

Phone: (345) 949 4236
Fax: (345) 949 9514



P.O. Box 890
Grand Cayman KY1-1103
Cayman Islands

Ref: P/16/014

Legislative Department
Cayman Islands

Email: zena.merren-chin@gov.ky

31st October, 2016

Honourable D Kurt Tibbetts, OBE, MLA
Minister of Planning, Lands, Agriculture, Housing and Infrastructure
Government Administration Building
Grand Cayman

Dear Hon Tibbetts,

Government Motions passed at the Second Meeting of the 2016/2017
Session of the Cayman Islands Legislative Assembly

Enclosed are two certified copies of the following Motions passed on the 24th October 2016 at the Second Meeting of the Cayman Islands Legislative Assembly for action:-

- (i) **Government Motion No. 4/2016-2017** – The Development and Planning (Amendment) Regulations, 2016;
- (ii) **Government Motion No. 5/2016-2017** – The Building Code (Amendment) Regulations, 2016;
- (iii) **Government Motion No. 7/2016-2017** – Proposed Rezoning: George Town Central, Block 13E Parcels 151, 152 and 166; and
- (iv) **Government Motion No. 8/2016-2017** – Proposed Rezoning: Bodden Town, Block 43D Parcel 8.

Yours faithfully,

Mrs Zena Merren-Chin
Clerk of the Legislative Assembly.



Legislative Assembly of the Cayman Islands

GOVERNMENT MOTION NO. 4/2016-2017

THE DEVELOPMENT AND PLANNING LAW (2015 REVISION)

THE DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 2016

WHEREAS section 42(1) of the Development and Planning Law (2015 Revision) provides that the Cabinet may make regulations;

AND WHEREAS section 42(3) of the said Law provides that no regulations shall be made pursuant to the said Law unless a draft thereof has been laid before the Legislative Assembly and a resolution approving the draft have been passed by the Legislative Assembly;

AND WHEREAS the draft Development and Planning (Amendment) Regulations, 2016 were laid on the Table of the Legislative Assembly;

BE IT THEREFORE RESOLVED THAT the draft Development and Planning (Amendment) Regulations, 2016 be approved by the Legislative Assembly in accordance with the provisions of section 42(3) of the Development and Planning Law (2015 Revision).

MOVED BY:

Honourable D Kurt Tibbetts, OBE, JP,
Minister of Planning, Lands, Agriculture, Housing
and Infrastructure

Tabled in the Clerk's Office the 20th day of September, 2016.

Passed by the Cayman Islands Legislative Assembly the 24th day of October, 2016.

A blue ink signature, likely of the Clerk of the Legislative Assembly, is written over the text.

Clerk of the Legislative Assembly.

CAYMAN ISLANDS



Supplement No. published with Gazette No.
dated , 2016.

**THE DEVELOPMENT AND PLANNING LAW
(2015 REVISION)**

**THE DEVELOPMENT AND PLANNING (AMENDMENT)
REGULATIONS, 2016**

**THE DEVELOPMENT AND PLANNING (AMENDMENT)
REGULATIONS, 2016**

ARRANGEMENT OF REGULATIONS

1. Citation
2. Amendment of regulation 2 of the Development and Planning Regulations (2015 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 13 - Commercial zones
7. Amendment of regulation 15 - Beach Resort/Residential zones
8. Amendment of regulation 24 - planned area developments
9. Repeal and substitution of regulation 27 - sewerage requirements
10. Repeal and substitution of regulation 29 - flooding
11. Amendment of regulation 32 - public rights of way in Hotel/Tourism zones
12. Amendment of regulation 37A - Infrastructure fund
13. Amendment of Schedule 1 - application fees for planning permission
14. Amendment of Schedule 2
15. Amendment of Schedule 4 - Hotel/Tourism Zone 1 and Hotel/Tourism Zone 2
16. Amendment of Schedule 5 - miscellaneous fees
17. Repeal and substitution of Schedule 6 - Infrastructure Fund - Area A, Area B and Area C

CAYMAN ISLANDS

**THE DEVELOPMENT AND PLANNING LAW
(2015 REVISION)**

**THE DEVELOPMENT AND PLANNING (AMENDMENT)
REGULATIONS, 2016**

The Cabinet, in exercise of the powers conferred by section 42 of the Development and Planning Law (2015 Revision), makes the following Regulations -

1. These Regulations may be cited as the Development and Planning (Amendment) Regulations, 2016.

Citation

2. The Development and Planning Regulations (2015 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 (2015 Revision) - definitions

- (a) by deleting the definition of the words "low water mark"; and
- (b) by deleting the definition of the word "setback" and substituting the following definition -

" "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;".

