

CAYMAN ISLANDS



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**THE DEVELOPMENT AND PLANNING LAW  
(1999 REVISION)**

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BUILDINGS) REGULATIONS, 2002**

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**ARRANGEMENT OF REGULATIONS**

1. Citation.
2. Amendment of regulation 2 of the Development and Planning Regulations (1998 Revision) - definitions.
3. Amendment of regulation 7 - general requirements re parking, height, setbacks, waterfront property, etc.
4. Amendment of regulation 9 - Hotel/tourism related development.
5. Amendment of regulation 11 - industrial development.
6. Amendment of regulation 12 - commercial zones.
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9. Amendment of regulation 27 - land for public purposes.
10. Amendment of First Schedule - application fees for planning permission.
11. Insertion of Third and Fourth Schedules - General Commercial zones GC1 and GC2, and Hotel/Tourism zone 1.

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**THE DEVELOPMENT AND PLANNING LAW  
(1999 REVISION)**

**THE DEVELOPMENT AND PLANNING (AMENDMENT) (HEIGHTS OF BUILDINGS) REGULATIONS, 2002**

In exercise of the powers conferred by section 45 of the Development and Planning Law (1999 Revision), the Governor makes the following regulations -

1. These regulations may be cited as the Development and Planning (Amendment) (Heights of Buildings) Regulations, 2002. Citation
2. The Development and Planning Regulations (1998 Revision), in these regulations referred to as "the principal Regulations", are amended in regulation 2 - Amendment of regulation 2 of the Development and Planning Regulations (1998 Revision) - definitions
  - (a) by inserting the following definitions in their appropriate alphabetical order -
    - "General Commercial zone 1" means the area designated as such on the plan set out in the Third Schedule";
    - "General Commercial zone 2" means the area designated as such on the plan set out in the Third Schedule";
    - "Hotel/Tourism zone 1" means the area designated as such on the plan set out in the Fourth Schedule"; and
  - (b) by repealing the definition of the term "height of a building" and substituting the following definition -
    - "height of a building" means -
      - (a) in the case of a building with a gabled or hipped roof, the vertical distance measured from the height present at the centreline of the fronting road to the soffits of the eaves; and
      - (b) in the case of a building with a flat roof, the vertical distance from the kerb line to the highest point of the roof excluding cornices, parapet walls and railings;and, where the fronting road is at a lower level than the land surrounding the building, the height shall be measured from the surrounding ground;".

Amendment of regulation 7 - general requirements re parking, height, setbacks, waterfront property, etc.

3. The principal Regulations are amended in regulation 7 as follows -
- (a) in subregulation (1), by repealing the words "In development areas, parking space must be provided on individual lots or in nearby locations for public, commercial, industrial and domestic buildings as set out below." and substituting the following words -

" In development areas, parking space shall be provided -

- (a) on individual lots or in nearby locations for public, commercial, industrial and domestic buildings developed prior to the date of commencement of the Development and Planning (Amendment) (Heights of Buildings) Regulations, 2002; and
- (b) on individual lots for public, commercial, industrial and domestic buildings developed on or after that date,

as set out below, except that in the case of public, commercial, industrial and domestic buildings developed on or after that date in the General Commercial zone, twenty-five per cent of the parking space may be provided on land located not more than five hundred feet from the respective building.";

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

" (2) The maximum permitted height of a building -

- (a) in General Commercial zone GC1, is eighty feet or seven storeys, whichever is the less, except that in Grand Cayman the maximum permitted height of any such building shall not exceed the height limitation prescribed by the Director of Civil Aviation within the flight approach zone pattern of the Owen Roberts International Airport ;
- (b) in General Commercial zone GC2, is sixty-five feet or five storeys, whichever is the less, except that in Grand Cayman the maximum permitted height of any such building shall not exceed the height limitation prescribed by the Director of Civil Aviation within the flight approach

