



GOVERNMENT MOTION NO. 4 2015/2016

AMENDMENT TO THE DEVELOPMENT PLAN 1997

Proposed Rezoning: George Town East, Block 20D Parcels 173, 174REM1, 175, 452

WHEREAS on 17th February 2015 the Central Planning Authority (CPA) considered an application for the rezoning of Registration Section George Town East, Block 20D Parcels 173, 174REM1, 175, and 452 from Low Density Residential to Neighbourhood Commercial.

AND WHEREAS the proposed amendments were duly advertised in the *Cayman Compass* on the 25th and 27th February 2015 and 2nd and 3rd March 2015, in accordance with Section 11(2) of the Development and Planning Law (2011 Revision, as amended), and persons were invited to view the application at the Planning Department for comment. During the comment period no letters of objection or representation were received on the proposed amendments;

AND WHEREAS on 13th May 2015 the CPA again reviewed the application in light of the public consultation process (CPA/10/15; item 3.2) and it was resolved to forward the proposed amendment to the Ministry of Planning with the recommendation that it be forwarded to Cabinet and subsequently the Legislative Assembly for consideration;

AND WHEREAS on 14th July 2015 Cabinet considered the rezoning application, and approved that the matter be referred on to the Legislative Assembly for consideration.

BE IT NOW THEREFORE RESOLVED THAT in accordance in Section 10(2)(b) of the Development and Planning Law (2011 Revision, as amended), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and maps of which are attached hereto;

AND BE IT FURTHER RESOLVED to alter the zoning area of Registration Section George Town East, Block 20D Parcels 173, 174REM1, 175, and 452 from Low Density Residential to Neighbourhood Commercial.

MOVED BY: Honourable D. Kurt Tibbetts, OBE, JP, MLA
Minister of Planning, Lands, Agriculture, Housing
and Infrastructure

Received in the Office of the Clerk this 27th day of July 2015

Passed by the Cayman Islands Legislative Assembly this 12th day of August, 2015

Clerk of the Legislative Assembly

SUMMARY OF REZONING APPLICATION

Block 20D Parcels 173, 174REM1, 175, 452

Low Density Residential to Neighbourhood Commercial

The subject parcels straddle the Linford Pierson Highway and are positioned approximately 1200ft west of the round-a-bout adjacent to Silver Oaks Apartments. The parcels comprise approximately 44 acres of undeveloped land zoned Low Density Residential.

The Central Planning Authority considered an application to rezone Block 20D Parcels 173, 174REM1, 175 and 452 from Low Density Residential to General Commercial. They resolved to include Block 20D Parcels 447, 448 and 451 to the rezone area, and to amend the proposed zoning to Neighbourhood Commercial rather than General Commercial.

The applicant submitted a theoretical development proposal to CPA, not for its consideration but to put into context the rezone application. The plan depicts a supermarket, retail and mixed use development and an open landscaped area.

Accordingly, it was resolved to forward the CPA's recommended rezoning to 60 day public notification & advertising in accordance with Section 11(2) Development & Planning Law (2011 Revision, as amended).