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

Amendment of regulation 6 - applications for building

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

" (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."; and

The Development and Planning (Amendment) Regulations, 2016

- (b) by repealing subregulation (7) and substituting the following subregulation -

“(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_____”.

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

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

- (a) in subregulation (1) -

(i) by deleting the word “and” appearing at the end of paragraph (a);

(ii) in paragraph (b) by deleting the words “respective building.” and substituting the words “respective building; and”;

(iii) by inserting after paragraph (b) the following paragraph -

“(c) in a Neighbourhood Commercial zone or Hotel/Tourism zone, twenty-five per cent of the parking space may be located not more than five hundred feet from the respective building.”; and

(iv) by repealing subparagraph (viii) and substituting the following subparagraph -

“(viii) detached and semi-detached houses and duplexes - one space per dwelling unit.”;

- (b) in subregulation (2) by repealing paragraph (d) and substituting the following paragraph -

“(d) in an Agricultural/Residential zone, is twenty-five feet or two storeys, whichever is the less.”;

(c) in subregulation (4) by inserting after the word “chimney” the words “, storey below grade”;

(d) in subregulation (10)(e) by inserting after the words “seventh storeys” the words “, and the minimum setback for the eighth

through the tenth storeys shall be the same as that for the seventh storey”;

- (e) in subregulation (12A) -
 - (i) by inserting after the words “the following owners” the words “not more than three days prior to the date upon which the application is submitted to the Department of Planning”;
 - (ii) by deleting the full stop appearing at the end of paragraph (d)(iii) and substituting a semi colon; and
 - (iii) by inserting below paragraph (d)(iii) the words “and the applicant shall certify in writing that the notification of owners required in this subregulation is complete and accurate.”; and
- (f) in subregulation (13) -
 - (i) by deleting the words “and 15, the Authority” and substituting the words “, 15, 23, 26 and 27, the Authority”;
 - (ii) by inserting after the words “those provisions” the words “, with the exception of the number of permitted storeys in subregulation (2),”;
 - (iii) by inserting at the end of paragraph (b)(iii) the word “or”;
 - (iv) by deleting the word “or” appearing at the end of paragraph (c);
 - (v) by deleting paragraph (d); and
 - (vi) by inserting below paragraph (c) the following words -

“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.”.

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

Amendment of
regulation 9 - residential
zone

- (a) in subregulation (3) by inserting after the words “may be permitted” the words “in suitable locations and”;
- (b) in subregulation (6) -
 - (i) by deleting the words “areas, detached and semi-detached houses” and substituting the words “areas, detached and semi-detached houses, duplexes”;
 - (ii) in paragraph (e) by deleting the words “for duplexes” and substituting the words “for each duplex”;
 - (iii) by inserting after paragraph (e) the following paragraph -

“(ea) the minimum lot size for guest houses and apartments is 5,000 square feet;”;

The Development and Planning (Amendment) Regulations, 2016

- (iv) by inserting the word "and" at the end of paragraph (h);
- (v) in paragraph (i) by deleting the words "one storey; and" and substituting the words "one storey."; and
- (vi) by repealing paragraph (j);
- (c) in subregulation (7) -
 - (i) by deleting the words "areas, detached and semi-detached houses" and substituting the words "areas, detached and semi-detached houses, duplexes";
 - (ii) in paragraph (e) by deleting the words "for duplexes" and substituting the words "for each duplex";
 - (iii) in paragraph (g) by deleting the words "for detached and semi-detached houses" and substituting the words "for detached and semi-detached houses and duplexes";
 - (iv) in paragraph (h) by deleting the words "is twenty five" and substituting the words "is thirty";
 - (v) by inserting the word "and" at the end of paragraph (i);
 - (vi) in paragraph (j) by deleting the words "one storey; and" and substituting the words "one storey."; and
 - (vii) by repealing paragraph (k);
- (d) in subregulation (8) -
 - (i) by deleting the words "areas, detached and semi-detached houses" and substituting the words "areas, detached and semi-detached houses, duplexes"
 - (ii) in paragraph (e) by deleting the words "for duplexes" and substituting the words "for each duplex";
 - (iii) in paragraph (h) by deleting the words "is twenty-five" and substituting the words "is thirty";
 - (iv) by inserting the word "and" at the end of paragraph (i);
 - (v) in paragraph (j) by deleting the words "one storey; and" and substituting the words "one storey."; and
 - (vi) by repealing paragraph (k); and
- (e) by repealing subregulation (9).

