

THE CITY OF HAMILTON PLAN

2015

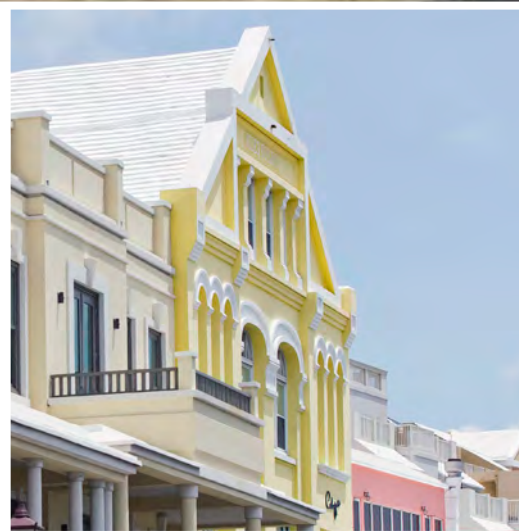


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SECTION 1: INTRODUCTION

Background

The Draft City of Hamilton Plan 2015 is a development plan which has been prepared under the provisions of Part III of the Development and Planning Act 1974 (the Act) and supersedes the City of Hamilton Plan 2001.

The Draft City of Hamilton Plan will form the strategic development plan for the whole of the City of Hamilton but will not contain detailed policies for North East Hamilton. North East Hamilton has a distinct urban fabric which makes it worthy of its own local plan. The City of Hamilton Plan 2001 shall remain as the operative plan for the North East Hamilton area until the publication of the North East Hamilton Local Plan.

In the early to mid-2000s, there was continued growth in commercial floorspace as well as a growth in residential floorspace which led to an increase in the City's population. The effects of the global economic recession since the late 2000s, however, have led to dwindling demand for office and retail space. This has resulted in high vacancy rates and a lack of investment to redevelop strategic sites and refurbish old building stock.

Although traffic volumes in the City are still high, there has been a 4% decrease in morning rush hour traffic since 1997 and a redistribution of rush hour traffic entering the City from East Broadway and Cavendish Road to other City gateways. Traffic signals and junctions have been upgraded to improve traffic flow, pedestrian safety and accessibility.

Whilst the City faces challenges, it also offers many opportunities particularly with regard to harnessing the potential of the City's waterfront and the proposed Pembroke Park on the northern outskirts of the City.

The Draft City of Hamilton Plan 2015 (the Plan) has been prepared by the Department of Planning in partnership with the Corporation of Hamilton. The Department of Planning is responsible for preparing plans and policies for the use and development of land and buildings in the City and for providing recommendations to the Development Applications Board, which makes decisions on development and subdivision applications. The Corporation of Hamilton provides the services necessary for the smooth operation of the City including road and sidewalk maintenance, public parking, garbage collection, sewage disposal and public parks.

The Department of Planning, working in partnership with the Corporation of Hamilton, has conducted a review of the City of Hamilton Plan 2001 and assessed the effectiveness of its policies in achieving the Plan's objectives. Data from the Census 2010, the City of Hamilton Traffic Study 2010 and the City of Hamilton Land Use Survey 2011 has been collected and analysed to assess population, housing, traffic and land use trends in the City over the last decade. Other datasets on planning applications, planning appeals and land valuation records have also been examined. The Department of Planning has prepared a series of issues papers which collate the data, research and public consultation for key topics including the Historic Environment, Design, Living in the City, Visiting the City, Utilities, Traffic and Parking, the Pedestrian Environment and Public Art. The key findings and recommendations identified in these issues papers have been incorporated into the Draft City of Hamilton Plan 2015 Report of Survey.

Community involvement and participation is a high priority, both in the preparation of plans and policies, and in the implementation of them by way of planning application decision making. In producing this Draft City of Hamilton Plan, the Department of Planning has consulted widely to ensure that a cross section of the community has had an opportunity to provide input and shape the direction of the City. This consultation process has included discussions with land owners, business groups, architects, environmental interest groups, government departments and the general public through questionnaire surveys, focus group meetings, a City Plan open house and a travelling city booth.

The Vision

Whilst the sentiments of the City of Hamilton Plan 2001's vision to create a more sustainable city environment remain today, there is a need to provide a new, up-to-date plan for the City to reflect the current needs of the City's users, and to guide the development and management of the City for the next 10 years.

The vision for the Draft City of Hamilton Plan 2015 is to build on the success of the City of Hamilton as Bermuda's leading commercial centre, to develop it further as a tourism and leisure centre and live-work community, and to create a high quality public realm. As such, all proposals for development within the City will be expected to reflect and be compatible with this vision, as stated in policy INT.1. Some proposals for new development will be required to contribute to making improvements to the public realm that are in keeping with this vision. Figure 1 illustrates some of the key components to improving the public realm within the City.

- INT.1 All development proposals in the City should reflect and be compatible with the vision for this City of Hamilton Plan which is to:-
- (a) support Hamilton in its role as Bermuda's capital City and leading commercial and tourism centre;
 - (b) ensure the provision of a range of activities and facilities to meet the needs of people who live in, work in, shop in and visit the City;
 - (c) ensure that new development is supported by adequate infrastructure and services;
 - (d) encourage the growth of a sustainable, community orientated City environment through mixed use development, city living, universal design, energy efficient design, and a high quality public realm;
 - (e) support adaptations to climate change and address the issues of increasing temperatures and greater risk of flooding, such as by creating more green spaces, landscaping and pervious surfaces in the City;
 - (f) provide a City environment which is vibrant, dynamic, comfortable, enjoyable and safe during the day and at night;
 - (g) protect the City's heritage and key landmarks, and enhance the City's distinctive character;
 - (h) secure a high quality of design in new buildings and landscaped spaces;
 - (i) facilitate the efficient and safe movement of people and traffic into and within the City by improving accessibility and connectivity for pedestrians and the less mobile, encouraging increased use of public transport and improving traffic management measures;
 - (j) promote the regeneration and enhancement of particular areas of the City through a programme of action plans for key areas including the waterfront and lower Reid Street; and
 - (k) support the economic and social regeneration, and environmental improvement of North East Hamilton.
- INT.2 Within the framework of this vision, the Plan contains a number of objectives against which development proposals will be assessed (see Table 1).

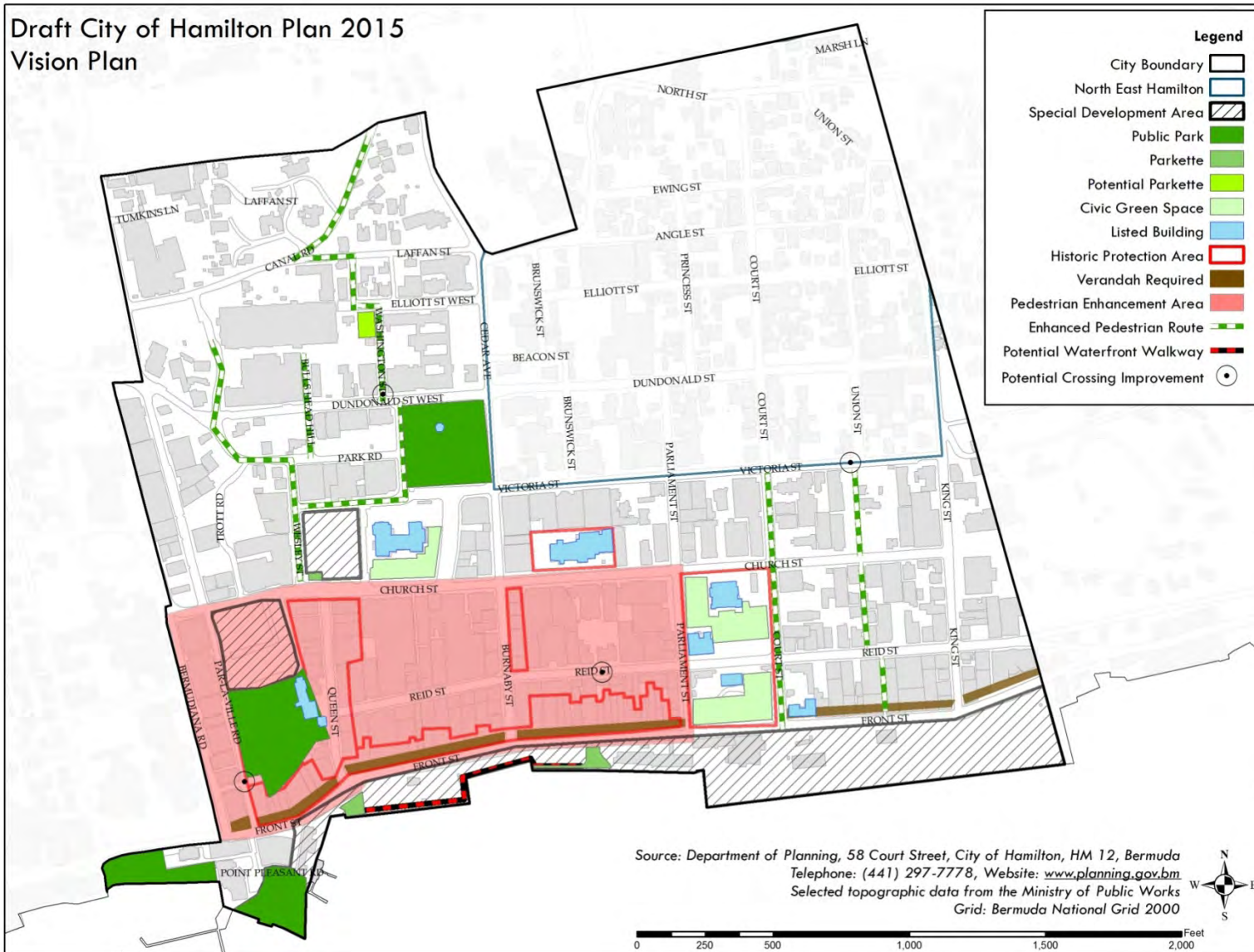


Figure 1: Vision Plan for the City of Hamilton

Objective No.	Objectives
<i>Subdivision of land</i>	
SDV (1)	To ensure that land in the City of Hamilton is used efficiently
SDV (2)	To ensure that layout and design of subdivision proposals are sensitive to the physical and environmental characteristics of the site and surrounding area
<i>Utility Services</i>	
UTL(1)	To ensure the provision of sustainable and efficient utility services and infrastructure in the City
UTL(2)	To ensure developments incorporate sustainable design technologies for water supply, storm water management and electricity generation from renewable energy sources
<i>Traffic Management and Parking</i>	
TPT (1)	To facilitate the reduction in car traffic entering the City and traffic congestion in the City by carefully assessing the potential traffic impacts of new developments and by encouraging the use of sustainable modes of transport
TPT(2)	To reduce traffic congestion and private car travel into the City by limiting the supply of new private parking in accordance with the objectives of the district and the hierarchy of parking needs
<i>The Public Realm and Pedestrian Environment</i>	
PED (1)	To create a lively, attractive and safe public realm
PED (2)	To enhance the connectivity of the City's pedestrian environment through the creation of a network of attractive, accessible and safe routes, streetscapes and spaces within the City
PED (3)	To create a universally designed City environment that is readily usable and accessible to everyone
<i>Greening the City</i>	
GRE (1)	To ensure the incorporation of green spaces and a high standard of landscaping in all developments
GRE (2)	To protect existing street trees and encourage the planting of new street trees
GRE (3)	To support the protection of existing parks and encourage the creation of new parks and open spaces
<i>Development in the City</i>	
DEV (1)	To support Hamilton's role as a main centre for commerce
DEV (2)	To protect and develop the City's principal shopping area
DEV (3)	To support development that adds interest and vitality to the City
<i>Special Study Areas</i>	
SSA (1)	To enhance the amenity potential and public use of Hamilton's waterfront
SSA (2)	To encourage the redevelopment of the Par-la-Ville car park and City Hall car park sites

Objective No.	Objectives
<i>Residential in the City</i>	
RES (1)	To protect and enhance existing residential neighbourhoods and encourage the creation of new neighbourhoods
RES (2)	To encourage new residential development in the City which provides a high standard of living accommodation and residential amenity
RES (3)	To encourage the adaptive reuse of vacant and under-used floorspace for residential use and/or for shared live/work use
<i>Historic Environment</i>	
HSC (1)	To conserve and enhance listed buildings of special architectural or historical interest
HSC (2)	To conserve historic areas of special architectural, historic or cultural significance and encourage sympathetic development
<i>City Design Standards</i>	
DSN (1)	To maintain and promote high quality urban design that supports the City's architectural traditions and contemporary building designs
DSN (2)	To promote sustainable design principles through the incorporation of energy and water conservation measures in building and site design
DSN (3)	To ensure that the City's buildings and spaces are accessible to everyone
<i>Historic and Retail District</i>	
HRD (1)	To support the street oriented retail and business environment
HRD (2)	To protect Bermuda's architectural heritage and eclectic design characteristics
HRD (3)	To maintain the Historic Areas of Front Street, Queen Elizabeth Park and Queen Street West, the Sessions House and Cabinet Building, and Upper Burnaby Street
<i>Contemporary Business District</i>	
CBD (1)	To support commercial development and encourage new development particularly on the eastern side of the City
CBD (2)	To add to the vibrancy and architectural diversity of the City by providing for a variety of modern architectural styles
<i>Residential and Community District</i>	
RCD (1)	To provide for a range of development opportunities and encourage more residential development, local services and amenity areas

Table 1: Draft City of Hamilton Plan objectives

SECTION 2: GENERAL PROVISIONS

The Draft City of Hamilton Plan application and content

The Draft City of Hamilton Plan 2015 comprises two documents:-

- (1) this Plan containing objectives, policies, figures and tables; and
- (2) the Report of Survey which contains the background research to the Plan.

This Draft Plan is divided into sections as outlined below.

