CAYMAN ISLANDS

Development and Planning Act

(2021 Revision)

DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 2023

PUBLISHING DETAILS

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Arrangement of Regulations

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(2021 Revision)

DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 2023

In exercise of the powers conferred by section 42 of the Development and Planning Act (2021 Revision), the Cabinet makes the following Regulations —

Citation

1. These Regulations may be cited as the Development and Planning (Amendment) Regulations, 2023.

General amendment of the Development and Planning Regulations (2022 Revision)

2. The *Development and Planning Regulations (2022 Revision),* in these Regulations referred to as the "principal Regulations", are amended by deleting the word "subregulation" wherever it appears and substituting the word "paragraph".

Amendment of regulation 2 - definitions

3. The principal Regulations are amended in regulation 2 by inserting, in the appropriate alphabetical sequence, the following definitions –

"**common use area**" means an interior and exterior room, space or element that is not for public use but is available for the shared use of two or more people; and

"**public use area**" means an interior or exterior room or space that is available for use by the general public;".

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 paragraph (2), by deleting the word "The" where it first appears and substituting the words "Subject to paragraph (4A), the";

(b) by inserting after paragraph (4) the following paragraph —

"(4A) Notwithstanding paragraph (2), the maximum permitted height of a building in the zones specified in paragraph (2)(a), (c), (e) and (f) may be increased, upon application, at the discretion of the Authority by no more than one storey for the purpose of the erection of a structure on the roof of a building where the structure will be —

(a) for the common use areas and public use areas of the building; and

(b) to enhance the primary use of the building,

and the following conditions shall apply —

(i) no more than one application shall be made under this regulation;

(ii) if covered by a roof, the square footage of the structure shall not be greater than seventy per cent of the square footage of the storey immediately below the roof;

(iii) the height of the structure shall not exceed any limit in height as may be prescribed by the Cayman Islands Airports Authority with regard to the flight approach zone patterns of an airport, whichever is the lesser of the two;

(iv) the floor to ceiling height of the structure shall not exceed ten feet;

(v) the provisions of paragraph (4) shall not apply so as to permit the placement of any structure or appurtence on the roof of the structure;

(vi) written notice shall be given to adjacent landowners in respect of the proposed use; and

(vii) the structure shall comply with the *Building Code Regulations (2022 Revision)*."; and

(c) by repealing paragraph (17) and substituting the following paragraph —

"(17) Prior to the submission of permit drawings, an applicant shall ensure that the site boundaries are set out on the ground by a licensed land

surveyor no earlier than six months prior to the date of submitting the permit drawings or as otherwise determined by the Authority.".

Amendment of regulation 15 - Beach Resort/Residential zones

5. The principal Regulations are amended in regulation 15(3) as follows —

(a) by repealing subparagraph (ab); and

(b) in subparagraph (c), by inserting after the word "bedrooms" the words "per acre".

Transitional provisions

6. Where an application is made under the principal Regulations and the application has not been determined at the date of commencement of these amending Regulations, the application shall be determined as if these amending Regulations were not in force.

Made in Cabinet the day of , 2023.

Clerk of the Cabinet

A draft of these Regulations was laid on the of , 2023 in the Parliament in accordance with section 42(3) of the Development and Planning Act (2021 Revision).

An amended draft of these Regulations was approved the of , 2023 by the Parliament in accordance with section 42(3) of the Development and Planning Act (2021 Revision).

Clerk of the Parliament