- zone pattern of the Owen Roberts International Airport;
- (c) in a high density Residential zone, medium density Residential zone, low density Residential zone or a Beach Resort/Residential zone, is thirty-three feet or three storeys, whichever is the less; and, where the height of a building is three storeys, the building shall be so designed that no continuous vertical facade or elevation exceeds twenty-five feet or two storeys in height;
- (d) in an Agricultural/Residential zone, is two storeys; and
- (e) in a Hotel/Tourism zone, is sixty-five feet or five storeys, whichever is the less, except that where the building is an hotel or apartment in Hotel/Tourism zone 1, the maximum permitted height of the building is eighty feet or seven storeys, whichever is the less.";
- (c) in subregulation (3), by repealing the words "sixty-five feet" and "five storeys" and substituting the words "eighty feet" and "seven storeys", respectively;
- (d) by repealing subregulation (5) and substituting the following subregulation -
- " (5) Subject to subregulation (5a), setbacks (building lines) are to be measured to septic tanks, sewage treatment plants, deep wells and cisterns, and to the walls, stairs or balconies of the buildings; and setbacks governed by the Roads Law (2000 Revision) shall be in accordance with the requirements thereof and in all other cases the requirements of these regulations apply.";
- (e) by inserting after subregulation (5) the following subregulations -
- " (5a) Maximum and minimum setbacks for underground facilities and structures shall be at the discretion of the Authority.

(5b) Solid waste storage areas shall be setback a minimum of six feet from adjacent property boundaries and shall be screened with vegetation and fencing.

(5c) In Commercial zones and Industrial zones -

- (a) the maximum density and maximum setbacks shall be at the discretion of the Authority;
- (b) the minimum road setbacks shall be twenty feet and the minimum side and rear setbacks shall be six feet, unless otherwise specified by the Authority; and
- (c) parking areas shall not be provided within road setbacks.

(5d) After the date of commencement of the Development and Planning (Amendment) (Heights of Buildings) Regulations, 2002, the minimum lot size in a Commercial zone or Industrial zone shall be twenty thousand square feet.”;

(f) by repealing subregulation (6) and substituting the following subregulation -

“ (6) The following provisions apply to waterfront property -

- (a) in Central George Town, within the area enclosed from a point on the waterfront map reference MM593 331 (Eden Rock), thence in a northerly direction along such waterfront to map reference MM597 344 (Whitehall Bay), thence due east to the edge of the road reserve of North Church Street, thence southerly along the western road reserve boundaries of North Church Street, Harbour Drive and South Church Street to map reference MM 594 331, thence due west to the point of commencement, new buildings or additions to existing buildings may be permitted but any such buildings (including ancillary buildings, structures and walls) shall not at any point be closer than seventy-five feet to high water mark; but this restriction shall not apply to any works carried out by the Highway Authority established under the Roads Law (2000 Revision) where the works are for the protection

of the existing road against undermining or scouring by the sea or to any works carried out by the Port Authority established under the Port Authority Law (1999 Revision) where the works are for the improvement or repair of the George Town port facility;

- (b) in areas where the shoreline is beach or mangrove (except in a Hotel/Tourism zone), all structures and buildings, including ancillary buildings, shall be setback a minimum of seventy-five feet from the high water mark;
- (c) in areas where the shoreline is ironshore (except hotel and tourist related zones), all structures and buildings, except for ancillary buildings, shall be setback a minimum of fifty feet from the high water mark;
- (d) in areas where the shoreline is a canal or inland waterway, all structures and buildings, including ancillary buildings, shall be setback a minimum of twenty feet from the high water mark;
- (e) in a Hotel/Tourism zone, all structures and buildings up to three storeys, including ancillary buildings, shall be setback a minimum of one hundred and thirty feet from the high water mark, with an additional fifteen foot setback for each additional storey;
- (f) in a Beach Resort/Residential zone, all structures and buildings, including ancillary buildings, shall be setback a minimum of seventy-five feet from the high water mark;
- (g) in a Marine Commercial zone, all structures and buildings up to two storeys, including ancillary buildings, shall be setback a minimum of fifty feet from the high water mark, with an additional fifteen foot setback for the third storey;
- (h) in a Neighbourhood Commercial zone, all structures and buildings up to two storeys, including ancillary buildings, shall be setback a minimum of fifty feet from the high water mark, with an additional fifteen foot setback for the third storey; and

- (i) in other areas, no land adjacent to the waterfront (except in the Hotel/Tourism zone) may be developed by buildings unless each lot is at least one hundred feet in mean distance measured from high water mark at right angles to the nearest edge of the road boundary, and no building other than ancillary buildings shall, at any point, be closer than fifty feet to high water mark in areas where the coastline is ironshore, or seventy-five feet in other areas.”; and

(g) by inserting after subregulation (6) the following subregulation -

“ (6a) Notwithstanding paragraphs (b) to (h) of subregulation (6), the Authority may grant permission for a setback to be located at a lesser distance than that prescribed in those paragraphs, having regard to-

- (a) the elevation of the property and its environs;
- (b) the geology of the property;
- (c) the storm/beach ridge;
- (d) the existence of a protective reef adjacent to the proposed development;
- (e) the location of adjacent development; and
- (f) any other material consideration which the Authority considers will affect the proposal.”.