Amendment of
regulation 13 -
Commercial zones

6. The principal Regulations are amended in regulation 13 by repealing subregulations (3), (4), (5) and (12).

Amendment of
regulation 15 - Beach
Resort/Residential zones

7. The principal Regulations are amended in regulation 15(3) by inserting above paragraph (b) the following paragraph -

- "(a) The maximum site coverage for detached and semi-detached houses, duplexes, guest houses and apartments is thirty percent of the lot size;"

The Development and Planning (Amendment) Regulations, 2016

8. The principal Regulations are amended in regulation 24(4) by deleting the words "seven storeys or ninety-one feet" and substituting the words "ten storeys or one hundred and thirty feet".

Amendment of
regulation 24 - planned
area developments

9. The principal Regulations are amended by repealing regulation 27 and substituting the following regulation -

Repeal and substitution
of regulation 27 -
sewerage requirements

"Sewerage
requirements

27. The developer of a subdivision shall submit a proposal for a satisfactory sewerage system."

10. The principal Regulations are amended by repealing regulation 29 and substituting the following regulation -

Repeal and substitution
of regulation 29 -
flooding

"Flooding

(2007 Revision)

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) Law (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."

11. The principal Regulations are amended in regulation 32 by deleting the words "either on the subject property or on such other property as may be deemed suitable by the Authority" and substituting the words "on the subject property".

Amendment of
regulation 32 - public
rights of way in
Hotel/Tourism zones

12. The principal Regulations are amended in regulation 37A as follows -

Amendment of
regulation 37A -
Infrastructure fund

- (a) in subregulation (2) by deleting the words "under subsection (4)" and substituting the words "under subregulation (4)";
- (b) by repealing subregulation (3) and substituting the following subregulation -

" (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

The Development and Planning (Amendment) Regulations, 2016

- (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.”;
- (c) in subregulation (4)(a) -
- (i) by deleting the words “in Area A -” and substituting the words “in Area A1 -”;
 - (ii) by deleting the words “and any extension thereto”; and
 - (iii) by inserting, below the Development Type and Infrastructure Fund Fee relating to “A change of use of a building or land”, the following Development Type and Infrastructure Fund Fee -

“Development Type	Infrastructure Fund Fees per gross sq. ft.
An extension to a building	The rate applicable to each type of building specified in this paragraph”;

- (d) in subregulation (4) by inserting after paragraph (a) the following paragraph -

“(aa) in Area A2 -

Development Type	Infrastructure Fund Fees 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

The Development and Planning (Amendment) Regulations, 2016

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";
---------------------------------------	---

- (e) in subregulation (4)(b) by inserting, below the Development Type and Infrastructure Fund Fee relating to "A change of use of a building or land", the following Development Type and Infrastructure Fund Fee -

"Development Type	Infrastructure Fund Fees per gross sq. ft.
--------------------------	---

An extension to a building other than a house or duplex	The rate applicable to each type of building specified in this paragraph";
---	--

- (f) in subregulation (4)(c) by inserting after the word "development" the words "and any extension thereto";
- (g) in subregulation (4)(d) by deleting the words "subparagraphs (a), (b) and (c)" and substituting the words "paragraphs (a), (aa), (b) and (c)";
- (h) in subregulation (4)(d)(ii) by deleting the words "in Area A" and substituting the words "in Area A1";
- (i) in subregulation (4)(e) by deleting the words "subparagraphs (a), (b) and (c)" and substituting the words "paragraphs (a), (aa), (b) and (c)"; and
- (j) in subregulation (5)(a) by deleting the word "building".

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

Amendment of Schedule 1 - application fees for planning permission

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

"Item	Type of development	Fee
8B.	Ancillary buildings	A fee calculated at the rate of the primary use in respect of each square foot of the proposed development";

- (b) in item 11 by repealing paragraph (a);

The Development and Planning (Amendment) Regulations, 2016

- (c) by inserting after item 11 the following item and particulars -

"Item	Type of development	Fee
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";

- (d) by deleting item 13 and the particulars relating thereto; and

- (e) by inserting after item 22 the following item and particulars -

"Item	Type of development	Fee
23.	Photovoltaic power station with a minimum output of one megawatt	\$5,000".

