

CAYMAN ISLANDS

THE DEVELOPMENT AND PLANNING LAW, 1971
(No. 28 of 1971)

THE DEVELOPMENT AND PLANNING REGULATIONS, 1972

The following Regulations are made by the Governor in Council in pursuance of the powers conferred by Section 36 (1) of the Development and Planning Law, 1971.

1. These Regulations may be cited as the Development and Planning Regulations, 1972, and shall come into operation on a day to be appointed by the Governor by Government Notice published in the Cayman Islands.

2. In these Regulations -

“ancillary building” means a garage or other building or structure on a lot or parcel subordinate to and not forming an integral part of the main or principal building but pertaining to the use of the main building;

“apartment” with reference to a building or block denotes a building which is used or intended to be used as a home or residence for more than two families living in separate quarters;

“architect” means a person approved by the Authority as such for the purpose of submitting to the Authority plans and applications under these Regulations and may include an engineer, surveyor, draughtsman or other person having professional qualifications, training or experience in building, construction or civil engineering;

“Authority” includes “Board” in the alternative;

“beach” is that area between high and low spring tide levels as is normally covered by sand or pebbles;

“beach ridge” is a dune or hill of drifting sand on the sea coast;

“business” with reference to any building denotes commercial use and includes a shop, restaurant, bank, office or other place in which people are commonly employed in any trade or profession;

“commercial livestock unit” means any development which by reason of the intensity of its production or

its type of operation is liable to cause nuisance by flies, smell or unsightliness;

"commercial oil storage" includes any use which consists predominantly of the bulk storage of oil, derivatives of oil, chemicals or gas;

"commercial quarrying" does not include site preparation or on site quarrying for the purpose of providing stone for use in building operations on that site;

"cottage colony" means any premises or complex of premises which are operated on a commercial basis for providing living accommodation the character of which is that of a group of cottages;

"detached house" means a separate residential unit having its own lot and containing not more than two dwellings;

"duplex" means a house having two one family units;

"dwelling" means a residential unit having its own bathroom and cooking facilities;

"family" means one or more persons occupying a building or premises with its own cooking facilities;

"final certificate" means a certificate issued under Regulation 5 of Part III authorising the occupation and use of a building on the completion of a building operation;

"floor area ratio" means the ratio of gross floor area or areas of a building to the ground area;

"gross acreage" means an area inclusive of roads and other developments;

"guest house" means premises having the external appearance of a dwelling house but operated on a commercial basis providing sleeping accommodation for six or more paying guests and where no facilities are provided for persons other than those guests and the owner and staff;

"height of a building" means, in the case of a building with a gabled or hipped roof, the vertical distance measured from the average elevation of the finished building site to the eaves and, in the case of buildings with flat roofs, the vertical distance from the kerb line to the highest point of the roof excluding cornices, parapet walls and railings;

“hotel” has the meaning ascribed to it in the Hotels Aid Law;

(Law 15 of 1969)

“Law” means the Development and Planning Law, 1971;

(Law 28 of 1971)

“lot” means a parcel of land shown on a recorded plan or on an official subdivision, or any piece or parcel of land so described in an instrument recorded under the Public Recorder Law;

(Cap. 143)

“parking area” means an open space reserved for parking vehicles related to any building;

“place of public entertainment” means any building or land to which the public has access for the purpose of being entertained and includes a cinema, a dance hall, a sports arena and a night club;

“prescribed” means prescribed by these Regulations or by the Law;

“public building” means any building used for civic, administrative, religious or social purposes to which the public has access and includes a town hall, a post office, a church and a public hall;

“public utility building” means any building which is essential to the proper provision of public utility services including water, electricity and communications;

“Regulations” means these Regulations;

“residential club” means any premises where sleeping accommodation is provided for six or more persons who pay a charge for such accommodation and who are members, guests of members or are introduced by members;