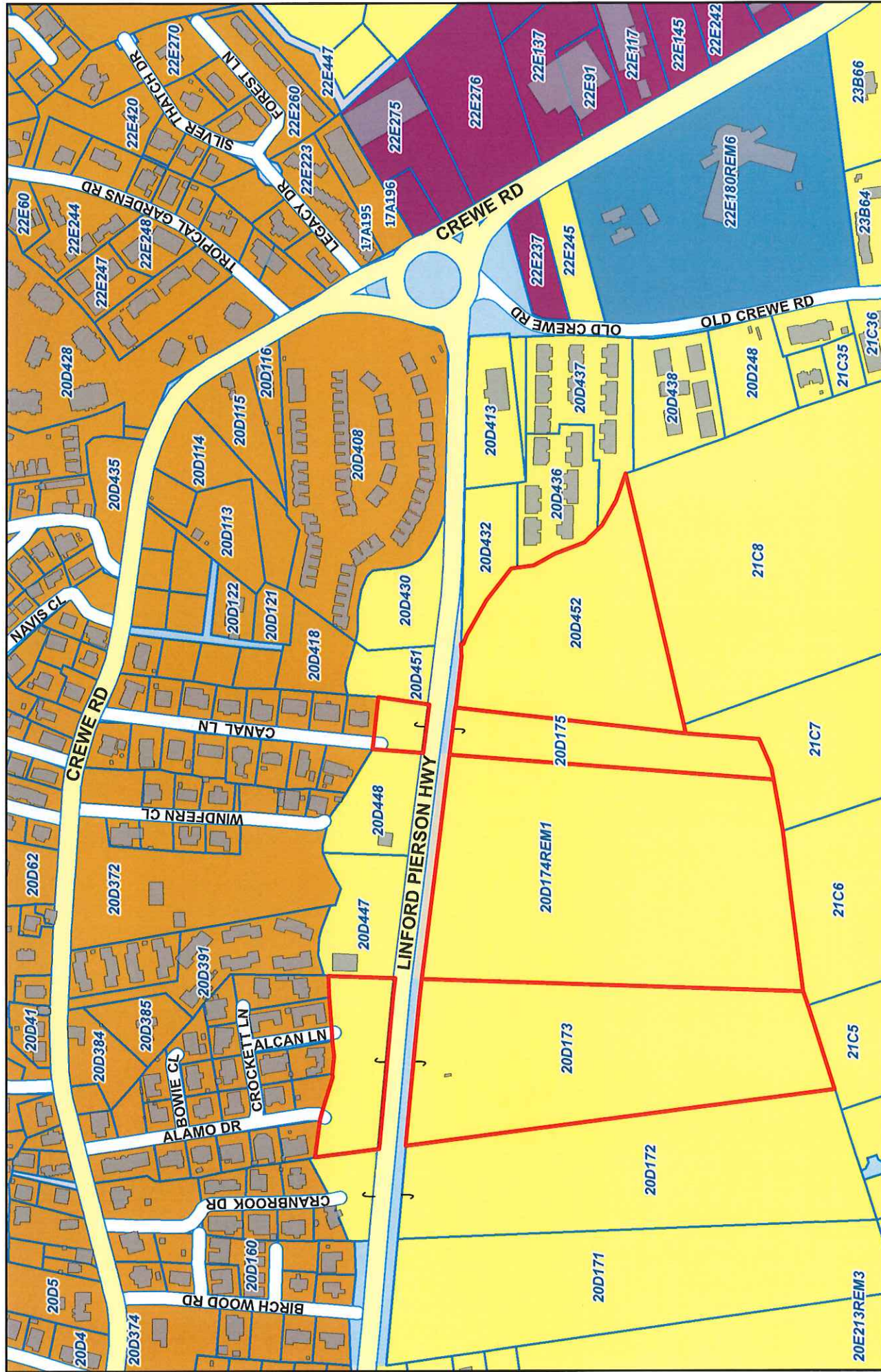
Thereafter, the proposed amendment to the Development Plan was advertised in the *Cayman Compass* on 25th and 27th February 2015 and 2nd and 3rd March 2015. During the comment period no objections or representations were received.

On 13th May 2015 the CPA considered its proposed amendment in light of the public consultation process, and resolved to forward it to the Ministry of Planning with the recommendation that it be forwarded to the Legislative Assembly for debate, subject to Cabinet approval.

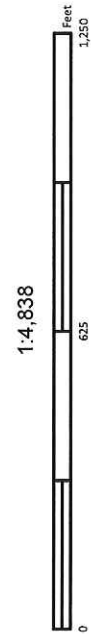
On 14th July 2015 Cabinet resolved to approve the rezone proposal for George Town East, Block 20D Parcels 173, 174REM1, 175 and 452 only, from Low Density Residential to Neighbourhood Commercial, and forward to the Legislative Assembly for consideration at the next sitting.

They further decided to require the Department of Planning write to the landowners of Block 20D Parcels 447, 448 and 451 to invite them to apply to have their parcels rezoned to Neighbourhood Commercial.

The proposed rezoning is depicted on the attached 'Existing' and 'Proposed' maps.