- The **Introduction** outlines the background to the Plan and the vision for the future of the City.
- The **General Provisions** contain the provisions stating the application of this Plan and other Plans and explains the role of Development Applications Board and other advisory bodies. It also sets out the general planning considerations to take into account when submitting a planning application.
- **General Policies** are the general objectives and policies which should be considered for all planning applications regardless of the site location in the City (with the exception of North East Hamilton). These include policies on subdivision, utility services, traffic management and parking, the public realm and pedestrian environment, landscaping, street trees and parks, commerce, special study areas, residential development, the historic environment and city design standards.
- **District Policies** contain the specific objectives and policies for the districts of the City, the Historic and Retail District, Contemporary Business District and Residential and Community District. Reference is made to North East Hamilton, which will have a separate local plan.
- The **Implementation, Monitoring and Review** section explains the implementation, monitoring and review processes which will be in place during the Plan period.
- **Definitions** are provided for the main terms used in the Plan.

GEN.1 (1) This development plan, called the Draft City of Hamilton Plan 2015, has been prepared for the purpose of regulating the development and use of land in the City of Hamilton and applies to all of the City of Hamilton.

(2) The Plan consists of:-

(a) this document, the Draft City of Hamilton Plan 2015, which constitutes the written statement as called for by section 6 of the Act, and includes associated maps and diagrams; and is accompanied by

(b) the City of Hamilton Plan Report of Survey 2015 as called for by section 6 of the Act.

GEN.2 Subject to policies GEN.3 and APC.1, the City of Hamilton Plan 2001 is revoked.

GEN.3 The North East Hamilton area will continue to be subject to the provisions of the City of Hamilton Plan 2001 until the adoption of a local plan for this area (see Section 4, Figure 15).

Other Plans and Provisions

Local Plans

- GEN.4 A local plan for any area designated under the Draft City of Hamilton Plan 2015 development plan shall conform generally to the development plan in accordance with the Act, and any proposal located within a local plan area shall be assessed against the policies and provisions of the local plan and the development plan.

Conflicts with Section 34 Agreements

- GEN.5 Where there is a conflict between a provision of an agreement made under section 34 of the Act and a policy of this Plan, the provision of the section 34 agreement shall prevail and shall apply.

Conflicts with Special Acts

- GEN.6 Where there is a conflict between a provision of a Special Act as approved by the Legislature and a policy of this Plan, the provision of the Special Act shall prevail and shall apply.

Conflicts with Special Development Orders

- GEN.7 Where there is a conflict between a provision of a Special Development Order made under section 15 of the Act and a policy of this Plan, the provision of the Special Development Order shall prevail and shall apply.

The Development Applications Board

The Development Applications Board (DAB or Board) is a body of persons appointed by the Minister, in accordance with Part II (section 3) and the First Schedule of the Act, to review planning applications and make decisions to grant or refuse planning permission. The Board includes a representative from the Corporation of Hamilton and the Corporation of St. George.

In accordance with the Development and Planning (Application Procedure) Rules 1997, the Board may seek comments and specialist advice from other sources including the Corporation of Hamilton, the Advisory Architectural Panel with regard to architectural and design issues and the Historic Building Advisory Committee with regard to development impacting a Listed Building or Historic Area. The Board may also seek comments and advice from other Government Departments and Ministries.

General direction to the Board

GEN.8 The Board shall apply the provisions of the Draft City of Hamilton Plan 2015 in a manner that achieves the orderly development of the City and a sustainable and attractive City environment in accordance with:-

- (a) the vision and objectives of the Plan;
- (b) the policies and figures of the Plan; and
- (c) any development briefs, special studies or other supplementary planning guidance produced by the Department of Planning in respect of any site in the City of Hamilton.

GEN.9 (1) Section 17 of the Act provides the parameters for the Board's decision-making in respect of the development and use of land. As such, where application is made to the Board for planning permission, the Board may grant permission either unconditionally or subject to such conditions as it thinks fit or may refuse permission for any application, and in the exercise of this discretion the Board:-

- (a) shall not grant planning permission which would result in development at variance with the Act, a development plan, a local plan, the regulations, City ordinances or other statutory provision; and
- (b) shall have regard to any other relevant consideration.

- (2) Section 35 of the Act provides the parameters for the Board's decision-making in respect of the subdivision of land. The Board may refuse planning permission for development or a plan of subdivision if satisfied that the proposed development or subdivision:-
- (a) is premature;
 - (b) fails to meet the development needs of the community; or
 - (c) is not necessary or in the best interests of the public; and
 - (d) provided reference is made to relevant information to support the Board's decision and the applicant has been given an opportunity to respond to this information.

Details of Planning

- GEN.10 (1) The Board shall apply the details of planning, as set out in sub-paragraph (2) below, as relevant considerations in the determination of any planning application and, for the avoidance of doubt, any application may be refused if the Board is not satisfied with the details of planning.
- (2) The "details of planning" may include:-
- (a) use(s);
 - (b) scale of operation;
 - (c) siting and layout;
 - (d) site coverage;
 - (e) provision made for vehicular access, loading, servicing and parking;
 - (f) arrangements made for pedestrian access, circulation and amenity space;
 - (g) design including scale, massing, height, style, built form, setbacks, building materials and appearance;
 - (h) landscaping including planting, paving and hard-surfacing; and
 - (i) the proposal's contribution towards the enhancement of the surrounding area and the City as a whole.

Municipal Authority

Corporation of Hamilton

GEN.11 The Board will seek comments and advice from the Corporation of Hamilton regarding all proposals within the City.

Other Advisory Boards and Consultees

Government Departments and Ministries

GEN.12 The Board may seek advice from any Government Department or Ministry regarding any proposal it considers a Department or Ministry may be affected by or interested in.

Advisory Architectural Panel (AAP)

GEN.13 The Advisory Architectural Panel shall advise the Board on any matter within their knowledge or on which the Board may seek their advice regarding the design and appearance of any proposal submitted to it for review and in accordance with policy DSN.2.

Historic Buildings Advisory Committee (HBAC)

GEN.14 The Historic Buildings Advisory Committee may provide comments and advice to the Board regarding any proposal submitted to it for review where:-

- (a) the proposal affects a building or site of special architectural, historic or archaeological interest, or its setting;
or
- (b) the proposal affects an Historic Protection Area; or
- (c) the Board requests advice from the Committee.

Planning Application Considerations

Planning permission applied for or granted before commencement day

- GEN.15 Where, before commencement day, the Board granted in principle planning permission for development or approved a draft plan of subdivision, and in that decision the Board reserved a matter for the subsequent approval of the Board, any application submitted on or after commencement day for approval of that reserved matter shall be determined by the Board under the City of Hamilton Plan 2001.
- GEN.16 Where, before commencement day, an application for planning permission was received by or on behalf of the Board but was not determined by the Board before that day, the application shall continue to be considered and dealt with under the City of Hamilton Plan 2001.

Land subject to an objection to the Plan

- GEN.17 During the period when the Draft Plan is operative, in accordance with Section 10 of the Act, and where land which is the subject of an application for planning permission is also the subject of an objection to the Plan under Section 11(3) of the Act, the Board may, unless the objection is withdrawn, refuse planning permission.

Lots that lie partly outside the City boundary

- GEN.18 Where a lot lies partly within the boundary of the municipal area of the City of Hamilton and partly outside, the policies of the Bermuda Plan 2008, or any subsequent revision thereof, shall normally take precedence unless the grounds in support of the application, as submitted by the applicant, demonstrate that the City of Hamilton Plan policies are the most logical and appropriate.

Matters on which the Plan is silent

- GEN.19 Where application is made for planning permission for a form of development upon which this Plan is silent, or where an application concerns any other matter on which this Plan is silent, the Board shall have the discretion whether or not to grant planning permission provided that, in the exercise of that discretion, the Board is satisfied that:

- (a) the proposal does not conflict with the vision, objectives or policies of this Plan;
- (b) the proposal does not conflict with any relevant provision of the Bermuda Plan 2008 or any subsequent revision thereof; and
- (c) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Material change of use

- GEN.20 (1) The Development and Planning (Use Classes) Order 1975 does not apply to the City of Hamilton and until any subsequent amendment to the Development and Planning (Use Classes) Order 1975 includes the City, all applications proposing a material change of use in the City of Hamilton shall require planning permission and be assessed according to sub-paragraph (2).
- (2) In amplification of sub-paragraph (1), a material change of use includes the establishment of a new use on a property and/or the intensification of an existing use, and in determining whether a proposal for a material change of use is acceptable, the Board must be satisfied that:-
- (a) the proposal will not result in any adverse effects on occupiers of neighbouring properties or other occupiers of the same building by reason of noise, vibration, smell, fumes and hours of operation;
 - (b) the traffic generated by the proposal will not result in vehicle congestion, parking or road safety problems;
 - (c) the design, layout and appearance of the proposal are of a high standard; and
 - (d) the proposal meets all relevant building, health and safety standards.

Information required to be submitted with an application

- GEN.21 Any planning application submitted to the Board shall provide the necessary information in accordance with the Development and Planning (Application Procedure) Rules 1997 (and any subsequent revisions) which may include but is not limited to the following:-
- (a) plans and elevations that show the existing site conditions;

- (b) plans, elevations and cross-sections that clearly describe the proposal;
- (c) contextual drawings that clearly show the proposed development in relation to neighbouring properties;
- (d) details of signage;
- (e) an Environmental Impact Statement, in accordance with policies GEN.24 and GEN.25;
- (f) a Traffic Impact Statement, in accordance with policies TPT.1 and TPT.2; and
- (g) a Design Statement, in accordance with policy DSN.3.

Environmental information requirements

- GEN.22 (1) In the submission of any planning application, the onus shall be on the applicant to provide the Board with sufficient and detailed information as will enable the Board to understand and assess the environmental and planning issues and, for the avoidance of doubt, the Board may refuse any application which provides insufficient information for the Board to make a proper assessment of the proposal.
- (2) In amplification of sub-paragraph (1), the information requirements for certain development proposals may be more comprehensive and may need to take the form of an Environmental Impact Statement (refer to policies GEN.24 and GEN.25 and the Department of Planning's Environmental Impact Assessment and Statement Guidance Note).
- GEN.23 In order to determine the environmental effects of a proposal, the Board may require documentation and a plan(s) drawn at an appropriate scale, and coloured and annotated in sufficient detail to accurately explain and show such information as:-
- (a) the contours and boundaries of the site taken from a current and accurate topographical survey;
 - (b) the location, width and status of all roads adjoining the site;
 - (c) the geological conditions;
 - (d) existing vegetation, hedges, mature trees and other natural features;
 - (e) other physical features such as rock cuts, walls and existing buildings;
 - (f) the outline of the proposed development or the outline of notional building positions on a plan of subdivision;
 - (g) details of existing easements, restrictive covenants, section 34 agreements or similar restrictions;
 - (h) details of any Listed Buildings and Historic Protection Areas;
 - (i) the location and use of existing buildings on adjoining sites; and

- (j) any other information necessary to summarise and explain the proposal.

Environmental Impact Statement

GEN.24 The Board may require the submission of an Environmental Impact Statement for development projects which, because of the characteristics of the site or the particulars of the proposal, justify the Board carrying out a careful examination of the potential impacts of the development prior to the determination of the application including but not limited to such development projects as:-

- (a) major commercial developments;
- (b) major residential developments;
- (c) major hotel and resort developments;
- (d) major port infrastructure or transport developments;
- (e) power plants and water supply systems;
- (f) sewage treatment and disposal systems;
- (g) solid waste disposal systems;
- (h) any other major utility development;
- (i) reclamation projects; and
- (j) marinas.

GEN.25 An Environmental Impact Statement shall include the appropriate plans, information and data in sufficient detail to enable the Board to determine, examine and assess the potential environmental impacts of the proposal, including but not limited to:-

- (a) the information specified in policy GEN.23;
- (b) a description of the alternative options considered;
- (c) a detailed description of the proposal from inception through the site preparation, construction and operational phases;
- (d) the data necessary to identify and assess the main effects the proposal is likely to have on the natural and built environment;

- (e) a description and quantification of the likely significant effects, direct and indirect, on the site and surrounding area, explained by reference to the proposal's possible impact on:-
 - (i) humans;
 - (ii) flora and fauna;
 - (iii) soil;
 - (iv) water, including the ocean, inshore waters and ground water;
 - (v) air;
 - (vi) climate;
 - (vii) landscape;
 - (viii) cultural heritage including historic areas, Listed Buildings and areas of historical and archaeological interest;
 - (ix) a description of the measures to be implemented to avoid, reduce or remedy any adverse effects during the site preparation, construction and operational phases;
 - (x) the arrangements to be made for securing an adequate supply of water and the safe and efficient disposal of sewage;
 - (xi) a summary in non-technical language of the information specified above; and
 - (xii) any other information detailed in the Department of Planning's Environmental Impact Assessment and Statement Guidance Note.

Grounds in support of an application

GEN.26 In any instance where the Board is required to exercise some form of discretionary power in order to approve an application, the onus shall be on the applicant to submit a case to justify the exercise of the Board's discretion, and this case, which is referred to in the Plan as "grounds in support", shall:-

- (a) be submitted in writing at the time the application is submitted;
- (b) be submitted whenever the Board is called upon to exercise its discretion, whether or not grounds in support are specifically called for by the policy which applies;

- (c) include detailed and relevant information, submissions and reasoned arguments as are necessary to convince the Board that the proposal complies with those matters the Board must consider, and about which the Board must be satisfied, prior to exercising its discretion to approve an application; and
- (d) include any proposals for community benefit or planning gain, as appropriate;

and for the avoidance of doubt, an application may be refused if the Board is not satisfied that sufficient information has been submitted.

SECTION 3: GENERAL POLICIES

Subdivision of Land

The subdivision of land is the process of dividing a parcel of land into smaller parcels or lots, the adjustment of boundaries between existing lots, and the creation of rights or easements over land. The legal provisions regulating the subdivision of land are contained in Part VI of the Development and Planning Act 1974 and the Development and Planning (Application Procedure) Rules 1997.