“residential land” means any lot, plot, tract, area, piece or parcel of land including any building used exclusively or intended to be used for family dwelling or concomitant uses specified herein;

“resort residential” means any area of land used primarily for the accommodation of tourists and which may also be used for normal residential use;

“sand for construction or commercial purposes” means sand collected from a beach or beach ridge for building construction or other commercial purposes including aggregate or fill;

“semi-detached house” means a residential unit containing not more than two dwellings and having its own plot and joined by a common or party wall to a similar house on an adjoining lot;

“service road” means a road constructed adjacent to a highway for the purpose of providing parking, loading and unloading facilities for occupants or buildings in the area of such road;

“setback” means the minimum horizontal distance between the boundaries of a plot and the front, rear or side lines of a building situated thereon. When two or more plots under one ownership are used they shall be considered as one plot for the purpose of this calculation;

“site coverage” means the total area covered by a building divided by the area of the lot on which it stands expressed as a percentage;

“special industry” means any industry which is, in the opinion of the Authority, of a noxious, dangerous or offensive nature and which might cause an excessive loss of amenity to the surrounding area or injury to the health or comfort of the inhabitants of that area whether by reason of smell, noise, fumes or otherwise;

“storey” means that portion of a building included between the surface of any floor and the surface of the floor next above or, if there be no floor above it, then the space between such floor and the ceiling next above it;

“section” means a section of the Law;

“warehouse” means any building designed or adapted for the storage of goods other than goods held for sale by retail;

“workshop” means any building where work of a light industrial nature is carried out and includes motor repair shops, carpenters’ shops and any ancillary building used for the repair of goods or equipment; and the definitions set forth in section 2 apply to these Regulations.

3. Applications for planning permission to carry out development shall be made to the Authority in the manner

prescribed. Such applications shall be examined and dealt with by the Authority having regard to current Government land use policy.

4. Development shall be in accordance with land uses indicated on the prescribed plans currently adopted for the guidance of the Authority, which said plans, with key to the interpretation thereof, are held in the offices of the Authority and identified by the signature of the Governor thereon together with a reference to these Regulations.

5. (i) The control of development, including buildings and subdivision of land, shall, as nearly as practicable, be in accordance with Parts I, II and III following with reference to the prescribed plans.
- (ii) Notwithstanding the requirements of sub-regulation (i) the Authority may give permission for development that does not conform to the requirements of these Regulations if it is satisfied that the special grounds specified in the application are sufficient to enable it to grant special consent to such development.

PART I BUILDINGS

1. APPLICATIONS FOR BUILDING

(a) Applications for building permits for the construction of or changes in buildings shall be made on the prescribed form and be accompanied by the following drawings:-

1. Site (plot) plan. Scale: 1" : 20' or 1" : 40'
2. Location plan. Scale: 1 : 2,500
3. Floor plans. Scale: 1/8" : 1' 0" or 1/4" : 1' 0"
4. Front and rear elevations. Scale: 1/8" : 1' 0" or 1/4" : 1' 0"

(b) Original drawings may be either in ink or pencil from which prints shall be made. Each application shall be accompanied by three such prints. All major commercial and industrial buildings applications shall be signed by an architect. An Authority in its discretion may accept for consideration other plans for development which have been prepared by some person other than an architect

provided that all information required by the Authority is clearly indicated.

- (c) Site plan must show the following:-
 - 1. Location of proposed building.
 - 2. Location of existing buildings on the site and on adjacent land.
 - 3. Relevant dimensions of front, rear and side setbacks.
 - 4. Dimensions of relevant lots (for sub-divisions).
 - 5. Fronting roads with names and widths.
 - 6. Water and sanitary drainage systems.
 - 7. North point.
- (d) Location plan must show the following:-
 - 1. Location of plot relative to a fixed and easily distinguishable point.
 - 2. Fronting road with names (if any).
 - 3. North point.
 - 4. The names of adjoining owners.
- (e) Water supply and sanitary drainage systems must be shown on floor plans (the over-flow and water supply should be not less than 20 feet apart).
- (f) The name or signature of the firm or persons who prepared the plan must be shown on all plans. The following statement should appear on each site (plot) plan for each application and shall be signed by the architect or other person submitting such plans, as follows:-
 "I hereby certify that all the dimensions shown on this plan are correct".

