on available maps, and other material | \$50 |
| Photocopies of application forms, letters and other documents | \$1 per copy |

| | |
|---|-------------------------------|
| Letter or other document specifying whether or not there is compliance with the Development and Planning Law (2008 Revision) and any regulations made thereunder (“Due Diligence Letter”) | \$100 per parcel of land |
| Letter or other document certifying or describing a zone designated as such on the zoning map of Grand Cayman | \$25 |
| Retrieving a departmental file for the purpose of locating plans and answering questions from a member of the public | \$25 per file |
| Duplicate building permit | \$25 per duplicate |
| Letter or other document certifying whether or not planning permission is required for the carrying on of a trade or business under the Trade and Business Licensing Law (2007 Revision) | \$25 per letter or document”. |

7. (1) Every matter commenced under the former Regulations and partly dealt with when the new Regulations come into force, is to be continued and dealt with in all respects as if the new Regulations had not come into force. Transitional provisions

(2) Every matter commenced under the former Regulations and not wholly or partly dealt with when the new Regulations come into force, is to be taken to be a matter commenced under the new Regulations and the provisions of the new Regulations are to apply accordingly.

(3) In this regulation -

“former Regulations” means the principal Regulations in force immediately before the date of commencement of these regulations; and

“new Regulations” means the principal Regulations as amended by these regulations.

Made in Cabinet the day of , 2010.

Clerk of the Cabinet.

The Development and Planning (Amendment) Regulations, 2010

A draft of these Regulations was approved by the Legislative Assembly on the day of _____, 2010, by Government Motion No. _____/10 in compliance with section 42(3) of the Development and Planning Law (2008 Revision).

Clerk of the Legislative Assembly.