There was very little subdivision of land under the City of Hamilton Plan 2001, which specified a minimum lot size for new lots. To encourage and support more development in the City, this Plan provides the Board flexibility in determining an appropriate minimum size for a lot to achieve a subdivision proposal that is sensitively designed and in keeping with the physical characteristics of the site and surrounding area.

Objectives

- SDV (1) To ensure that land in the City of Hamilton is used efficiently**
- SDV (2) To ensure that layout and design of subdivision proposals are sensitive to the physical and environmental characteristics of the site and surrounding area**

Policies

Suitability of the land for subdivision

- SDV.1 In considering a plan of subdivision, the Board shall be satisfied that the proposal has taken into account those matters referred to in Part VI of the Act (and any subsequent revisions) and that the proposal complies with all relevant policies of this Plan.**
- SDV.2 Further to policy SDV.1, the Board shall be satisfied that:-**

- (a) the land is suited to the purpose for which the subdivision is intended and is capable of accommodating development in a satisfactory manner with adequate dimensions and regular shapes to the lots;
- (b) the layout and design of the proposed subdivision are sensitive to the physical and environmental characteristics of the site which:-
 - (i) respects the topography of the site; and
 - (ii) avoids creating lots where development would require excessive cutting and filling;
- (c) adequate and safe means of access is provided to the site and to each lot created in accordance with the provisions of Section 3, Traffic Management and Parking; and
- (d) the provision of services and utilities are adequate to meet the needs of the proposed subdivision and are in accordance with the provisions of Section 3, Utility Services.

Minimum lot size

- SDV.3 (1) The minimum lot size created shall normally be not less than 5,000 sq.ft.
- (2) Notwithstanding sub-paragraph (1), the Board shall have the discretion to approve a subdivision proposing a residential development on an undersized lot provided the lot is not less than 3,500 sq.ft.

Design of subdivision

- SDV.4 (1) All plans of subdivision shall be accompanied by sufficient, detailed and illustrated information to satisfy the Board that the subdivision is appropriate and should include the following information:-
- (a) surveyed existing boundaries, lot dimensions and areas;
 - (b) proposed boundaries, dimensions and areas;
 - (c) surveyed location(s) and dimensions of any rights or easements over the parcel(s) to be subdivided together with details of any other restrictive covenants, section 34 agreements, zoning orders, tree preservation orders or similar restrictions;
 - (d) a current topographical plan illustrating:-

- (i) the contours of the site;
 - (ii) the use and location of all existing structures above ground including all roofed structures within the site and the approximate location and uses of existing structures on adjoining sites within 20 feet of the site's boundaries;
 - (iii) the location of all existing uses under the land, including watertanks, cesspits, sewers, pipe lines, cables and other apparatus including those of statutory undertakers;
 - (iv) the location, species and condition of existing vegetation; and
 - (v) other natural features and man-made rock cuts;
 - (e) the location, width and grade of roads intended to provide access to the subdivision;
 - (f) the location, width and status of all roads adjoining the site;
 - (g) the building area of all vacant lots clearly identifying setbacks; and
 - (h) the location, boundaries, dimensions and areas of any land to be dedicated for road right of way or other community purposes.
- (2) Notwithstanding sub-paragraph (1), the Board may waive the submission of any of the information specified in sub-paragraph (1) in the case of developed land where each of the lots to be created accommodates an existing building and in such other cases as the Board may consider appropriate, provided the Board is satisfied that the grounds in support of the application justify the exercise of the Board's discretion.

- SDV.5
- (1) In the case of any subdivision proposing the creation of a new access to a proposed lot(s) or the upgrading or widening of an existing road, a draft plan of subdivision must be submitted.
 - (2) Approval of a final plan of subdivision shall not be granted by the Board until all the conditions of the draft plan of subdivision approval have been met and, in particular, the means of access to roads and services to each lot have been completed to the satisfaction of the Board.
 - (3) The Board has the discretion to approve a final plan of subdivision which has not previously been approved as a draft plan.

Sidewalk and Road Improvements

- SDV.6 In order to improve pedestrian access and/or the movement of traffic, the Board may require, in consultation with the Corporation of Hamilton and as a condition of draft subdivision approval, the construction or upgrading of a public sidewalk along the entire length of the lot line that borders the road and/or improvements to the road.

Subdivision of land with a Listed Building

- SDV.7 The subdivision of land containing a Listed Building may be permitted by the Board provided no lot is created where any subsequent development could adversely impact a Listed Building and its setting.

Utility Services

The Corporation of Hamilton provides and maintains some of the urban area's utilities infrastructure, such as wastewater (sewage) collection and disposal, storm water management, refuse collection, and road networks. The Corporation works with the other utility providers to facilitate the provision of water supply and delivery, energy supply, including renewable energy, systems, fire and emergency services, telecommunications systems and ports facilities.

The Government is committed to a long-term sustainable national energy policy to reduce Bermuda's dependence on fossil fuels and to become more energy self-sufficient. The Government has set a target to reduce electricity consumption to 20% below 2008 levels by 2020 through energy conservation, energy efficiency and renewable energy technologies. This Plan supports this goal by encouraging the use of renewable energy technologies as well as use of sustainable modes of transport (see Section 3, Traffic Management and Parking), and energy efficient land use patterns, site layout and building design (see Section 3, City Design Standards).

For any development proposal that exceed the operational capabilities of the Fire Service, such as buildings exceeding 7 storeys in height, additional fire prevention measures will be required.

Approximately two thirds of the City of Hamilton falls within the Pembroke Marsh Canal Watershed storm water system (north of Victoria Street). The other one third of the City drains towards Hamilton Harbour (see Figure 2). Much of the Pembroke Canal Watershed has a high water table and the Pembroke Marsh Canal has been subject to flooding in the past. All lands that are at or below 4 meters above sea level are affected by this high water table. As such, all development proposals will be required to provide appropriate storm water drainage and disposal methods, and all development proposals located within the Pembroke Canal Watershed Area will be required to demonstrate that the control and disposal of storm water runoff will take place within the boundaries of the application site.

Standard asphalt and concrete paving surfaces are impermeable and increase the potential for flooding by preventing water flow through the ground surface to the soil below and forcing water, instead, to either collect on the surface or to flow to the lowest grade. Permeable paving, however, captures storm water and allows it to percolate into the ground to an underlying reservoir base where the water is either naturally filtered to underlying soils or removed by a subsurface drain. Permeable paving can be used for

sidewalks, driveways and parking lots that are subject to light vehicular traffic. This Plan encourages the incorporation of these sustainable drainage systems in development proposals.

Objectives

UTL(1) To support the provision of sustainable and efficient utility services and infrastructure in the City

UTL(2) To ensure developments incorporate sustainable design technologies for water supply, storm water management and electricity generation from renewable energy sources

Policies

All Utilities

UTL.1 Utility buildings, structures, facilities and/or servicing lines related to the provision of a utility service may be permitted in the City, providing the Board is satisfied that:-

- (a) the proposal is designed and sited so as to minimize its visual impact on the City environment; and
- (b) the proposal will not detract from the amenity or environment of any neighbouring property.

UTL.2 All development proposals will be required to demonstrate that adequate utility services including electricity/energy supply, water supply, energy/water conservation measures, water supply, wastewater (sewage) collection and disposal, refuse collection and disposal, mail delivery, and fire and emergency have been provided, and any application may be referred to the Corporation of Hamilton, the Department of Health, the Department of Environmental Protection and the Bermuda Fire and Rescue Services or any other appropriate body, for advice.

Energy Supply

UTL.3 All development proposals shall demonstrate how the energy demands of the development will be met.

Renewable Energy

- UTL.4 All development proposals will be required to provide written details demonstrating how consideration has been given to the incorporation of renewable energy technologies (see also policy DSN.16).

Water Supply

- UTL.5 (1) The roof area (water catch) and water tank capacity of all developments should be of sufficient size to provide an adequate potable water supply unless another source of potable water of sufficient capacity is provided.
- (2) Water supply for major commercial, tourism and residential developments must either be serviced by a piped and potable water supply or from another source of potable water of sufficient capacity.
- (3) Where feasible, a separate non-potable water supply and tank shall be provided for the purposes of flushing toilets and/or maintenance of landscaping.

Fire and Emergency Services

- UTL.6 For new developments more than 7 storeys in height, an onsite dedicated water supply and fire suppression system may be required and should be considered in consultation with the Bermuda Fire and Rescue Services prior to submitting the planning application.

Wastewater Collection and Disposal

- UTL.7 All development proposals will be required to demonstrate how wastewater will be disposed.

Storm Water Management

- UTL.8 (1) All development proposals located within the Pembroke Canal Watershed Area(as shown in Figure2)shall be required to demonstrate, to the satisfaction of the Board and the Corporation of Hamilton, that:-
- (a) the control and disposal of all storm water runoff will take place within the boundaries of the application site and that there will be no drainage into the Pembroke Canal;

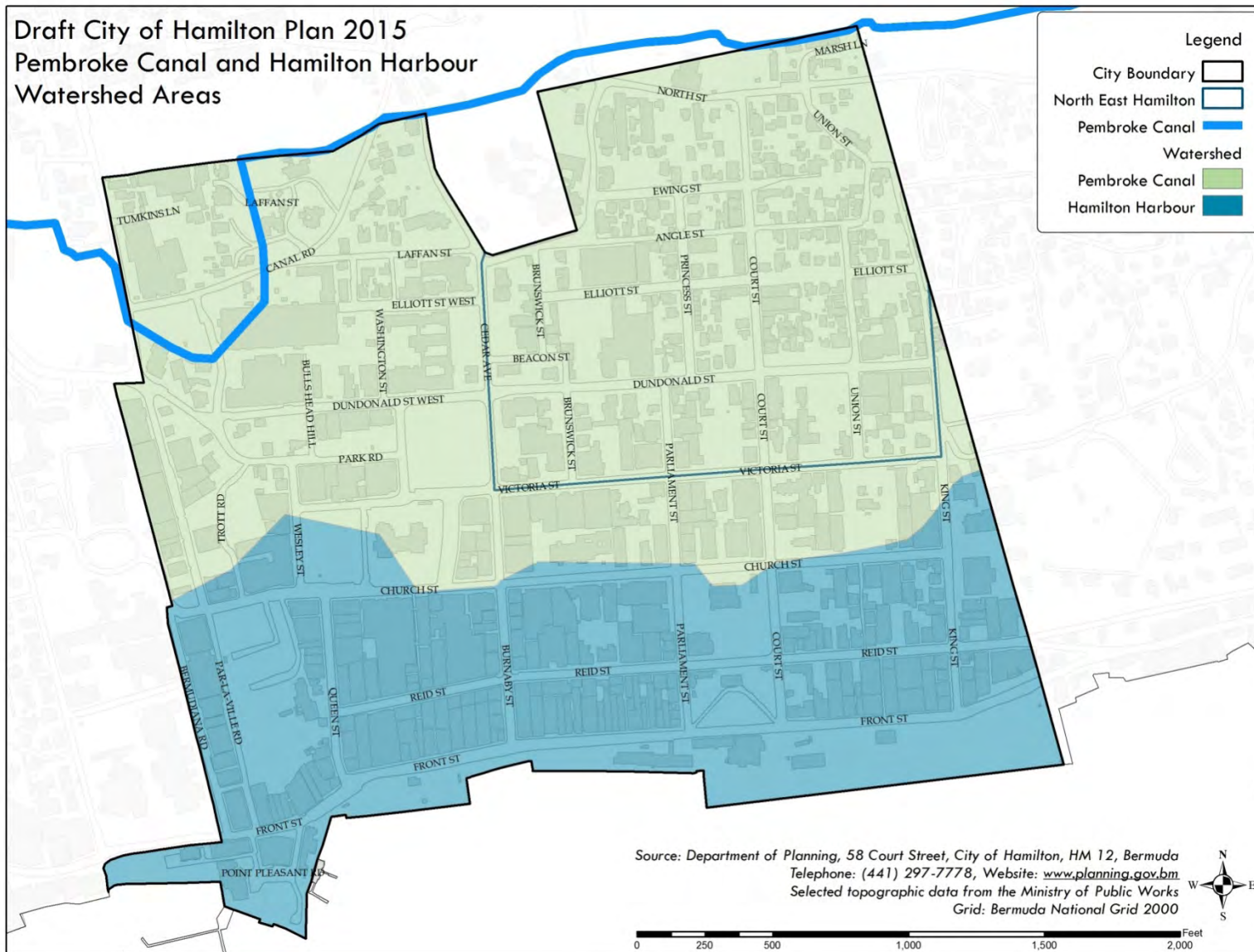
- (b) the design of any borehole acceptable to the Environmental Authority; and
- (c) a Certificate of Water Right can be issued by the Environmental Authority.

- (2) Notwithstanding sub-paragraph (1), any proposal that is considered likely to result in storm water being deposited into the Pembroke Canal shall be reviewed by Ministry of Public Works and considered in accordance with the Pembroke Canal Act.

UTL.9 All development proposals located within the Hamilton Harbour Watershed Area (as shown in Figure 2) shall be required to demonstrate, to the satisfaction of the Board and the Corporation of Hamilton, that:-

- (a) the control and disposal of all storm water runoff will take place within the boundaries of the application site;
or
- (b) arrangements have been made to discharge storm water into the Corporation of Hamilton's storm water discharge facilities.

UTL.10 All developments will be required to provide written details demonstrating how consideration has been given to the incorporation of sustainable drainage systems.



Refuse Collection and Disposal

- UTL.11 All developments shall provide a specific area for the collection and storage of refuse within the curtilage of the development site or to the satisfaction of the Corporation of Hamilton in accordance with the following provisions:-
- (a) the refuse collection area should be screened from adjacent developments and roadways; and
 - (b) the location and design of the refuse collection area shall be in accordance with the requirements of the Department of Health.