.....
 Signature

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 Address

2. GENERAL INFORMATION

- (a) Applications for development in the commercial centres may deviate from these rules at the discretion of the Authority but the maximum height restriction of five (5) storeys or 55 ft. shall apply. The commercial centre for George Town is bounded by Church Street, Mary Street and Shedden Road.
- (b) Applications for the approval of places of public assembly, gas stations, garages, clubs, bars, cinemas, obnoxious industrial

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plants e.g. machine shops and similar institutions or establishments must be advertised by the applicant in the local newspaper in a manner approved of by the Authority for two successive weeks. Within three weeks of the final publication any member of the public may lodge an objection with the Authority to such applications together with the precise nature and grounds thereof.

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3. BEACH SAND

No sand for construction or commercial purposes or filling of land shall be removed from any beach or beach ridge without the written approval of the Authority.

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4. GENERAL REQUIREMENTS

A. PROVISION FOR PARKING - In the case of new development parking areas must be provided on individual lots or in nearby locations for all public, commercial, industrial and domestic buildings in accordance with the following schedule.

The minimum size of a parking space for each vehicle is 9 ft. x 20 ft. exclusive of access to the individual parking space.

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(a) Church or other place of worship - one space per 12 seats

(b) Cinema, theatre and place of public assembly - one space per 6 seats

(c) Club, restaurant, recreation hall, bars - one space per 200 sq. feet

(d) Shops and offices - one space per 500 sq. feet

(e) Industrial, workshop, warehouse - one space per 1000 sq. feet

(f) Hotel - one space per 2 guest bedroom units

(g) Apartments and cottage colonies - one space per apartment

(h) Residential - one space per residential unit

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In no case shall the building plus the car parking area exceed 75% of the lot, except in Commercial centres where the building plus car parking area may occupy up to 87½% of the lot; the remainder shall be suitably landscaped.

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B. HEIGHT OF BUILDINGS

The maximum permitted height of buildings is 55 feet to the eaves,

or five storeys (whichever is less) except in Hotel Zones R4 where the Authority may use its discretion. Roof space shall not be used for habitation for any class of use. No dwelling house shall exceed two habitable storeys above the highest point of the surrounding ground.

C. DENSITY OF BUILDINGS

- (a) In the commercial centres of urban areas the bulk of building shall not exceed a plot ratio of 1.25 : 1 or a maximum site coverage of 50%.
 - (b) In industrial or special industrial zones the plot ratio shall not exceed 0.7 : 1 or maximum site coverage 66%.
 - (c) In Residential Zone (R.1) average coverage shall be 4 houses per gross acre (higher density). Minimum lot size 8,000 sq. ft. Minimum frontage 75 ft. Maximum site coverage 25%. Duplex - Maximum site coverage 30%. Apartments - Maximum site coverage 30%. (3,000 sq. ft. of land/unit)
 - (d) In Residential Zone (R.2) average coverage shall be 3 houses per gross acre (lower density). Minimum lot size 11,600 sq. ft. Minimum frontage 100 ft. Maximum site coverage 20%. Duplex - Maximum site coverage 25%. Apartments - Maximum site coverage 30%. (4000 sq. ft. of land/unit).
 - (e) In resort Residential Zone (R.3) average coverage shall be 3 houses per gross acre (lower density). Minimum lot size 11,600 sq. ft. Minimum frontage 100 ft. Maximum site coverage 20%. Duplex - Maximum site coverage 25%. Apartments - Maximum site coverage 30%. (4000 sq. ft. of land/unit).
- Notwithstanding the requirements in respect of the minimum lot size in any residential zone the Authority may permit building on any lot which is below the minimum prescribed provided that circumstances justify such consideration.
- (f) In Hotel Zone (R.4) Hotels and Apartment Buildings, cottage colony, minimum road frontage 100 ft. maximum site coverage shall be 25%. Maximum hotel guest bedrooms, 50 per acre.