4. The principal Regulations are amended in regulation 9 -

- (a) by repealing subregulation (1)(b) and substituting the following -  
“(b) the maximum number of apartments is twenty-five per acre ;”;
- (b) by repealing subregulation (1)(f).

5. The principal Regulations are amended in regulation 11 by repealing subregulation (2)(f).

6. The principal Regulations are amended in regulation 12 by repealing subregulation (7)(a) and subregulation (11).

7. The principal Regulations are amended in regulation 14 by repealing subregulation (4)(b)(i).

Amendment of regulation 9 - Hotel/tourism related development

Amendment of regulation 11 - industrial development

Amendment of regulation 12 - commercial zones

Amendment of regulation 14 - Beach Resort/Residential zones

8. The principal Regulations are amended in regulation 17(4)(c) by repealing the words “seventy-five feet” and substituting the words “one hundred feet”.

9. The principal Regulations are amended in regulation 27 as follows -

- (a) by re-numbering the regulation as subregulation (1) of regulation 27; and
- (b) by inserting after subregulation (1) the following subregulations -

“ (2) The Authority may permit an applicant, in lieu of setting aside land in a subdivision under subregulation (1), to pay a sum of money not exceeding five per cent of the improved value of the land, if the Authority is satisfied that -

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

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

(4) Money paid pursuant to subregulation (2) shall be applied to -

- (a) the acquisition of private land for public purposes; and
- (b) the improvement of land used for public purposes, including children’s playgrounds, sport fields, parks, churches, community centres and recreation centres.”.

10. The principal Regulations are amended in Part I of the First Schedule as follows -

- (a) by repealing item 15 and its particulars and substituting the following item and particulars -

“15. Carrying out of an excavation or dredging An application fee of \$1,000 for excavation or dredging in Grand Cayman

An application fee of \$100 for excavation or dredging in Cayman Brac or Little Cayman

If planning permission is granted -

- (a) a fee calculated at the rate of

Amendment of regulation 17 - Mangrove Buffer zones  
Amendment of regulation 27 - land for public purposes

Amendment of First Schedule - application fees for planning permission

- 15 cents in respect of each cubic yard to be excavated or dredged; or
- (b) \$1,500 plus a fee calculated at the rate of 10 cents in respect of each cubic yard to be excavated or dredged, whichever amount is the lesser”;

and

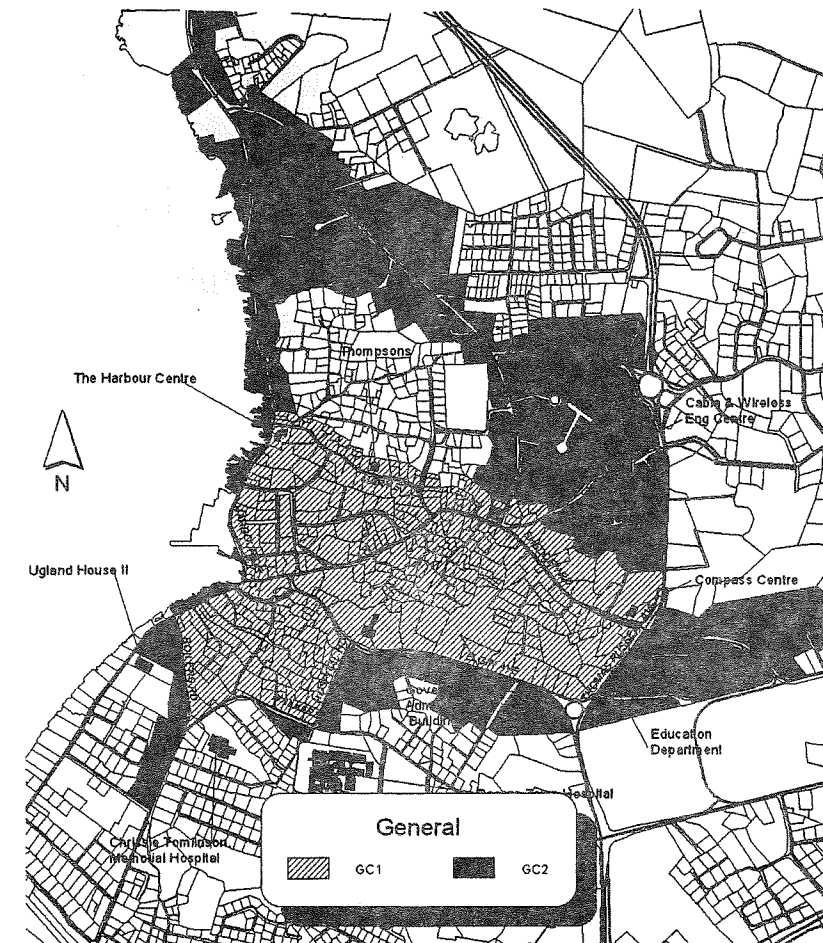
- (b) in item 16, by repealing the words “Permission for a change of use of land” and substituting the words “Permission for a change of use of land (car parks, etc.)”.