Telecommunications

- UTL.12 Proposals for the replacement of existing or the placement of new telecommunications facilities may be permitted at the discretion of the Board provided that:-
- (a) the location, scale, design and appearance of the development have a minimal impact on the surrounding area;
 - (b) the proposal does not have a detrimental impact on the health and safety of the surrounding area;
 - (c) the development will not result in an over intensification in the number of telecommunication facilities in the immediate area;
 - (d) the applicant can demonstrate that every effort has been made to utilize or share an existing support structure; and
 - (e) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Mail Facilities

- UTL.13 All new developments will be required to provide mail facilities in accordance with the requirements of the Bermuda Postal Service.

Traffic Management and Parking

Traffic Management

The City of Hamilton is a major generator of commuter, school and container related traffic, and traffic congestion in and around the City has long been a major public concern.

Traffic volumes in the City have decreased in recent years due to the recession, and the Census 2010 statistics indicate that more City workers are using the ferry service and travelling with other passengers in a car. In addition, there has been a significant decrease in the number of commuters using the East Broadway and Cavendish Road City gateways and a dispersal of commuter traffic entering the City at alternative northern routes. This Plan will continue to encourage the use of sustainable modes of transport including public transport, cycling and walking as an alternative to car use.

The traffic and parking impacts of new developments will be carefully assessed. The Department of Planning will continue to work closely with the Corporation of Hamilton to facilitate the reduction in commuter car traffic into the City and traffic congestion within the City, particularly in the City's central retail area where the focus will be on improving the pedestrian environment and public realm.

Parking

Parking has long been a contentious issue. Visitors to the City, particularly shoppers, want to park as close to the retail stores as possible. Similarly commuters want to park close to their places of work, and retailers consider the availability of parking to be essential to sustaining this sector of the City's economy. In addition, public car parking funds provide an important revenue stream for the Corporation of Hamilton. However, car parks generate traffic, vehicular access points crossing sidewalks detract from the pedestrian environment and impact pedestrian safety, and on-street parking hinders traffic circulation and is aesthetically unpleasant. Whilst car users want more parking and accessible parking, they also want less traffic congestion.

Parking issues are an important component of transport policy since the availability, location and price of parking has a major influence on people's choice of mode of transport. Parking is also crucial to ensuring that the City attracts visitors and shoppers.

The challenge for the Corporation of Hamilton is to provide sufficient accessible public car parking to meet the needs of City workers, visitors and residents. The Department of Planning's role is to ensure that any new development which provides car parking does not cause traffic congestion, circulation or safety issues, and does not detract from the pedestrian environment.

The Department of Planning seeks to alleviate the problems of traffic congestion in the City by controlling the supply of private parking and by establishing a parking strategy which prioritizes the provision of private parking according to the level of need of different City users. The parking hierarchy gives the highest priority to the parking needs of disabled persons, City residents and businesses which require private parking to meet their operational needs. A lower priority is given to the parking needs of commuters who require long term, all day parking as it is considered that these commuters can use the public off-street parking lots provided by the Corporation of Hamilton.

This Plan's private parking standards are based on a maximum number of parking spaces to be provided, rather than a minimum parking standard required elsewhere on the Island. However, in order not to create additional demand for on-street residential parking, the Plan will require that private car parking be provided for new residential units, except in the City's central area, unless it can be demonstrated either that the provision of residential parking is not feasible or necessary or that an alternative parking arrangement has been provided.

This Plan will not permit on-site parking or private parking lots within the City's central area and only limited on-site parking will be permitted in areas of the City that are well served by public off-street parking. This Plan will continue to require on-site parking to be provided underground wherever possible.

Objectives

- | | |
|----------------|--|
| TPT (1) | To facilitate the reduction in car traffic entering the City and traffic congestion in the City by carefully assessing the potential traffic impacts of new developments and by encouraging the use of sustainable modes of transport |
| TPT(2) | To reduce traffic congestion and private car travel into the City by limiting the supply of new private parking in accordance with the objectives of the district and the hierarchy of parking needs |

Policies

Traffic Management

- TPT.1 The Board may require the submission of a Traffic Impact Statement for developments comprising a gross floor area of 50,000 sq. ft. or more, or in other instances where the characteristics or location of the site or the particulars of the proposal, including the amount of parking proposed, justify the Board carrying out a careful examination of the potential traffic impacts of the development prior to the determination of the application.
- TPT.2 A Traffic Impact Statement shall include the appropriate plans, information and data in sufficient detail to enable the Board to determine, examine and assess the potential traffic impacts of the proposal including but not limited to:-
- (a) baseline traffic levels (vehicular and pedestrian) at the development site and surrounding area;
 - (b) projected traffic flows to and from the development at key junctions in the surrounding area (by vehicle type, daily/weekly movements, at site preparation, construction and operational stages);
 - (c) potential traffic impacts (volume/capacity, noise, pollution, safety, visual intrusion);
 - (d) provisions for new access roads, improvements to existing roads and junctions, feeder lanes, pedal cycle lanes and facilities, parking, sidewalks and pedestrian crossings;
 - (e) the measures to be implemented to avoid, reduce or remedy any adverse effects; and
 - (f) any other information detailed in the Department of Planning's Traffic Impact Statement guidance note.
- TPT.3 (1) Any development and its proposed access to/from the site shall be assessed in the context of the streetscape's existing characteristics and objectives for the district, and ensure to the satisfaction of the Board that the proposal will:-
- (a) provide for the safe movement of traffic and pedestrians;
 - (b) provide improved facilities for pedestrians including provisions for disabled and elderly persons and enhancements to sidewalks; and
 - (c) provide ease of access and movement for emergency vehicles.

- (2) In amplification of sub-paragraph (1), no new access point shall be permitted within the Restricted Parking Area (see Figure 3).

Residential Parking

- TPT.4 (1) New residential development will normally be required to provide one car parking space per dwelling unit except on sites located within the Restricted Parking Area (as shown in Figure 3).
- (2) Notwithstanding sub-paragraph (1), the Board may approve less car parking providing the applicant can demonstrate to the satisfaction of the Board that:-
- (a) other parking arrangements have been secured at an alternative site; or
 - (b) the proposal is for an internal conversion and it is not feasible to provide on-site parking; or
 - (c) the proposal is for seniors housing or other residential use which does not require one car parking space per unit; and
 - (d) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

On-site Parking Provisions

- TPT.5 On-site private parking shall not be permitted in the Restricted Parking Area as shown in Figure 3;
- TPT.6 (1) On-site private parking will be limited to an operational minimum in the Reduced Parking Area as shown in Figure 3 except for residential development proposals (see policy TPT.4) and on sites where parking is the existing principal use.
- (2) In amplification of sub-paragraph (1), the operational minimum number of parking spaces must not exceed the maximum parking standard permitted for the development's use and amount of floorspace as specified in policy TPT.8 and grounds of support shall be submitted to demonstrate why these parking spaces are necessary for the operation of the premises.

TPT.7 On-site private parking will be permitted in the Standard Parking Area as shown in Figure 3 in accordance the maximum Parking Standards as specified in policy TPT.8 and Table 2;

TPT.8 The maximum number of on-site parking spaces permitted for different forms of development is detailed in Table 2:-

Form of Development	Maximum Number of Parking spaces
Retail	1 car/light truck and 1 motorcycle per 500 sq.ft.
Office	1 car/light truck and 1 motorcycle per 500 sq.ft.
Industrial/Warehousing	1 car/light truck and 1 motorcycle per 2,500 sq.ft.
Restaurant/Bar	1 car/light truck and 1 motorcycle per 10 seats
Religious	1 car/light truck and 1 motorcycle per 10 seats
Educational	1 car/light truck and 1 motorcycle per 4 staff and 1 motorcycle per 5 students aged 16+
Residential	See Policy TPT.4
Any other	At the discretion of the Board

Table 2: Maximum number of parking spaces by form of development

TPT.9 The Board may allow the provision of more parking than is specified in policy TPT.8 in cases where the Board is satisfied that the proposed use and capacity of the building will generate a particularly high level of visitor or customer traffic but preference will be given to the provision of additional parking for motorcycles and/or pedal cycles rather than cars and light trucks.

Parking for Disabled Persons

TPT.10 In any parking area designed to accommodate 10 or more cars, the minimum number of parking spaces to be provided for disabled persons shall comply with the provisions detailed in Table3. These spaces shall be provided in a convenient location, and designated and reserved specifically for use by disabled persons, and designed in accordance with the requirements of the current Bermuda Building Code.

Total Number of car parking spaces	Minimum number of car parking spaces required for disabled persons
Less than 10	None
10 to 25	1
26 to 50	2
51 and more	3

Table 3: Minimum number of parking spaces required for disabled persons

Parking Lots and Parking Garages

- TPT.11 Parking lots and parking garages will not be permitted in the Restricted Parking Area, as shown in Figure 3.
- TPT.12 Parking lots and parking garages may be permitted within the Reduced and Standard Parking Areas, as shown in Figure 3, at the discretion of the Board and in accordance with the following provisions:-
- (a) the applicant can demonstrate the need for a parking lot or garage on the site;
 - (b) access to and from the site will not negatively impact traffic flow or the pedestrian environment; and
 - (c) the proposal complies with the provisions of policy TPT.13.

Design of Parking Areas

- TPT.13 All parking, servicing and vehicular circulation areas shall be designed in accordance with the following provisions:-
- (a) parking will normally be required to be provided underground;
 - (b) any parking area which includes a ramp shall be designed according to the satisfaction of the Minister responsible for Highways and the Corporation of Hamilton;
 - (c) where underground parking is not feasible and surface parking is proposed, it shall not be visible from the City street onto which the lot fronts;
 - (d) parking areas shall provide an adequate aisle width to accommodate vehicle movement in and out of the parking spaces;

- (e) adequate space should be provided for the turning of vehicles within the curtilage of the site;
- (f) only one vehicular crossing, not exceeding 16 feet in width, shall be permitted over a sidewalk on any one road to/from the parking area;
- (g) where applicable, adequate, safe and appropriately designed pedestrian and disabled access routes shall be provided to/from the parking area;
- (h) hard-surfaced areas shall be graded and drained to ensure that all water run-off is disposed of within the curtilage of the site and shall incorporate permeable forms of surfacing which allow for sustainable drainage;
- (i) parking areas shall have a minimum setback of at least 3 feet from all roads and from any boundary to provide sufficient space for screen planting; and
- (j) large areas of hard-surfaced parking shall incorporate planting bays, screen planting and existing mature trees in order to provide shade, soften the visual impact and reduce surface run-off.

Parking Space Sizes

TPT.14 (1) The minimum size for a parking space shall comply with the following:-

- (a) a car/light truck parking space shall not be less than 16 feet in clear length, 8 feet in clear width and 7 feet in clear height;
 - (b) a motorcycle parking space shall not be less than 6 feet in clear length, 3 feet in clear width and 7 feet in clear height; and
 - (c) a car parking space for a disabled person shall not be less than 16 feet in clear length, 12 feet in clear width and 7 feet in clear height.
- (2) In amplification of sub-paragraph (1), if the width of the road or car park aisle is less than 18 feet, a 90 degree angle parking space will need to have a width greater than 8 feet to accommodate vehicle movement in and out of the parking space.

TPT.15 Pedal cycle parking should be provided in the form of a pedal cycle rack or cycle shed.

Loading facilities

TPT.16 All loading facilities shall be provided on-site except:-

- (a) where the development is in the Restricted Parking Area, as shown in Figure 3, unless it is determined, in consultation with the Corporation of Hamilton, that on site loading is necessary; or
- (b) where the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

TPT.17 Where on-site loading is to be provided, the following requirements shall apply:-

- (a) only one vehicular crossing, not exceeding 16 feet in width, shall be permitted over a sidewalk on any one road;
- (b) the loading space shall be not less than 20 feet in clear length, 9 feet in clear width and 16 feet in clear height;
- (c) the entire loading space and adequate space for turning vehicles shall be provided within the curtilage of the site; and
- (d) the loading space shall be graded and drained in such a way that surface water is disposed of within the curtilage of the site.

TPT.18 Where both on-site parking and on-site loading are to be provided, only one vehicular crossing, not exceeding 16 feet in width, shall be permitted over a sidewalk on any one road, unless the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion to allow more than one crossing.

The Public Realm and Pedestrian Environment

Public Realm

The public realm provides a setting for community and city life. It includes all parts of the urban environment that people can experience or access such as public streets, sidewalks, alleyways, parks and open spaces. These areas are owned and managed by the Corporation of Hamilton.

This Plan recognises that the quality of the City of Hamilton's public realm is vital to the development of vibrant and viable environment that people want to visit, and live and work in. The creation of a safe, lively and attractive public realm with a pedestrian friendly network of City streets, alleys, public spaces and parks will also help to integrate and connect the different areas of the City and improve the quality of the existing built environment.

Pedestrian Environment and Pedestrian Enhancement Area

The City of Hamilton's compact size and grid street layout allows for good pedestrian accessibility and easy navigation.

There have been significant improvements in the City's pedestrian environment over the last 10 years including the provision of repaved and wider sidewalks, safety improvements to pedestrian crossings, more dropped curbs, streetscape plantings, alfresco dining areas and improvements to pedestrian links. However, the City continues to have its challenges for pedestrians and the less mobile. One of the main problems continues to be the conflict between high volumes of pedestrian traffic and high volumes of vehicular traffic within the City's centre.

Over the years, there have been several pedestrian enhancement schemes proposed for lower Reid Street; however, none of them have come to fruition and high levels of non-essential traffic continue to make it unsafe and undesirable for shoppers and other pedestrians using this city centre street. At a minimum, a priority should be the installation of traffic calming speed bumps on the pedestrian crossings along Reid Street from Parliament to Queen Street to improve pedestrian safety and to deter vehicles from using this street as a through route.

There are many other opportunities to improve the public realm and the pedestrian environment in the City. Waterfront amenity spaces, new city parks and open spaces, more pedestrian links, additional street landscaping and better street lighting have been highlighted in public surveys as desired improvements to the pedestrian environment.