D. SETBACKS

All Setbacks (building lines) shall be measured to the walls, stairs or balconies of the buildings. Roof overhangs must not project closer to the boundary than 3 ft. All setbacks governed by the Roads Law will be in accordance with the requirements thereof and in all other cases the requirements of these Regulations shall apply.

(Cap.
152.)

1. WATERFRONT PROPERTY

- (a) George Town: Within the area enclosed as follows, i.e. from a

point on the waterfront west of George Town having the grid reference MM 592 330 hence in a northerly direction along such waterfront to a point having a grid reference MM 597 344 hence along a line at right angles to North Church Street until it intersects such streets and from such point along the west side of North Church Street, Church Street and South Church Street to a point on the last named street which if joined to the original point will form a line at right angles to the street hence along such line to the point of origin, no new buildings or additions to existing buildings will be permitted with the exception of approved dock facilities and replacement of existing buildings of the same size and character unless the existing plots of land measure at all points not less than 150' from the centre of the road to the water's edge measured at right angles and any such buildings other than ancillary buildings shall not at any point be closer than 50 ft. to high water mark. (Map ref. CPA 1.70 dated 17th March, 1970 has been deposited with the Authority).

- (b) Other Areas (Except R.4): No land adjacent to the waterfront shall be developed by the erection of a building unless the lot is at least 100 ft. in mean distance measured from high water mark at right angles to the nearest edge of the road. No building other than ancillary buildings shall at any point be closer than 50 ft. to high water mark.

2. RESIDENTIAL ZONES R.1 (Minimum Lot Size 8,000 sq. ft.)

- (a) Front and rear setbacks shall be 20 ft. minimum.
(b) Side setbacks - one storey shall be - 10 ft. minimum
two storeys shall be - 15 ft. minimum
(c) Dwelling houses or other buildings shall not exceed two storeys.

3. RESIDENTIAL ZONE R.2 (Minimum Lot Size 11,600 sq. ft.)

- (a) Front and rear setbacks shall be 25 ft. minimum
(b) Side setbacks - one storey - 15 ft. minimum
two storeys - 15 ft. minimum
three or four storeys - half the height of the building
(c) Dwelling houses shall not exceed two storeys.

4. RESORT RESIDENTIAL ZONE R.3 (Minimum Lot Size 11,600 sq. ft.)

- (a) Front and rear setbacks shall be 25 ft. minimum.

- (b) Side setbacks - one storey - 20 ft. minimum
two storeys - 20 ft. minimum
three or four storeys - half the height of the building

5. HOTEL ZONE R.4 (Minimum Frontage 100 ft.)

- (a) From the sea 150 ft. for a building up to two storeys.
From the sea 50 ft. for each additional storey up to a maximum of 500 ft.:

Provided always that when in the opinion of the Authority undue hardship would be caused by compliance with these requirements or where special conditions such as high elevation or reef protection exist it may grant any relaxation considered necessary provided that in no circumstances shall building be permitted closer than 75 feet from the sea.

- (b) Side setbacks half the height of the building - 15 ft. minimum.
(c) Front setback for all buildings shall be not less than the height of the building, but in no case shall be less than 15 ft.

6. COMMERCIAL AND INDUSTRIAL ZONES

- (a) Front setback for all buildings - 10 ft. if parking is provided at side or rear of building; otherwise front setback to be 35 ft. minimum.
(b) Rear setback - 10 ft. minimum.
(c) Side setback 6 ft. minimum but, with permission, building may be constructed up to side boundary.

