

CAYMAN ISLANDS



Supplement No. 1 published with Gazette No. 24
dated 19th November, 2012.

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

**THE DEVELOPMENT AND PLANNING (AMENDMENT)
REGULATIONS, 2012**

**THE DEVELOPMENT AND PLANNING (AMENDMENT)
REGULATIONS, 2012**

ARRANGEMENT OF REGULATIONS

1. Citation
2. Amendment of regulation 2 of the Development and Planning Regulations (2011 Revision) - definitions
3. Amendment of regulation 6 - applications for building
4. Amendment of regulation 8 - general requirements re parking, height, setbacks, waterfront property, etc.
5. Amendment of Schedule 1 - application fees for planning permission
6. Repeal and substitution of Schedule 3 - General Commercial zone GC1 and GC2
7. Transitional provisions

CAYMAN ISLANDS

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

**THE DEVELOPMENT AND PLANNING (AMENDMENT)
REGULATIONS, 2012**

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

1. These Regulations may be cited as the Development and Planning (Amendment) Regulations, 2012. Citation

2. The Development and Planning Regulations (2011 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 (2011 Revision) - definitions

- (a) in the definition of the words “approved Agent” by deleting the words “surveyor, draughtsman” and substituting the words “planner, surveyor, designer, draughtsman”;
- (b) by inserting, in the appropriate alphabetical sequence, the following definitions -

“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;

“quarry” means a place where rock, ore, stone, soil, peat or similar materials are excavated for off-site use to supply material for construction, industrial, manufacturing or other purposes but does not include a concrete or asphalt plant; and “quarrying” includes blasting and primary processing such as washing, screening, crushing or storage of 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;”; and

- (c) by deleting the definition of the words “height of a building” and substituting the following definition -

“ “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;”.

Amendment of regulation 6 - applications for building

- 3. The principal Regulations are amended in regulation 6 by repealing subregulation (3) and substituting the following subregulation -

“ (3) Applications for planning permission shall be made by an approved Agent to the Authority in the manner prescribed but, in the case of a single family house or a duplex, the Authority may consider drawings prepared by a person other than an approved Agent, if all the required information appears on the drawings; and, subject to regulation 5, such applications shall be examined and dealt with by the Authority having regard to the development plan, the Law and these Regulations.”.

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

- 4. Regulation 8 of the principal Regulations is amended as follows -

- (a) in subregulation (1) by deleting the words “In respect of any application for planning permission for development of public, commercial, industrial or domestic buildings,” and substituting the words “(1) In respect of any application for planning permission for development;”;
- (b) by repealing subregulation (2)(a) and substituting the following paragraph -

“(a) in a General Commercial zone, shall not exceed sixty-five feet or five storeys, whichever is the less, except that where the building is in General Commercial Zone 1, the maximum permitted height of the building shall not exceed ninety-one feet or seven storeys or the height limitation prescribed by the Cayman Islands Airports Authority with regard to the flight approach zone patterns of an airport, whichever is the less;”;

- (c) by repealing subregulation (2)(b);

- (d) in subregulation (10)(e) by deleting the words “for each additional storey” and substituting the words “for the third through the seventh storey”;
- (e) in subregulation (11) by deleting the words “Notwithstanding paragraphs (b) to (h)” and substituting the words “Notwithstanding paragraphs (a) to (h)”;
- (f) in subregulation (12) -
 - (i) by deleting the words “and relation structures” and substituting the words “and related structures”; and
 - (ii) by inserting after the words “or who own land” the words “(including a strata lot)”;
- (g) in subregulation (12A) by deleting the words “Notwithstanding subregulation (12), where the Law requires notification of adjacent owners prior to consideration of the application by the Authority, the following owners shall be notified -” and substituting the words “Notwithstanding subregulation (12), prior to consideration of an application for planning permission by the Authority, notice of such application shall be served on the following owners -”;
- (h) by inserting after subregulation (12D) the following subregulation -
 - “ (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 his grounds.”; and
- (i) by repealing subregulation (13) and substituting the following subregulation -
 - “ (13) Notwithstanding subregulations (1), (5), (7) and (9) and regulations 9(6), (7) and (8), 10, 12, 13, 14 and 15, the Authority may grant planning permission to carry out development that does not comply with all or any of those provisions if the Authority is satisfied that -
 - (a) the development is a Government-approved low cost housing programme;
 - (b) 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;
- (c) the development is a planned area development pursuant to regulation 24 (1); or
- (d) 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 adjoining property owners have been notified of the application.”.

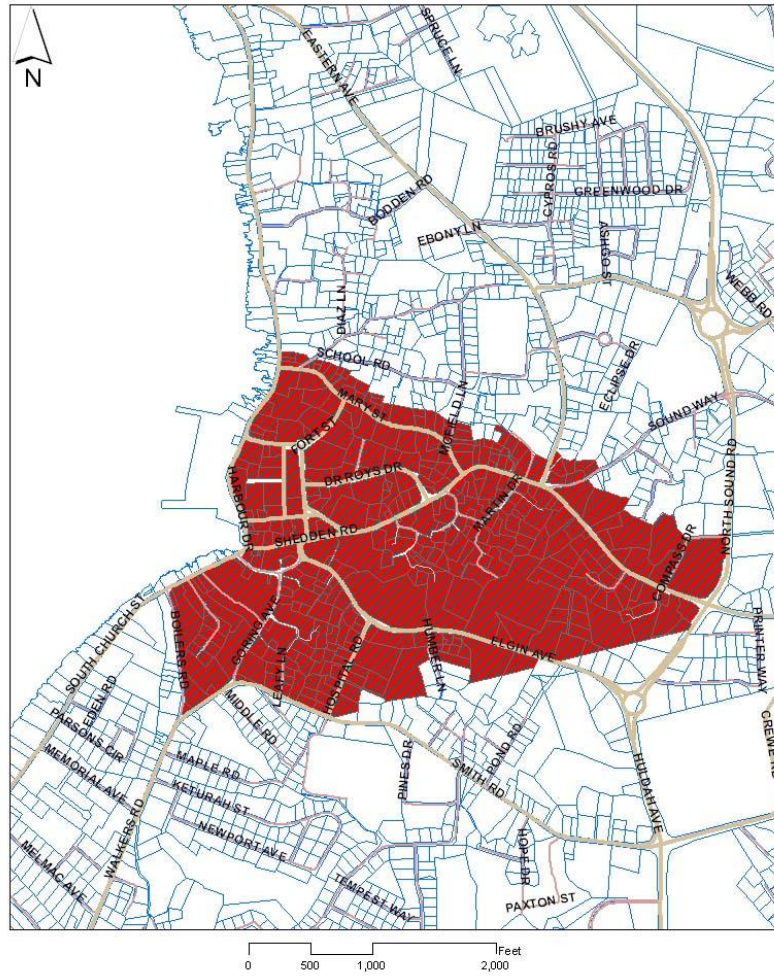
Amendment of Schedule 1 - application fees for planning permission

5. The principal Regulations are amended in paragraph 22 of Schedule 1 by inserting after the words “rate of \$500 per acre” the words “but all other relevant fees prescribed in this Schedule are applicable to the individual developments within the planned area development”.

Repeal and substitution of Schedule 3 - General Commercial zone GC1 and GC2

6. The principal Regulations are amended by repealing Schedule 3 and substituting the following Schedule -

SCHEDULE 3
GENERAL COMMERCIAL ZONE 1 - GC 1



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 2nd day of October, 2012.

Kim Bullings

Clerk of the Cabinet.