This Plan encourages the design of outdoor spaces that are more resilient to climate changes and which enhance the livability of and quality of life in the City by providing more urban greenspaces. Urban greenspaces can include gardens, parks, street trees, landscaping, green roofs and walls, all of which help to control extreme temperatures, improve air quality, manage flood and surface water, create biodiversity and improve the aesthetics, quality of life and health of people visiting the City.

A key objective of this Plan is to encourage, and in certain instances require, that development proposals include improvements to the public realm and the pedestrian environment such as street trees, landscaping, lighting, street furniture, verandahs, open spaces, amenity areas, sidewalks and pedestrian links. Particular emphasis will be placed on improvements within the Pedestrian Enhancement Area (see Figure 4).

In addition, the Department of Planning will work closely with the Corporation of Hamilton, the National Office for Seniors and the Physically Challenged, property owners, architects, developers and other key stakeholder groups in planning and implementing pedestrian improvements and priority enhancement projects to create a high quality public realm and pedestrian environment in the City. Options include:-

- short term enhancements to the quality and public accessibility of the waterfront with a waterfront promenade and series of linked open spaces;
- enhancements to public spaces, streets and pedestrian links, and connectivity along green corridors to public parks and parkettes;
- the creation of new public spaces, parkettes and parks;
- the creation of vista points with information boards/signage to explain views of landmark/historic buildings to give a sense of place/identity, and to promote the City's heritage and tourism product;
- improvements to the quality of the pedestrian environment, ensuring that routes and crossings are clearly marked, legible, safe, well lit and convenient;
- the creation of attractive 'gateways' to mark and enhance the main approaches to the City (from the road and by water), to improve their appearance and to achieve a sense of arrival and identity; and
- the provision of high quality landscaping, pedestrian improvements and public art in association with new developments.

Universal Design and Accessibility

This Plan emphasises the need for a universal design approach to the design of City buildings, streetscapes and public spaces to ensure that they are barrier free and usable to everyone regardless of age, size, ability or disability. The adoption of universal design principles is an important component of social sustainability, and the inclusion and participation of the whole community in city life.

This Plan requires that all new buildings and alterations to existing buildings are accessible to persons with disabilities in accordance with the requirements of the current Bermuda Building Code. In addition, the Department of Planning's Planning Policy Guidance Note GN115 on Accessibility and Access Statements provides a list of design criteria to consider in the design of accessible buildings and environments.

Objectives

- PED (1) To create a lively, attractive and safe public realm**
- PED (2) To enhance the connectivity of the City's pedestrian environment through the creation of a network of attractive, accessible and safe routes, streetscapes and spaces within the City**
- PED (3) To create a universally designed City environment that is readily usable and accessible to everyone**

Policies

Public Realm Community Benefits

- PED.1 (1) The provision of community benefits to the public realm will be encouraged with all developments and will be required for certain developments which seek the Board's discretion for a development bonus.
- (2) In amplification of sub-paragraph (1), community benefits are improvements, that can be enjoyed by the public, normally located within the public realm and contemplated as part of a development proposal, and may include but are not limited to the provision of new, or improvements to, amenity areas, park and open spaces, sidewalks, landscaping, pedestrian links, street furniture, awnings and signage.

Pedestrian Environment

- PED.2 Any development proposal should be designed in a manner which contributes to a high quality, pedestrian oriented and universally designed public realm, and provides for the enjoyment, comfort and safety of pedestrians.
- PED.3 (1) Any new development proposed within the Pedestrian Enhancement Area as shown on Figure 4, which has frontages onto two or more city streets, shall provide a pedestrian link at ground floor level through the site to connect the site's principal streets or other public spaces.
- (2) Notwithstanding sub-paragraph (1), the Board may exercise its discretion and relax this requirement provided it is satisfied that alternative pedestrian links are available and the grounds in support of the application, as submitted by the applicant, justify the use of such discretion.
- PED.4 The principal ground floor entrance of all new buildings shall be required to provide level access for pedestrians from the sidewalk unless the applicant can demonstrate, to the satisfaction of the Board, that this is not feasible.

Universal Design and Accessibility

- PED.5 All new buildings and alterations to existing buildings shall be accessible to persons with physical disabilities in accordance with the current Bermuda Building Code.
- PED.6 All facilities and amenities open to the public should be designed to ensure that they are barrier free and usable to everyone regardless of age, size, ability or disability taking into consideration the design criteria provided in Planning Policy Guidance Note GN115, Accessibility and Access Statements.
- PED.7 The Board may require the submission of an Access Statement for any development requiring the consideration of accessibility and access design criteria, in accordance with the Planning Policy Guidance Note GN115, Accessibility and Access Statements.

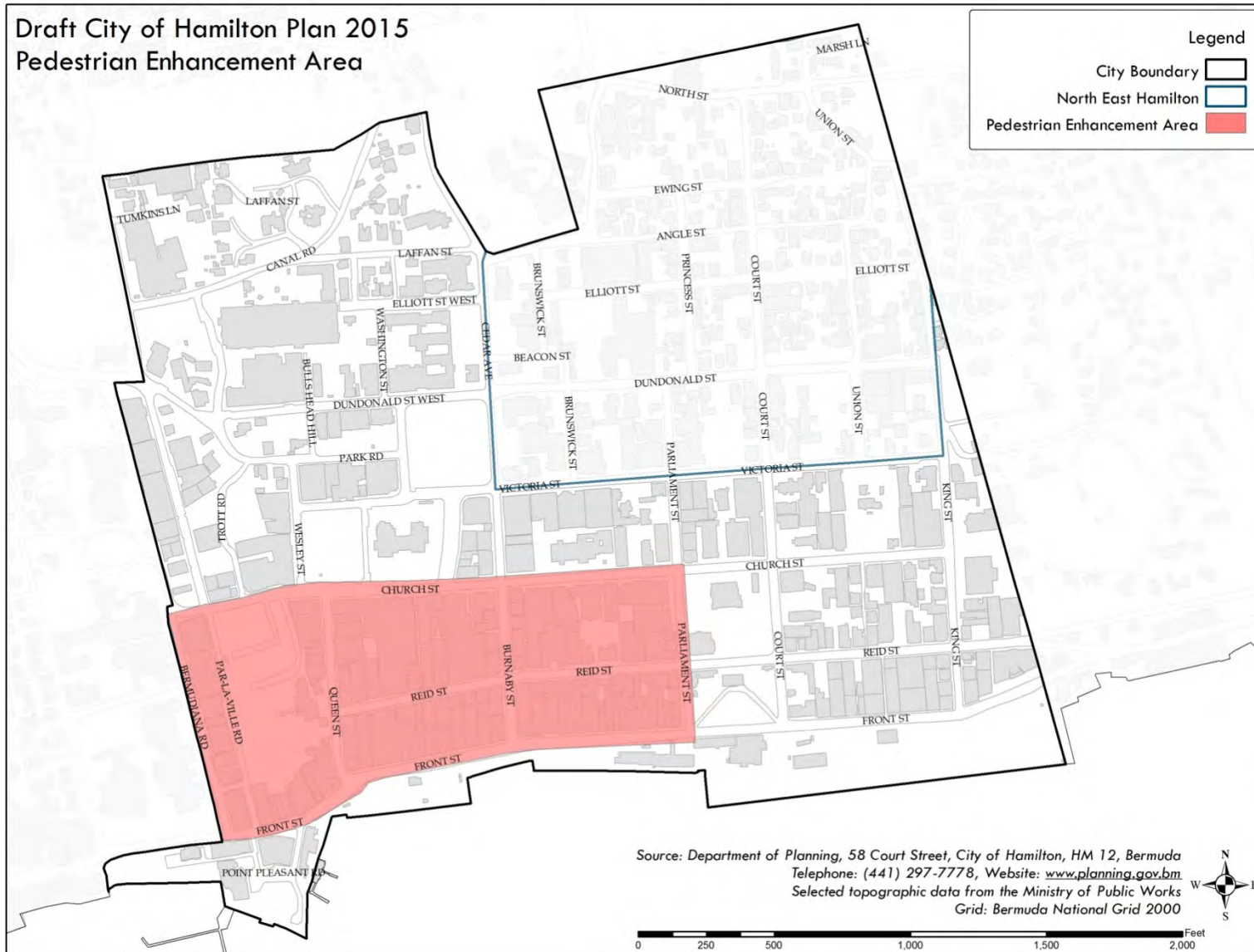


Figure 4: Pedestrian Enhancement Area

Greening the City

The City's green spaces include parks, parkettes, formal lawns, gardens, roof terraces, an arable field, street trees and landscaped verges.

Green Spaces and Landscaping

Green spaces contribute positively to the design and aesthetics of buildings and spaces, providing visual interest, wildlife habitats and screening. This greenery will become increasingly important in helping to mitigate climate changes by managing higher temperatures and increased storm water run-off.

This Plan encourages the incorporation of green spaces in all development proposals. High quality landscaping is required in all development proposals and adequate building setbacks should be provided to ensure that there is sufficient space for landscaping, street trees and pedestrian movement.

Street Trees

Street trees contribute positively to the character of a street and enhance the pedestrian environment by providing shade and visual amenity. They also help to improve air quality, control climate conditions and absorb rainwater run-off.

This Plan supports the protection of existing street trees and supports future street tree planting initiatives. The Department of Planning will work closely with the Corporation of Hamilton to ensure that the removal of street trees is prevented wherever possible. Furthermore, applicants are advised to take particular care to protect existing trees when carrying out building work (see the Department of Planning's City of Hamilton's Streetscape Guidance Note).

Parks

The Corporation of Hamilton owns and maintains four main public parks (Victoria Park, Queen Elizabeth Park, Albouy's Point and Point Pleasant Park, and Barr's Bay Park) and a number of parkettes within the City. These parks are often used by the public for passive recreation and events such as music concerts, parties and art shows. The lawn in front of City Hall provides another important amenity area which is well used for staging shows and music events.

In addition, the grounds of the House of Assembly and Cabinet Building, which are managed by the Department of Parks, provide additional green amenity areas.

The City's parks, open spaces and street trees form crucial green lungs within a dense urban environment. This Plan supports the protection of existing parks and parkettes, and restricts new development within them to that which is compatible with their character and function. The creation of new parks and open spaces is also encouraged, particularly near the residential communities in the northwestern and northeastern quadrants of the City. Opportunities include Pembroke Canal, the Corporation land to the east of Bull's Head car park and Pembroke Marsh. New parks, open spaces and walkways could also be established on the City's waterfront and the City Hall car park site, both of which have been identified as Special Study Areas/development brief sites (see Section 3, Special Study Areas).

Objectives

- GRE (1) To ensure the incorporation of green spaces and a high standard of landscaping in all developments**
- GRE(2) To protect existing street trees and promote the planting of new street trees**
- GRE (3) To support the protection of existing parks and encourage the creation of new parks and open spaces**

Policies

Green Spaces

- GRE.1 All development proposals shall demonstrate ways of incorporating green spaces that help to mitigate climate changes and provide amenity areas.

Landscaping

- GRE.2 (1) All development proposals will be required to include high quality landscaping.
- (2) As an alternative to providing landscaping on the application site, the Board has the discretion to allow the provision of landscaping or new street trees on an adjoining public sidewalk or within another suitable off-site location, providing the Board is satisfied that:-
- (a) a letter of support from the landowner is submitted by the applicant; and
 - (b) the grounds in support of the application, as submitted by the applicant, justify the use of the Board's discretion.
- GRE.3 All proposals shall provide landscaping details which comprise a plan or plans at an appropriate scale and drawn and annotated in sufficient detail to accurately show at least the following information:-
- (a) existing vegetation noting species, height, spread, condition and whether the vegetation is to be retained, relocated or removed;
 - (b) other physical features such as rock cuts, walls and existing buildings;
 - (c) the extent of the proposed development including areas of hard surfacing;
 - (d) the location of all proposed planting noting species, number and size; and
 - (e) provisions for achieving site protection of soil and vegetation to be retained or reused.

Street Trees

- GRE.4 (1) Existing street trees are required to be retained as part of any development proposal.
- (2) Notwithstanding sub-paragraph (1), where a street tree is damaged or proposed to be removed by the applicant, a street tree valuation will be applied and all costs detailed shall be borne by the applicant in accordance with the Corporation of Hamilton's Street Tree policy.

Parks, Parkettes and Civic Green Spaces

- GRE.5 All development permitted within a public park, parkette or civic green space (as identified in Figure 5) shall be compatible with the character and function of the park, parkette or civic green space.
- GRE.6 Siteworks and accessory structures may be permitted in a public park, parkette or civic green space but only if the Board is satisfied that:-
- (a) the proposal is associated with the maintenance, conservation, enhancement or enjoyment of the park, parkette or civic green space; and
 - (b) the proposal is not detrimental to the visual quality or amenity of the area by reason of its use, location, size, design or appearance.