7. CHURCHES AND PUBLIC OR CIVIC BUILDINGS OR CINEMA

Front setback from road reserve - 25 ft. minimum
Side and rear setbacks, normally 25 ft. but if located in Zones R.1, R.2, R.3 or R.4 the setbacks to be decided in relation to the amenities of adjoining owners with particular regard to noise and disturbance.

PART II SUBDIVISIONS

1. APPLICATIONS FOR SUBDIVISIONS

- (a) Applications for the development of subdivisions must be made on the approved official form.
(b) Original drawings may be either in ink or pencil from which prints shall be made. Each application form shall be accompanied by three (3) printed copies.
(c) The name of the developer, date of the plan and the signature of

the person or firm who prepared the plan shall appear on all plans. The following statement shall appear on each application and shall be signed by an architect

“I hereby certify that the boundaries of the land to be subdivided and their relationship to the adjacent lands are accurately and correctly shown on this plan”.

.....
Signature

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Address

2. PLANS AND LAYOUTS

- (a) Where it is desired to construct more than six houses on any area of land a subdivision plan must first be submitted to the Authority for approval.
- (b) Each building lot on any subdivision shall have road access.
- (c) All plans must be drawn to a minimum scale of 1 inch to 100 ft.
- (d) A location sketch shall be drawn on or shall accompany the subdivision plan. This shall show existing subdivisions if any, in the vicinity and names of owners of land adjoining the proposed subdivision. The location of the subdivision must be related to a fixed and easily distinguishable point. It shall also show how streets and roads in the proposed subdivision may connect with existing streets and roads on adjoining property.

3. PROPOSED LAND USE

- (a) The plans shall clearly indicate the purpose for which the various lots are to be used such as residential, (distinguishing between different types of residences) commercial, (specifically identifying special uses such as service station, etc. where possible) industrial, school sites, parks and agricultural areas etc.
- (b) Except in special cases not more than 5% of any residential subdivision area shall be allocated to local Commercial Development which would be ancillary to general residential use of subdivision.

4. ROADS, GENERAL REQUIREMENTS

- (a) There shall be a sight line at all junctions and intersections. At junctions and intersections on internal subdivision roads visibility triangles are required. These shall be formed by cutting off the

corners of lots at points 15 ft. from the intersection of such plot boundaries and joining up the two points.

- (b) Where the Authority so requires, provision shall be made for the continuation of principal roads to adjoining subdivisions or their proper projection when adjoining property is not subdivided. The Authority may also require continuation of such minor roads as may be necessary for extension of utilities and for access to adjoining properties.
- (c) Cul-de-sacs (or roads without through access) shall not extend further than 800 feet except where "finger" development associated with canals on both sides makes it impractical to comply with such a restriction and in every case an adequate turning circle for motor vehicles shall be provided at the ends.
- (d) Proposed roads shall intersect one another at an angle not less than 70° .
- (e) Service roads for rear access to commercial and industrial development shall be provided.
- (f) The points of access on to a main road shall be held to a minimum as far as practicable and not be less than ¼ mile apart.
- (g) The Authority may regulate points of access to all roads.

5. LANDS FOR PUBLIC PURPOSES

According to the size of the subdivision the Authority may require the applicant to set aside land for public purposes such as children's playgrounds, sports fields, parks, churches etc., and to reserve without charge adequate plots, not exceeding 5 per cent of the land being developed, for Government use at an appropriate time.

6. FLOODING

Reclaimed land for all 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, 1966

(Law 16 of 1966)

7. ROADS AND SERVICES

- i. As a condition of approval of an application to subdivide land, the developer shall, prior to the sale of any lots, construct to the satisfaction of the Authority, roads of access and where practicable, electrical main supply cables to an approved design/specification and shall enter into a bond for these purposes with the Authority which shall be released on the satisfactory completion of the

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PART I
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work. The developer shall indicate the manner in which a water supply of not less than 50 gallons per person per day will be provided.