MAP 1: Existing Zoning, Block 20D Parcels 173, 174REM1, 452



Legend

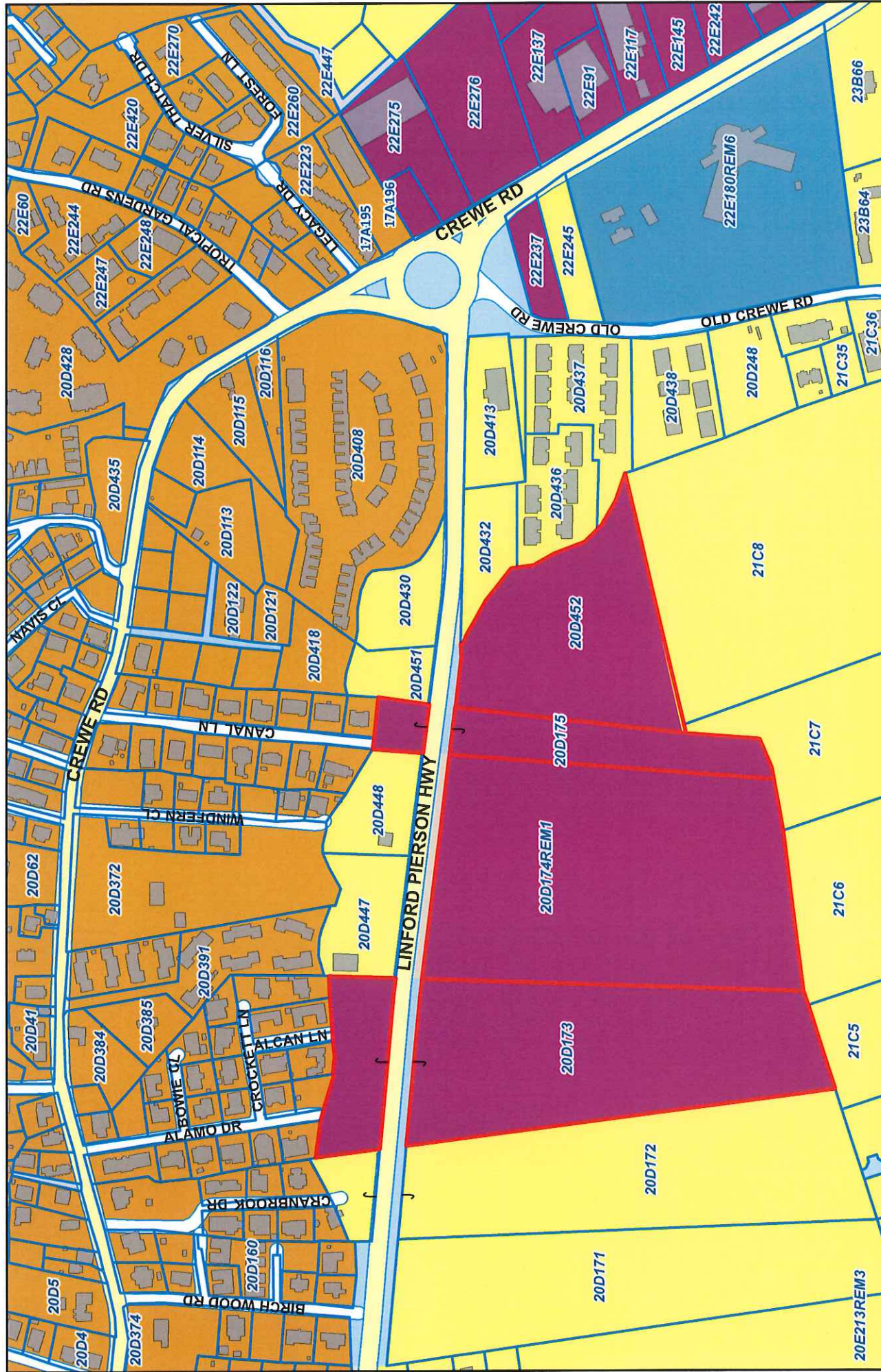
Planning Zones

- Low Density Residential
- Institutional
- Neighbourhood Commercial
- Medium Density Residential
- Private Road
- Approved Roadway Corridor



Lands & Survey Department
P.O. Box 1089
Grand Cayman, KY1-1102
CAYMAN ISLANDS

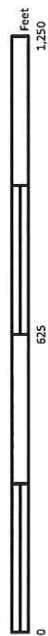
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MAP 2: Proposed Zoning, Block 20D Parcels 173, 174REM1, 452