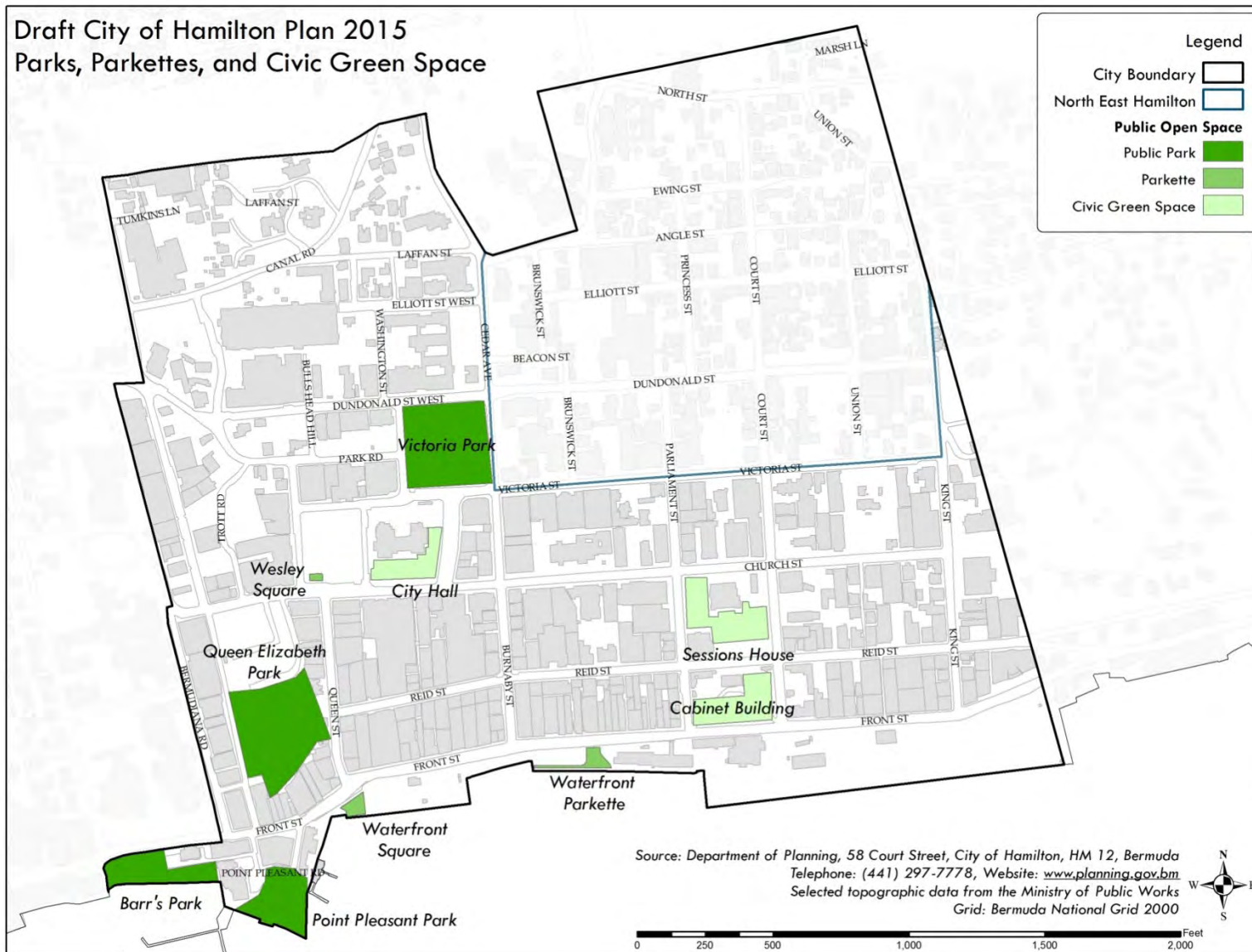


Figure 5: City of Hamilton parks, parkettes, and civic greenspace

Development in the City

The City of Hamilton is the Island's main centre of commerce and there has been a steady growth in new office development in the City over the last three decades. However, since the global recession started in 2008, many companies have downsized or closed and this has been particularly noticeable in the City where 90% of the Island's employment is based. This has resulted in a significant amount of vacant commercial office floorspace within the City, varying in age, condition, amenities and location. In addition to the recession, the growth in online retailing has contributed to a significant decrease in retail floorspace in the City.

In order to facilitate the repurposing and adaptive reuse of this vacant floorspace, this Plan supports a broad mix of uses, including office, retail, residential, tourism, social, institutional, cultural and entertainment uses, across the City as well as a mix of compatible uses within buildings.

This Plan supports retail uses throughout the City and particularly encourages it within the Historic and Retail District. Furthermore, the Plan requires that only retail uses, restaurants and cafes or other similar uses will be permitted on the ground floors of properties fronting onto streets within the principal shopping area (see Figure 6) of the Historic and Retail District (see section 4).

This Plan will continue to restrict new industrial development in the City and only minor extensions to existing light industrial developments or changes of use to light industrial may be permitted providing they do not detract from the quality of the City environment.

The North Hamilton area and the City's waterfront have great potential for retail, cultural and entertainment uses. Combined with improvements to the pedestrian environment, these areas could be destinations for visitors and residents, which could help to revitalize the City's economy. Later opening hours for shops and more night-time events could also improve the City's evening economy.

Objectives

- DEV (1) To support Hamilton's role as a main centre for commerce**
- DEV (2) To protect and develop the City's principal shopping area**
- DEV (3) To support development that adds interest and vitality to the City Policies**

Policies

Permitted Uses

- DEV.1 Office, retail, residential, tourism, social, institutional, cultural and entertainment uses will be permitted in all districts providing the Board is satisfied that:-
- (a) the proposal will not detract from the amenity, environment or character of the surrounding area, neighbouring properties and occupants of the same building;
 - (b) the proposal provides adequate landscaping and screen planting along the boundaries with neighbouring residential properties;
 - (c) the traffic generated by the proposed development will not result in vehicle congestion, parking or road safety problems;
 - (d) the proposal provides for safe pedestrian access and connectivity and a high quality pedestrian environment;
 - (e) the proposal provides a high quality of design and landscaping;
 - (f) the proposal is designed to enhance and be compatible with the character of buildings and areas of historical or architectural significance in the surrounding area; and
 - (g) the proposal complies with other relevant policies in this Plan.

Ground Floor Retail Uses in the Historic and Retail District

- DEV.2 Notwithstanding policy DEV.1, proposals involving development on the ground floors of properties within the Historic and Retail District will be expected to provide retail uses, restaurants and cafés or other similar uses in accordance with policy HRD.3.

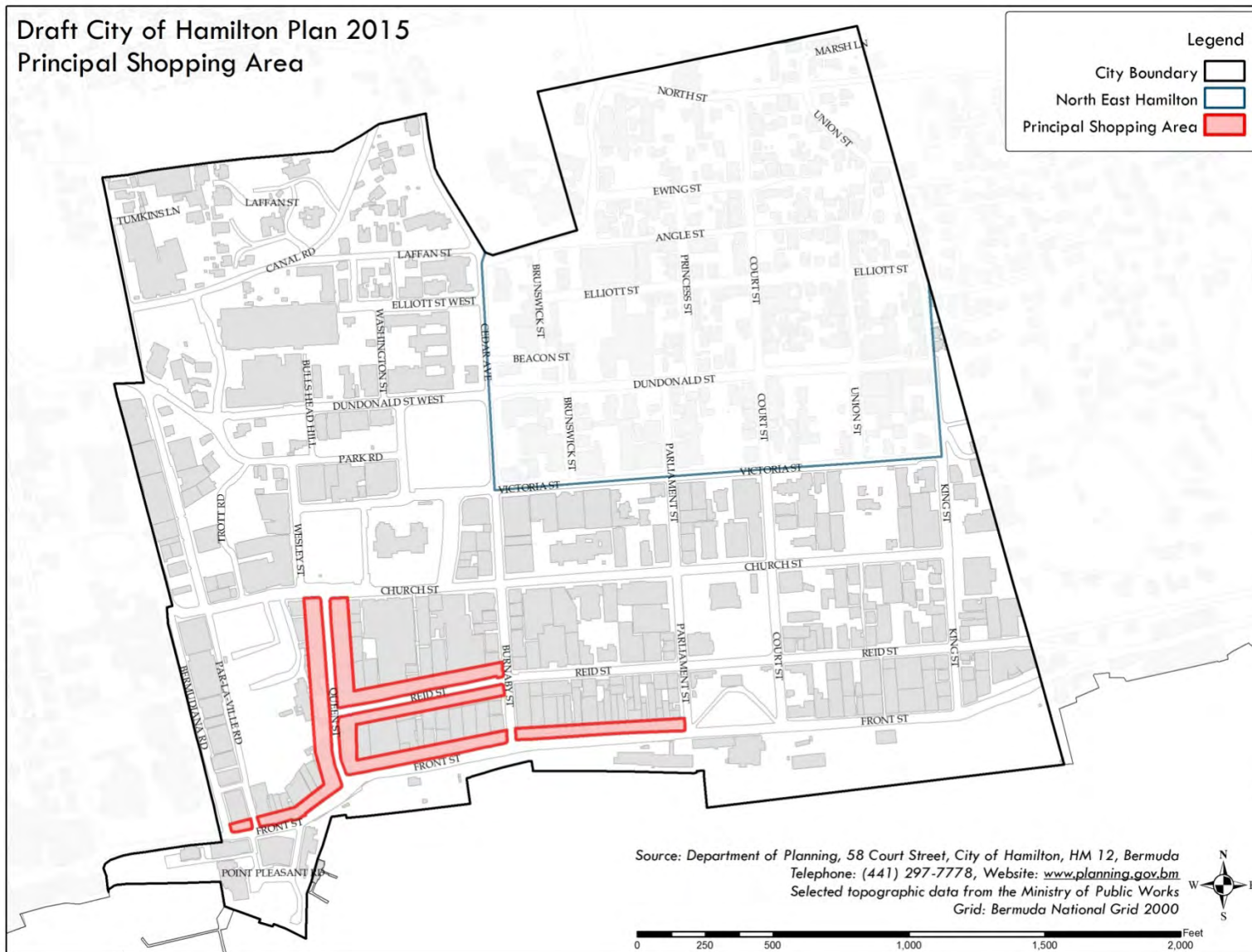


Figure 6: Principal Shopping Area

Industrial Development

DEV.3 (1) The development of industrial premises may only be permitted at the discretion of the Board, if the Board is satisfied that:-

- (a) the development is limited to a light industrial form of development; and
- (b) the development is a minor extension to an existing light industrial development comprising not more than 40% of additional floorspace or involves a change of use to light industrial.

(2) In the exercise of its discretion under policy DEV.3 (1), the Board shall be satisfied that:-

- (a) the proposal will not detract from the amenity, environment or character of the surrounding area, and neighbouring properties and building occupants;
- (b) the proposal provides adequate landscaping and screen planting along the boundaries with neighbouring residential properties;
- (c) the traffic generated by the proposed development will not result in vehicle congestion, parking or road safety problems;
- (d) the proposal provides for safe pedestrian access and connectivity, and contributes to a high quality pedestrian environment;
- (e) the proposal provides a high quality of design and landscaping;
- (f) the proposal is designed to enhance and be compatible with the character of buildings and areas of historical or architectural significance in the surrounding area;
- (g) the proposal complies with other relevant policies in this Plan; and
- (h) the grounds in support of the proposal justify the exercise of the Board's discretion.

Special Study Areas

The City offers many opportunities for innovative growth particularly with regard to the redevelopment and repurposing of the large Government and Corporation owned sites. The Hamilton waterfront, in particular, could act as a catalyst for re-energising the City by becoming a destination that anchors economic activities and supports multiple uses, both passive and active. This Plan identifies these sites as special study areas for which public input is required and additional studies will be prepared. The Plan outlines the main principles to consider in any redevelopment proposals for these sites (see Figure 7).

The Waterfront

The City's waterfront is a gem and one of Bermuda's greatest assets. It comprises nearly one mile of harbour frontage and approximately 14 acres of land stretching the entire length of the City's southern boundary from Barr's Bay Park in the west to the container docks in the east, with Front Street as its northern boundary. The majority of the City's waterfront is owned by the Corporation of Hamilton.

The waterfront's existing uses are primarily industrial and parking, accommodating Bermuda's only container port as well as car and bike parking. Public access along the waterfront is limited except within the public waterfront parks, Albouy's Point Park and Barr's Bay Park.

Par-la-Ville car park

The Par-la-Ville car park site is approximately two acres in area and is strategically located in the City's commercial core, overlooking the Queen Elizabeth Park. The site currently accommodates public car and bike parking, and is owned by the Corporation of Hamilton.

It is recognised that public car and bike parking should continue to be provided on this central site to support the City's nearby retail core; however, this parking should be provided underground to allow for an exciting, new mixed use development.

The main objectives for the site's redevelopment, which were outlined in a Development Brief (2005), are to support a form of development which brings vitality to the City and complements the adjacent Queen Elizabeth Park.

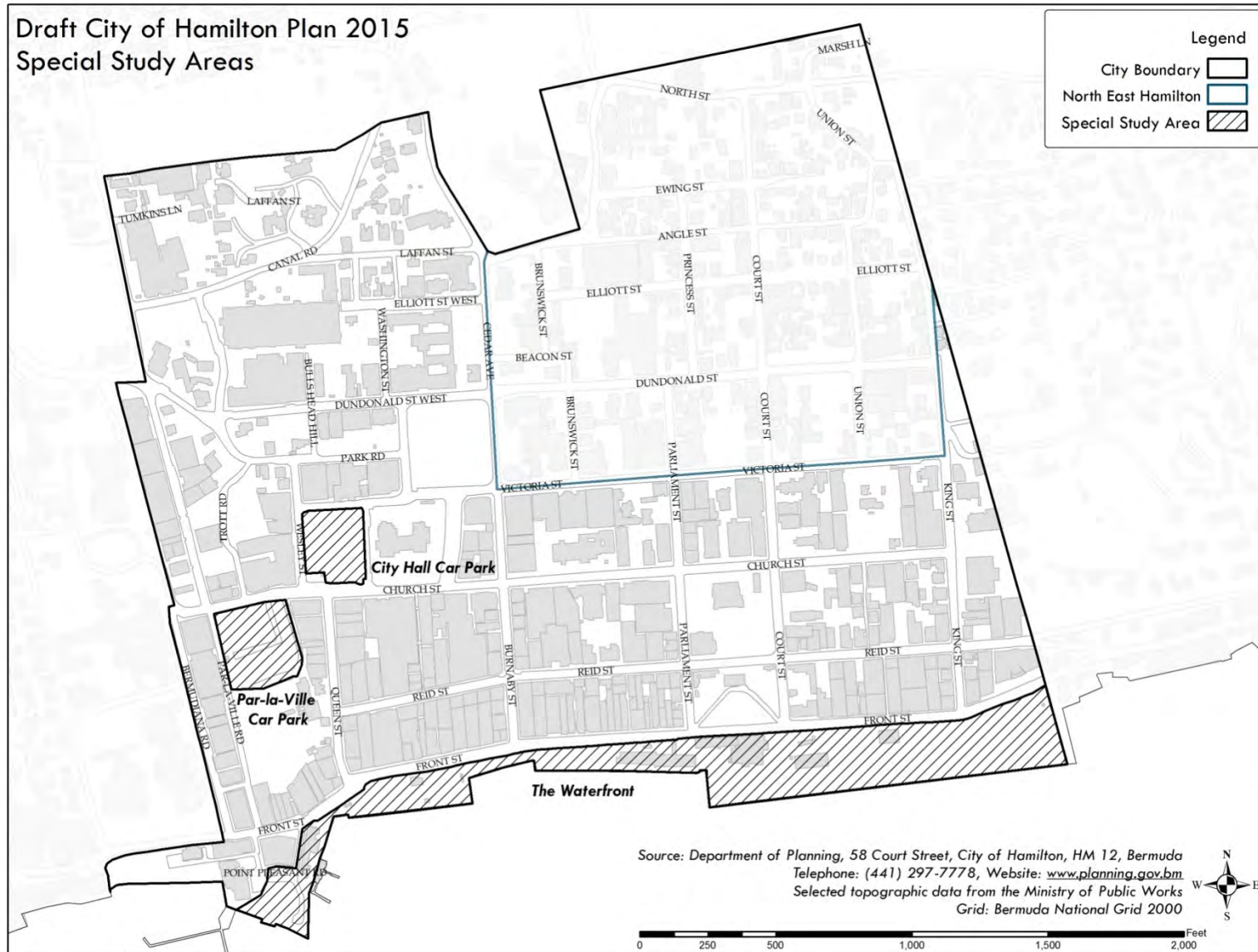


Figure 7: Special Study Areas

City Hall car park

The City Hall car park site is just over one acre in size and currently accommodates car and bike parking. It is located adjacent City Hall, a Grade 1 Listed Building, and is owned by the Corporation of Hamilton.