Amendment of Schedule
2

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

- (a) by deleting 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"

and substituting the following descriptions and fees -

"Description	Fee
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”; |
| (b) by deleting the following descriptions and fees - | |

“Description	Fee
“For a modification to the installation of a stand-alone permanent electrical service related to -	
(a) a house or duplex	
(b) any development other than a house or duplex	\$200 \$400”

and substituting the following descriptions and fees -

“Description	Fee
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”;

- and
- (c) by deleting 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”.

and substituting the following descriptions and fees -

“Description	Fee
“In regard to a house or duplex, an	\$100

The Development and Planning (Amendment) Regulations, 2016

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

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".

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

(a) by deleting 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"

and substituting the following descriptions and fees -

"Description		Fee
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”;

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

“Description	Fee
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”

and substituting the following descriptions and fees -

“Description	Fee
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”;

and

- (c) by deleting 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”

and substituting the following descriptions and fees -

“Description	Fee
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	\$100

The Development and Planning (Amendment) Regulations, 2016

occupy, alternate means and methods, special electrical service connection, or modification of electrical requirements

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 principal Regulations are amended in paragraph 4(a) of Schedule 2 by inserting after the word "application" the words ", and such fee is non-refundable".

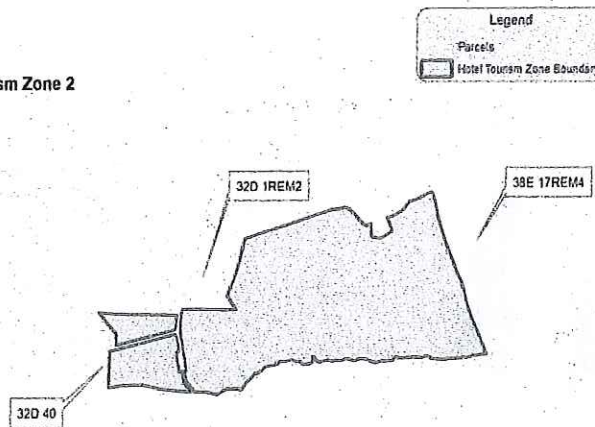
(4) The principal Regulations are amended in Schedule 2 by inserting after paragraph 4 the following paragraph -

"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."

Amendment of Schedule
4 - Hotel/Tourism Zone
1 and Hotel/Tourism
Zone 2

15. The principal Regulations are amended in Schedule 4 by deleting the plan relating to Hotel/Tourism zone 2 and substituting the following plan -

Hotel/Tourism Zone 2



16. The principal Regulations are amended in Schedule 5 by inserting, after the item commencing with the words "Letter or other document certifying whether" and the fee relating thereto, the following items and fees -

Amendment of Schedule 5 - miscellaneous fees

Item or Service Provided	Fee
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".

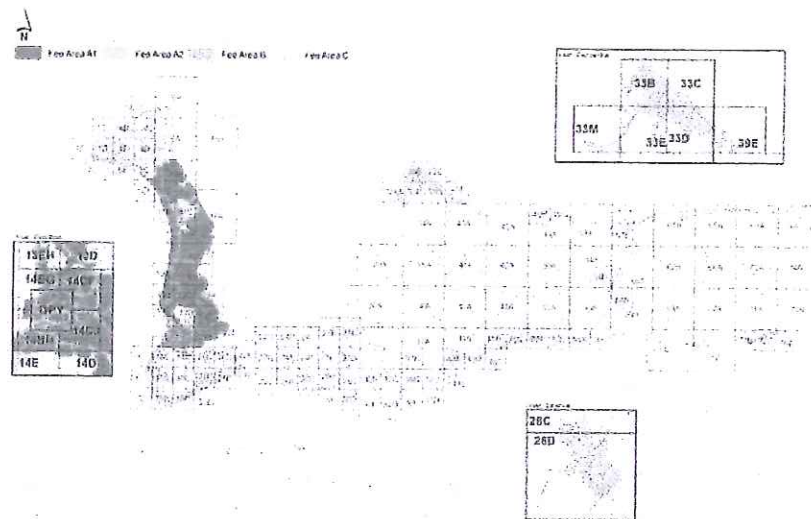
17. The principal Regulations are amended by repealing Schedule 6 and substituting the following schedule -

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

"SCHEDULE 6

Infrastructure Fund – Area A1, Area A2, Area B and Area C

The Development and Planning (Amendment) Regulations, 2016



Made in Cabinet the day of , 2016.

Clerk of the Cabinet.