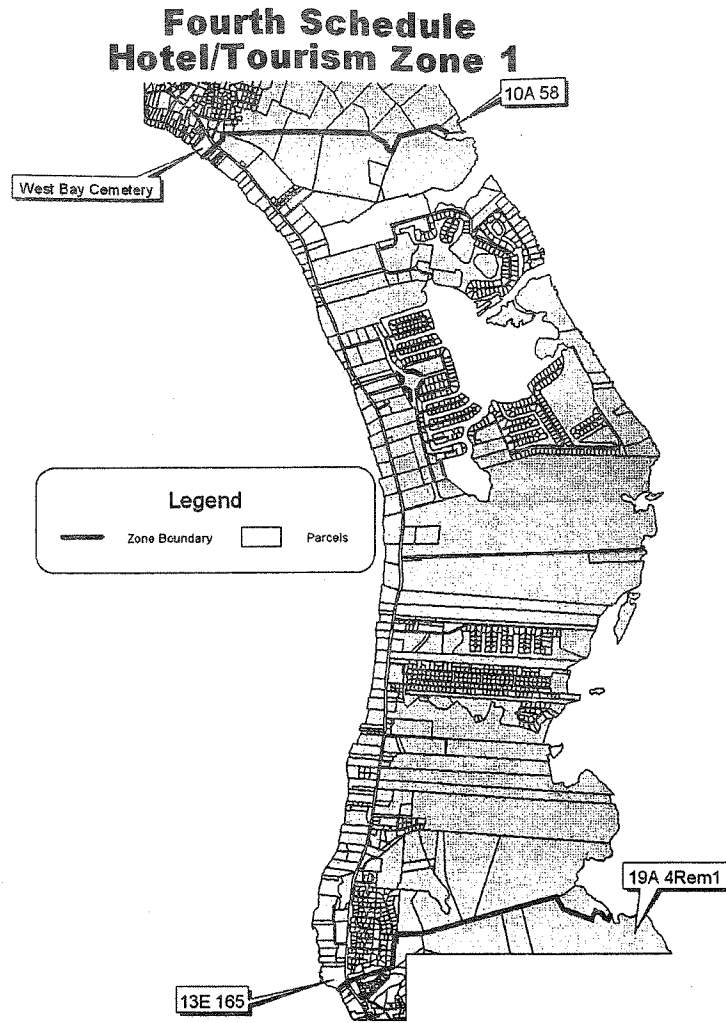
- 11. The principal Regulations are amended by inserting after the Second Schedule, the following schedules –

Insertion of Third and Fourth Schedules –  
General Commercial zones GC 1 and GC2,  
and Hotel/Tourism zone 1

“THIRD SCHEDULE

GENERAL COMMERCIAL ZONE GC1 AND GC2





Made in Executive Council the 16<sup>th</sup> day of April, 2002.

Carmena Watler

Clerk of Executive Council.

Laid in the Legislative Assembly the 7<sup>th</sup> day of March, 2002, in accordance with section 45 of the Development and Planning Law (1999 Revision).

(Price \$3.20 Cents)