The City Hall car park site has great potential as a civic square which could bring vitality and ‘heart’ to the City. This site could provide a significant contribution to the City’s public realm as an exciting space where people can congregate, relax and hold cultural events. There may also be some potential for some mixed use development. It is recognised that public parking should continue to be provided on this central site to support the adjacent retail core; however, this parking should be provided underground.

Objectives

SSA (1) To enhance the amenity potential and public use of Hamilton's waterfront

SSA (2) To encourage the redevelopment of the Par-la-Ville car park and City Hall car park sites

Policies**The Waterfront**

SSA.1 Proposals for the enhancement and redevelopment of the Hamilton waterfront (as shown in Figure 7) shall be considered through the preparation of a special study or planning brief and evaluated in accordance with the following principles:-

- (a) the provision of a broad mix of compatible uses which encourage and support diverse activities;
- (b) the provision of public open spaces and public access along the waterfront;
- (c) compatibility with the historic character of Front Street;
- (d) connectivity of Front Street properties to the waterfront and connectivity between activities on the waterfront;
- (e) the protection of views of the harbour;
- (f) the enhancement of the pedestrian environment and public realm along the waterfront and Front Street; and
- (g) the vision, objectives and policies of this Plan.

SSA.2 A variety of uses and forms of development may be permitted on the waterfront for a temporary time period at the discretion of the Board, provided the Board is satisfied that:-

- (a) the proposal will not prejudice the implementation of future enhancement and redevelopment scheme(s) for the site;
- (b) the proposal takes into consideration the provisions of policy SSA.1; and
- (c) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Par-la-Ville car park site

SSA.3 Proposals for the redevelopment and enhancement of the Par-la-Ville car park site (as shown in Figure 7) shall be considered in accordance with a special study prepared for this site and evaluated in accordance with the following principles:-

- (a) the provision of a mixed use development which includes open space, residential and tourism uses;
- (b) the provision of public parking at below grade level;
- (c) physical improvements to Church Street and Par-La-Ville Road particularly in terms of the pedestrian environment along these two street frontages;
- (d) the capability of any new development to complement the adjacent Queen Elizabeth Park and provide pedestrian connectivity to Queen Elizabeth Park; and
- (e) the vision, objectives and policies of this Plan.

SSA.4 A variety of uses and forms of development may be permitted on the Par-la-Ville car park site for a temporary time period at the discretion of the Board, provided the Board is satisfied that:-

- (a) the proposal will not prejudice the implementation of future redevelopment and enhancement scheme(s) for the site;
- (b) the proposal takes into consideration the provisions of policy SSA.3; and
- (c) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

City Hall car park site

SSA.5 Proposals for the redevelopment of the City Hall car park site (as shown in Figure 7) shall be considered in accordance with a special study or planning brief prepared for this site and evaluated in accordance with the following principles:-

- (a) the provision of a mixed use development which includes open space, entertainment/cultural facilities and enhancements to the public realm;
- (b) the provision of public parking at below grade level;
- (c) the capability of any new development to complement the adjacent City Hall listed building; and
- (d) the vision, objectives and policies of this Plan.

SSA.6 Other uses and forms of development may be permitted on the City Hall car park site for a temporary time period at the discretion of the Board, provided the Board is satisfied that:-

- (a) the proposal will not prejudice the implementation of future redevelopment and enhancement scheme(s) for the site;
- (b) the proposal takes into consideration the provisions of policy SSA.5; and
- (c) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Residential in the City

The City of Hamilton has an established residential community which is concentrated in the northern parts of the City. Over the last 10 years, there has been an increase in the City's residential population with the construction of three apartment buildings. These developments have attracted retirees and city workers to live in the City.

City living offers many benefits to residents including the convenience of work, shops, restaurants and community amenities within walking distance. City residents add life and vitality to the City's streets and help boost the City's economy.

The City offers opportunities to provide a range of housing types to meet the needs of different populations of the City including new apartments or additions, special needs housing and group housing, as well as through the adaptive reuse of vacant and under-used commercial spaces for residential use and live/work units.

Notwithstanding the City's increase in residents, Bermuda's population is projected to decrease from 64,129 in 2010 to 61,566 by 2020; however, seniors (65 years and older) are expected to comprise 20% of this population, an increase of 6% from 2010. The demand for residential accommodation for seniors and associated elderly care services is therefore likely to rise. Whether it is purpose-built housing or the conversion of an existing building, the City offers great opportunities for seniors who want to live within convenient walking distance of local shopping, public transport, community facilities and services. The north western Residential and Community District, in particular, is considered suitable for new residential development as well as community services and environmental improvements.

The Plan encourages new residential development in a number of ways. Residential development is permitted throughout the City and the Board is given the discretion to allow for greater building heights in certain parts of the north western Residential and Community District for proposals that include a significant residential component and provide community benefits to improve the pedestrian environment in this district (see Section 4, Residential and Community District).

In order to facilitate the repurposing of vacant buildings and floorspace to accommodate residential uses and live/work spaces, the Board has the discretion to waive the residential design standards for minimum unit sizes, private outdoor space, communal space and on-site parking providing building code standards are met, and a high standard of living accommodation and residential amenity are provided.

The Plan recognises that residents of the City may not require a car or may use their car less particularly if they work in the City. However, in order not to potentially increase the demand for on street residential parking, each residential unit will normally be required to provide one car parking space.

Objectives

- RES (1) To protect and enhance existing residential neighbourhoods and encourage the creation of new neighbourhoods**
- RES (2) To encourage new residential development in the City which provides a high standard of living accommodation and residential amenity**
- RES (3) To encourage the adaptive reuse of vacant and under-used floorspace for residential use and/or for shared live/work use**

Policies

Permitted Forms of Development

- RES.1 Residential development will be permitted in all districts.

Residential development standards

- RES.2 In determining a proposal for residential development, the Board must be satisfied that:-
- (a) adequate levels of privacy are available to each dwelling unit and any neighbouring dwelling unit;
 - (b) the traffic generated by the proposed development will not result in vehicle congestion, parking or road safety problems;
 - (c) the proposal provides a high quality of design and landscaping;
 - (d) the proposal is designed to enhance and be compatible with the character of buildings and areas of historical or architectural significance in the surrounding area;
 - (e) the proposal complies with the relevant residential design standards in this section;
 - (f) the proposal complies with the relevant design policies in Section 3, City Design Standards; and

- (g) the proposal complies with all other relevant policies in this Plan.

Residential design standards: Minimum size

- RES.3 All types of residential development shall comply with the following minimum standards for dwelling units and group housing:-

(1) Dwelling Unit	Minimum Gross Floor Area (sq. ft.)
(a) Studio	275
(b) One bedroom	425
(c) Two bedroom	600
(d) Three bedroom	800
(e) Four bedroom	1,100
(2) Group Housing Unit	Minimum Gross Floor Area (sq. ft.)
(a) Bedroom	70
(b) Shared living room/kitchen	150
(c) Separate kitchen (shared)	50

Table 4: Residential minimum size unit requirements

Residential design standards: Private outdoor living space

- RES.4 (1) Private outdoor living space shall be provided for each dwelling unit in any residential development and the minimum area to be provided shall be follows:-

Size of Unit	At Grade	Above Grade (sq. ft.)
(a) Studio	100	60
(b) One Bedroom	100	60
(c) Two Bedrooms	150	100
(d) Three Bedrooms or more	300	130

Table 5: Residential private outdoor space requirements

- RES.4 (2) In amplification of sub-paragraph (1):-

- (a) the "at grade" standards shall apply to private outdoor living space provided entirely at grade or in any combination which provides space at grade and above grade; and
- (b) the "above grade" standards shall apply to private outdoor living space provided entirely above grade.

RES.5 Private outdoor living space may consist of a private garden, courtyard, terrace, patio, balcony or similar, or any combination of these and shall:-

- (a) be immediately adjacent to and directly accessible to the dwelling unit it serves;
- (b) be of a regular configuration and provide usable open space;
- (c) be designed to reserve the space for the unit it serves and to function as a natural extension of the indoor living space; and
- (d) be designed, landscaped and screened to provide privacy.

Residential design standards: Communal space

RES.6 Communal space shall be provided in any residential development proposing 10 or more dwelling units and the minimum area shall be equivalent to 5% of the lot size but not less than 800 sq.ft.

RES.7 Communal space may consist of lawns, roof gardens, play areas, swimming pools, tennis courts, gyms or similar, or any combination of these, and may be provided within the building in the form of a multi-purpose enclosed space(s) or other similar facility and shall:-

- (a) be of a regular configuration, readily accessible and usable;
- (b) be attractively designed, and outdoor areas landscaped and planted; and
- (c) be located so that its use will not have a detrimental impact on the privacy of any dwelling unit or any private outdoor living space.

RES.8 Notwithstanding policy RES.6, the Board may allow for less or no communal space providing the equivalent area of communal space is added to the private outdoor living space for each unit of the proposal and the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Special needs housing and Group housing

- RES.9 Special needs housing and group housing may be approved at the discretion of the Board, providing the Board is satisfied that:-
- (a) the development is appropriate for the site taking into consideration the location, size and physical characteristics of the site, and the means of access;
 - (b) adequate on-site parking is provided;
 - (c) the development provides proper and safe facilities and outdoor spaces as are necessary for the health, welfare and enjoyment of the persons to be accommodated;
 - (d) the development will not be detrimental to the amenity or environment of neighbouring properties;
 - (e) for group housing, the minimum room sizes comply with policy RES.3(2); and
 - (f) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Residential design standards: Repurposing of buildings and spaces

- RES.10 In considering proposals for the conversion or rehabilitation of existing buildings and spaces into residential dwelling units and/or live/work spaces (as defined in policy DEF.46), the Board shall have the discretion to vary the residential design standards specified in policies RES.3 to RES.8 with regard to minimum unit size, private outdoor space and/or communal space, and on-site residential parking specified in policy TPT.4 provided the Board is satisfied that:-
- (a) the proposal complies with the requirements of the current Bermuda Building Code;
 - (b) the characteristics of the site or existing development are such that the proposal cannot accommodate the required amount of private outdoor space and/or communal space;
 - (c) the proposal will result in a satisfactory living environment; and
 - (d) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Home occupations

RES.11 Home occupations may be permitted in any district at the discretion of the Board provided the Board is satisfied that:-

- (a) the proposal complies with the definition of a home occupation (see policy DEF.40);
- (b) in all other respects the proposal complies with the relevant policies relating to residential development; and
- (c) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

The City's Historic Environment

The City of Hamilton has a rich architectural heritage and some of the best examples of residential, commercial and institutional architecture on the Island which reflect the Island's cultural, political and social history. The City is home to the Island's main landmark buildings including the Anglican Cathedral, the Sessions House, the Cabinet Building and City Hall, all of which are Grade 1 listed buildings.

As Bermuda's capital city, it also contains some of the largest and most modern buildings. Therefore the challenge is to balance the need to accommodate new modern developments with the desire to preserve key landmarks and features which reflect the City's heritage and enhance the City's urban fabric.

Listed Buildings

Under Section 30 of the Development and Planning Act 1974, the Minister is directed to compile a list (or lists) which identify buildings of special architectural or historical interest. The City of Hamilton currently has 9 listed buildings which are the Anglican Cathedral (the Cathedral of the Most Holy Trinity), the Cabinet Office, the House of Assembly, Perot's Post Office, Par-la-Ville (Library), the former Magistrates Court Building, the Old Towne Hall, City Hall and the Victoria Park Bandstand (see Figure 8). There are a number of other buildings in the City which have been identified by the Minister's Historic Buildings Advisory Committee (HBAC) as buildings of special architectural or historical interest and worthy of listing.

Listed Buildings may be classed as Grade 'HM' Historic Monument, Grade 1, Grade 2 or Grade 3 (see policy DEF.45). The setting of a listing building is also important and development must be carefully designed to avoid any detrimental impact on the building's setting. Any development impacting a listed building will be strictly controlled and the appropriateness of the development will be assessed according to its listing grade and the provisions of the Department of Planning's Guidance Note 203, Alterations or Additions to Listed Buildings and/or Buildings Located within Historic Areas.

The Plan supports the conversion, rehabilitation or adaptive reuse of listed buildings within the City. The adaptive reuse of buildings for residential uses, in particular, is supported, with the Board given the discretion to vary the residential design standards.