- ii. The developer of any subdivision shall be required to provide space and a design for a complete water reticulation system, whether or not an approved supply is immediately available for connection thereto.
- iii. The developer of any subdivision shall be required to submit a proposal for a sewerage system which can satisfactorily serve his subdivision. In small subdivisions, individual septic tanks will be acceptable.

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8. PROVISION FOR SCHOOLS

Provision shall be made for

- i. one primary school for every 400 families. (The site reserved for a primary school shall be approximately 3 acres).
- ii. one secondary school for every 2,000 families, (The site reserved for a secondary school shall be approximately 7 acres).

PART III. GENERAL

1. WATER SUPPLY

- i. Every building intended for human habitation shall be provided with some source of drinking water as well as water for domestic purposes and if such water is from a well it shall, if considered necessary by the Chief Medical Officer be rendered bacteriologically pure.
- ii. Where an adequate, tested and approved piped water supply is available, either from an existing system or one installed by a subdivision developer, the Authority may direct that any building intended for human habitation shall receive its potable water supply from such supply. Where the availability of such piped water supply is sufficient to provide at the rate of 50 gallons per head per day or more this water may be used for all purposes. Where the available supply is less than this but more than 20 gallons per head per day this water may be used for potable purposes only and water required for flushing water closets must be obtained from alternative sources.

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2. SEWERAGE

- i. Every building intended for human habitation shall be provided with water borne sanitation draining to a septic tank of accepted design

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approved by the Chief Medical Officer except in areas designated by the Chief Medical Officer where comprehensive sewerage systems are available. The effluent from a septic tank must drain through a cased drainage.

- ii. The septic tank must be so located that the house drainage may eventually be connected to a main sewerage system.

3. LANDSCAPING

- (i) Suitable landscaping shall be carried out and shade trees planted where practicable.
- (ii) In reclaimed swamp areas interlocked sections of existing trees shall, where practicable, be left to provide windbreaks until replaced by suitable reforestation.

4. CANALS

Canals shall not be straight and at the point of entrance from the sea shall be so designed as to provide adequate protection from storm surges and wherever possible shall be designed to meander through the area with an inlet and an outlet to provide circulation of water.

5. FINAL CERTIFICATE

A certificate of fitness for occupancy shall be obtained from the Authority before any new building may be occupied. The Authority may grant special permission for occupation of part of a building prior to completion save that in the case of an owner-occupier belonging to the Cayman Islands, no special permission for the occupation of any part of an uncompleted building shall be required as long as such part complies with the approved plans.

6. FEES

A fee shall be paid to the Authority and shall accompany each application for planning permission in accordance with the following Schedule:-

Such a fee is not refundable irrespective of the Authority's decision, but no additional fee will be charged for resubmission of amended plans as required by the Authority.

In cases where approval in principle is sought\$10.00

Subdivision

For each subdivision.....\$20.00 per lot

Building Development

Residential for one dwelling unit not exceeding 1,000 sq. ft.....	\$10.00
Residential for one dwelling unit exceeding 1,000 sq. ft. but not exceeding 1,500 sq. ft.....	\$30.00
Residential over 1,500 sq. ft.	\$75.00
Hotel: for each guest bedroom.....	\$30.00
Apartment block: for each apartment.....	\$40.00
Commercial building per 100 sq. ft.	\$ 5.00
Industrial building, warehouse or workshop per 100 sq. ft.....	\$ 2.50
Petrol filling station.....	100.00
Social club, cinema or place of assembly per 100 sq. ft. ...	\$ 2.50
Other building per 100 sq. ft.	\$ 2.50

7. PENALTIES

Whoever contravenes these regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$50.00.

Approved by the Legislative Assembly this 1st day of March 1972 in compliance with subsection (3) of section 36.

Government Motion No. 2.

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly

Made in Council this 14th day of March, 1972.

JANICE E. WATLER
Clerk of the Executive Council.

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Government Notice 47 of 1972
Date of Operation: 21st March, 1972