1:4,838



Legend

Planning Zones

- Low Density Residential
- Medium Density Residential
- Neighbourhood Commercial
- Institutional
- Approved Roadway Corridor
- Private Road



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

**THE DEVELOPMENT AND PLANNING (AMENDMENT)
REGULATIONS, 2014**

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REGULATIONS, 2014**

ARRANGEMENT OF REGULATIONS

1. Citation and commencement
2. Amendment of regulation 2 of the Development and Planning Regulations (2013 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 regulation 9 - residential zone
6. Amendment of regulation 15 - Beach Resort/Residential zones
7. Amendment of regulation 24 - planned area developments
8. Amendment of regulation 28 - land for public purposes
9. Amendment of regulation 32 - public rights of way in Hotel/Tourism zones
10. Amendment of regulation 34 - final certificate
11. Insertion of section 37A - Infrastructure fund
12. Amendment of Schedule 1 - application fees for planning permission
13. Amendment of Schedule 2
14. Amendment of Schedule 4 - Hotel/Tourism Zone 1
15. Amendment of Schedule 5 - miscellaneous fees
16. Insertion of Schedule 6 - Infrastructure Fund - Area A, Area B and Area C

CAYMAN ISLANDS

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

**THE DEVELOPMENT AND PLANNING (AMENDMENT)
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

- (f) by deleting the definition of the word “quarry” and substituting the following definition -

“ “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;”.

Amendment of
regulation 6 -
applications for building

3. The principal Regulations are amended in regulation 6 as follows -

- (a) in subregulation (1) by deleting the words “on the prescribed forms” and substituting the words “on forms provided by the Director”;
- (b) in subregulation (2) by repealing paragraphs (a) and (b) and substituting the following paragraphs -

“(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 authorized 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.”;

and

- (c) by repealing subregulation (3) and substituting the following subregulation -

“ (3) 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 and registered with the Department of Lands and Survey.”.

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

- 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.”.

Amendment of
regulation 9 - residential
zone

5. The principal Regulations are amended in regulation 9 as follows -

- (a) in subregulation (3) -
 - (i) by deleting the words “Commercial, agricultural” and substituting the words “Commercial, hotel, tourism-related, agricultural”; and
 - (ii) by deleting the words “from an owner” and substituting the words “from an adjacent owner as provided for in regulation 8(12A), (12B) and (12C) and lodged within twenty-one days of the final advertisement”;
- (b) by repealing subregulation (6)(a);
- (c) in subregulation (6)(i) by deleting the words “or fifty per cent of the height of the building, whichever is greater,”;
- (d) by repealing subregulation (7)(a);
- (e) in subregulation (7)(j) by deleting the words “or fifty per cent of the height of the building, whichever is the greater,”;
- (f) by repealing subregulation (8)(a); and

- (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).

(3) In this section -

- (a) Area A means the areas designated as such on the plan set out in Schedule 6;
- (b) Area B means the areas depicted as such on the plan set out in Schedule 6; and
- (c) Area C means the areas depicted as such on the plan set out in Schedule 6.

(4) A person to whom planning permission for development is granted pursuant to an application made on or after the date of commencement of section 26 of the Development and Planning (Amendment) Law, 2014, shall contribute to the infrastructure fund as follows -

(a) in Area A -

Development Type	Infrastructure Fund Fee per gross sq. ft.
An industrial building	\$2.50
A commercial building	\$4.50
A hotel building	\$4.50
An apartment building	\$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 -

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

	gross floor area	
(ii)	4,001 to 5,000 sq. ft. in gross floor area	\$1.50
(iii)	exceeding 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

- (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;

“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.”.

Amendment of Schedule
1 - application fees for
planning permission

12. The principal Regulations are amended in Part I of Schedule 1 as follows -

(a) by inserting after item 2 the following item and particulars -

Item	Type of development	Fee
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 previously	

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";

- (c) by deleting the following descriptions and fees -

“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”; |

and substituting the following descriptions and fees -

“Description	Fee
For a modification to an existing electrical service related to -	
(a) a house or duplex	\$100
(b) any development other than a house or duplex	\$200
For a modification to 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”;

- (d) by deleting the following descriptions and fees -

“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, |

and substituting the following descriptions and fees -

“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

- (e) by deleting the following description and fee -

“An administrative filing fee in respect of a \$100”;

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	

- (c) by inserting, after the words "For an industrial building per square foot", the following descriptions and fees - \$1.25

"Description	Fee
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";

- (d) by deleting the following descriptions and fees -

"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",

and substituting the following descriptions and fees -

"Description	Fee
For a modification to an existing electrical service related to -	
(a) a house or duplex	\$100
(b) any development other than a house or duplex	\$200
For a modification to 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",

- (e) by deleting the following descriptions and fees -

"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",

and substituting the following descriptions and fees -

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 \$100”,
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 \$100”. 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	

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

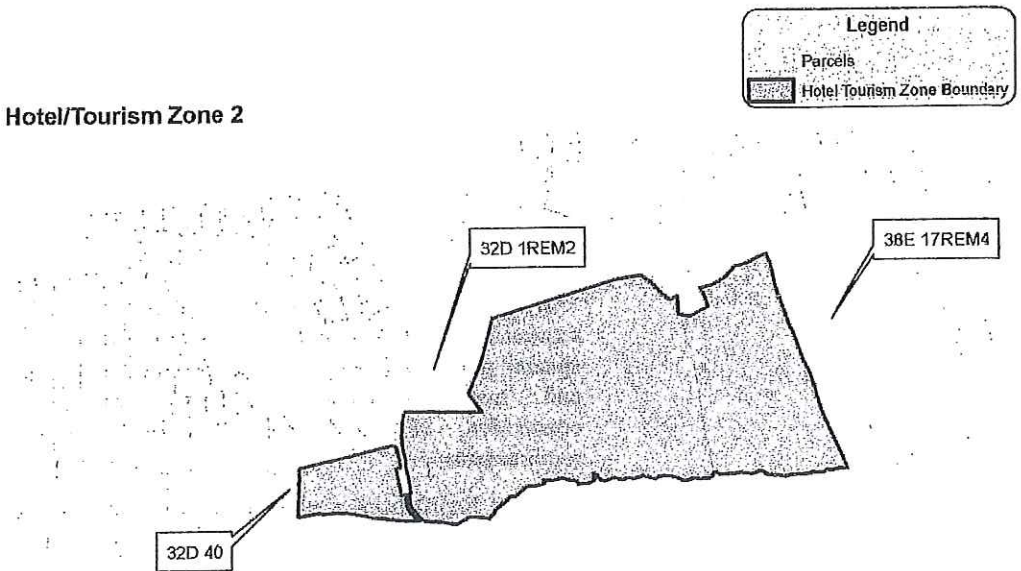
“4. Permit fees are payable as follows -

- (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

Hotel/Tourism Zone 2



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

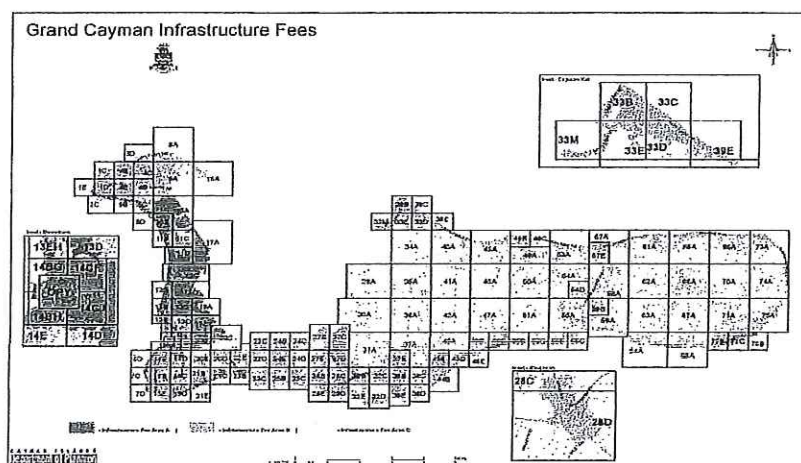
"Item or Service Provided"	Fee	Fee
Reissue/Duplicate Permit	\$50 per reissuance/duplicate	
Online Planning System service transaction -		
Electronic submissions	\$10 per submission	
Paper based submissions	\$15 per submission".	

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.