This Plan also introduces the opportunity for financial contributions to be made to a Listed Building Grant Scheme to provide funds for the maintenance and preservation of privately owned listed buildings in the City of Hamilton. Details of the operation of this scheme are included in the Department of Planning Listed Building Grant Scheme Guidance Note. The Board will have the discretion to permit those properties identified in Figure 10 to make a financial contribution to the Listed Building Grant Scheme, to the minimum value of 1% of the proposal's development costs, in exchange for additional bonus floors up to a maximum building height limit.

Historic Areas

In addition to protecting individual buildings, there are also certain areas which are important to preserve because of their special historic, architectural or cultural character. Historic Areas are designated pursuant to section 31 of the Act.

This Plan designates 5 areas as Historic Areas, each of which has distinctive character defining elements. The Historic Areas are Front Street, Queen Elizabeth Park and Queen Street, Upper Burnaby Street East, the Cabinet Office, Sessions House and former Magistrates Court Building and the Anglican Cathedral as identified in Figure 8.

Some of the Historic Areas contain buildings that are not listed as well as modern buildings. Nevertheless, development will be strictly controlled in order to conserve the historic, architectural and/or cultural character of the area. Within a Historic Area, the design of any new buildings, as well as renovations to existing buildings, shall be sympathetic to and in harmony with the area's character and appearance, along with Bermuda's architectural traditions. Furthermore, any development within the City shall respect the aspect (or view into) and prospect (or view from) a Historic Area.

Front Street

The buildings on Front Street represent one of the most enduring and characteristic images of Bermuda. Whilst there have been some major new developments on Front Street in recent years, these have not compromised the area's special character. One of the principle architectural features of this area is the interplay between a variety of architectural styles from different periods of the City's history. These have combined to contribute to the vitality of the iconic view of this Historic Area. A key objective, therefore, is to ensure that any new development harmoniously integrates and complements the iconic southern elevation of the area.

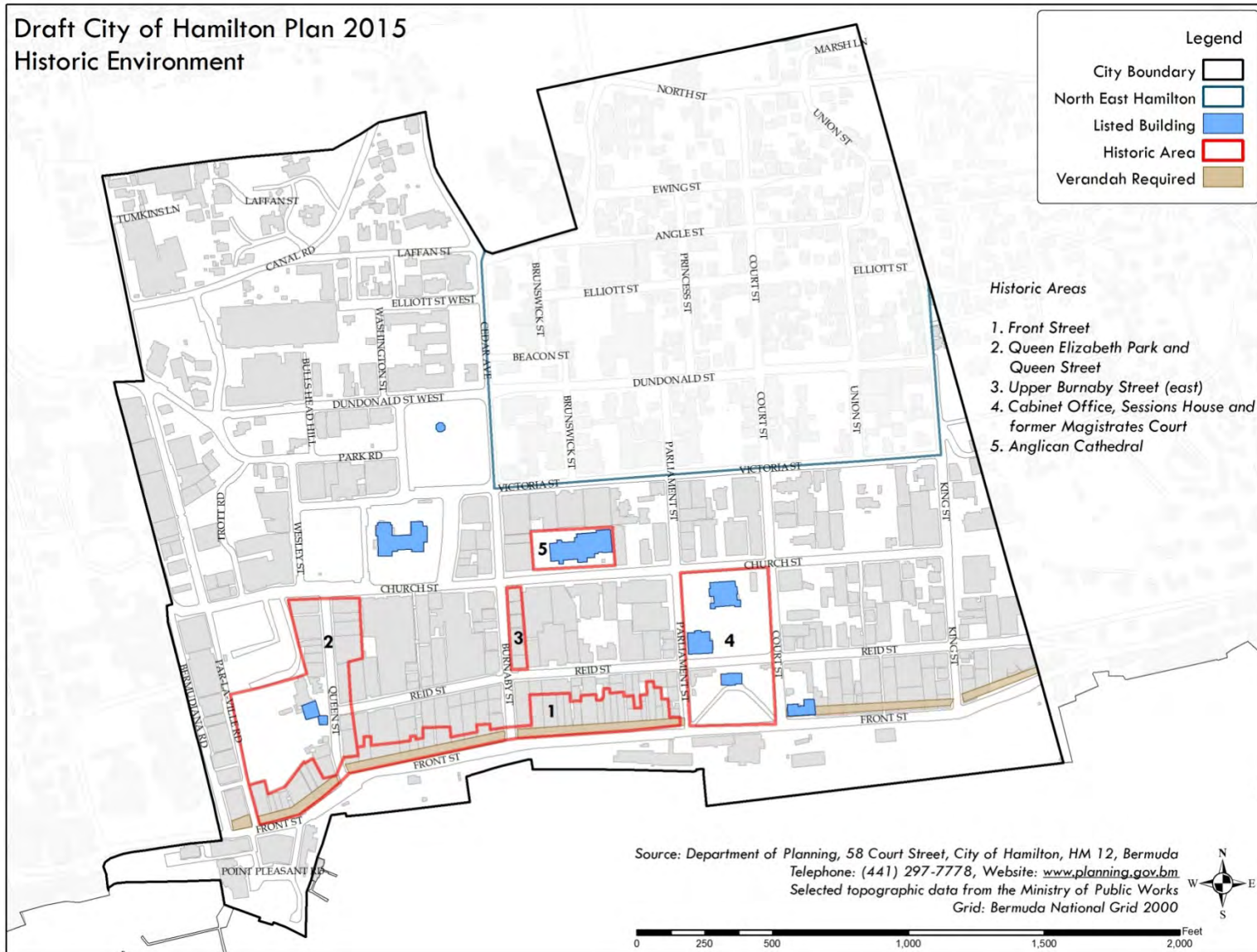


Figure 8: Historic Environment

Verandahs at street level are a signature feature of this area, and these should be incorporated into new development on the street, while existing verandahs within the area should not be enclosed.

Another signature feature of the area is the architecturally diverse collection of upper storey facades along the principle southern elevation, including parapet walls, gables, widow's walks and dormer windows. In order to contribute to this aspect of the Front Street Historic Area, all new development is encouraged to incorporate an architecturally interesting upper storey design. New uses at street level should maintain the historic character of development common to the area.

Queen Elizabeth Park and Queen Street

Queen Elizabeth Park and the buildings along the length of Queen Street form an attractive and distinctive area in the busy centre of the City, which includes some of the better examples of the City's 20th century architecture. Queen Street comprises a number of architectural styles from different periods and new development should add to and complement the architectural context of this Historic Area. The buildings, trees and public spaces in this area create a unique place and new development and uses at street level will be expected to preserve and enhance the historic character of the area.

Upper Burnaby Street (east)

Upper Burnaby Street (east), between Reid and Church Streets, features an eclectic range of traditional style multi-storey buildings along a unique stretch of a city block that has changed little overtime. Any new development along this stretch will be expected to be designed in a similar vernacular style, and new uses at street level will be expected to preserve and enhance the unique character of the area.

The Cabinet Office, Sessions House and former Magistrates Court Building

The Cabinet Office, Sessions House and former Magistrates Court Building form a cluster of civic listed buildings that collectively create an attractive setting and provide a green enclave in the City's centre. Retaining the historic character of these three important buildings, as well as their landscaped settings, is vital although some minor development may be allowed, for instance if it relates to improved disabled access. In addition, some modest redevelopment of existing outbuildings may be permitted.

Anglican Cathedral

The site of the Anglican Cathedral or Cathedral of the Most Holy Trinity, the island's first listed building, is an iconic structure that has dominated Hamilton's cityscape for over 100 years. Therefore, any development within the City shall respect the view of the Anglican Cathedral and shall not detract from this historic aspect.

Objectives

- HSC(1) To conserve and enhance listed buildings of special architectural or historical interest**
- HSC (2) To conserve historic areas of special architectural, historic or cultural significance and encourage sympathetic development**

Policies

Historic Buildings Advisory Committee

- HSC.1 The Historic Buildings Advisory Committee may provide comments and advice to the Board regarding any proposal submitted to it for review including but not limited to proposals impacting a listed building or structure, or located within a Historic Protection Area.**

Listed Buildings

- HSC.2 In determining an application that affects a listed building or its setting, the Board shall have regard to the provisions of section 30 of the Act and the Board shall have the power to refuse planning permission if it considers that the development would cause detriment to:-**
- (a) the established historic or architectural importance of the building; or**
 - (b) the setting of the building, including any outbuildings.**
- HSC.3 In determining an application that affects a listed building or its setting, the Board shall ensure that the appearance, siting, layout, scale, design, materials and details of development preserve and enhance the quality and character of the special building and its setting in accordance with its listing grade.**

Adaptive Reuse of Listed Buildings

- HSC.4 (1) In considering proposals for the conversion, rehabilitation or adaptive reuse of a listed building, the Board must be satisfied that:-
- (a) all development contributes to maintaining and enhancing the listed building's distinctive architectural and historic character;
 - (b) the proposal does not detract from the setting of the listed building; and
 - (c) the grounds in support of the proposal, as submitted by the applicant, justify the exercise of the Board's discretion.
- (2) In exercising its discretion under sub-paragraph (1) for conversion to a residential use, the Board has the discretion to vary the requirements for:-
- (a) private outdoor living space and communal space in accordance with policies RES.4 to RES.8; and
 - (b) any other residential design standard that the Board considers appropriate to vary.

Listed Building Grant Scheme

- HSC.5 Notwithstanding that the maximum number of storeys for each location will be determined in accordance with Figure 9, for those properties identified in Figure 10, the Board has the discretion to permit additional bonus floors provided the Board is satisfied that:-
- (a) a financial contribution is made to the Listed Building Grant Scheme to the minimum value of one percent of the proposal's total development costs;
 - (b) the building height does not exceed the maximum building height identified in Figure 10; and
 - (c) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Historic Areas

HSC.6 In determining an application located within a Historic Area, the Board shall have regard to the provisions of section 31 of the Act, and the Board shall have the power to refuse planning permission if it considers that the development would cause detriment to:-

- (a) the established historic, architectural or cultural character of the area;
- (b) the aspect, appearance or view of the area (see policy DSN.5 and Figure 11); or
- (c) a prospect or view from one or more parts of the area.

HSC.7 In considering any application within a Historic Area, the Board shall be satisfied that:-

- (a) setbacks are in general conformance with existing buildings on the street(s) to which the building is visually related;
- (b) building frontages are similar to those of existing buildings and the historic subdivision pattern of the area;
- (c) the physical attributes of buildings, including their setting, massing, height, proportions, roof pitch, doors and windows, chimneys and other elements preserve and enhance the historic character and defining features of the surrounding area;
- (d) materials employed in the development of an existing building are traditional to its original exterior appearance or, if contemporary, are compatible with its original exterior appearance; and
- (e) the proposal does not include any reflective glass.

Front Street Historic Area

HSC.8 Verandahs will be required within the Historic Area of Front Street as shown in Figure 8 and should:-

- (a) provide an attractive and convenient pedestrian link at street level which meets universal design standards;
- (b) cover the full frontage of the building; and
- (c) cover the entire setback to the edge of the sidewalk; and
- (d) for the avoidance of doubt, any proposal which encloses the verandah will not be permitted.

- HSC.9 Notwithstanding policies HRD.9 and HRD.11, the Board shall have the discretion to reduce the upper storey setbacks within the Front Street Historic Area, provided that:-
- (a) the proposal adds a significant contribution to the architectural character of the Front Street Historic Area;
 - (b) the proposal is supported by the Advisory Architectural Panel and the Historic Buildings Advisory Committee; and
 - (c) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

City Design Standards

Like many cities, the City of Hamilton's buildings display a variety of architecture ranging from historic buildings which reflect its rich architectural heritage, to contemporary buildings which indicate its status as the Island's administrative capital and centre of commerce. There are also residential buildings (both high and low rise) which represent both its established and new residential communities. The streets on which these buildings are located serve a variety of functions including the movement of people, cars, service vehicles and public transport.

Design

This Plan's design policies allow for a variety of building designs to add to the visual interest of the City, whilst emphasizing the need to retain the human scale of new buildings. The policies aim to secure a high quality of building design and landscaping, and ensure that any new development retains a pedestrian scale and enhances the public realm.

The advice of the Advisory Architectural Panel will be sought in considering the design and appearance of proposals and for certain developments the submission of a Design Statement will be required.

Building height

The heights of new development in the City will generally be regulated by permitting a maximum number of storeys (see Figure 9) and restricting the storey height to 14 feet.

Development proposals will be carefully assessed to determine their impact on the aspect and prospect of the City's Historic Areas. Figure 11 identifies key locations where new development could potentially impact the aspect or prospect of the Anglican Cathedral Historic Area and the other Historic Areas. The Anglican Cathedral on Church Street is a well-known and prominent landmark and its visual dominance on the City skyline, when viewed from the harbour and other vista points, should be preserved. New development will therefore not normally be permitted to exceed 138 feet O.D. in height (the height of the ridge level of the Cathedral) as shown in Figure 12.

In certain parts of the City (identified in Figure 10), the Plan gives the Board the discretion to permit development that is more than the maximum number of storeys identified in Figure 9 and up to a maximum building height, providing the proposal (a)

includes a significant residential and/or tourism component and community benefits to the public realm or (b) includes a donation to the Listed Building Grant Scheme amounting to 1 per cent of the total development costs or (c) includes a combination of (a) and (b).

Setbacks

Building setbacks combined with storey height limits and upper storey setbacks help to create and maintain a pedestrian friendly scale within the City. They assist in reducing the massing of buildings, add visual interest, provide natural light to the buildings, adjacent buildings, streets, lanes and pedestrian areas, and help to maintain view corridors to landmark buildings and Hamilton Harbour.

The Plan aims to facilitate an improved pedestrian environment in the City. To enable this, a minimum sidewalk width of 12 feet will be sought on every City street in order to accommodate space for street tree plantings and an unobstructed pedestrian pathway width of 7 feet.

At the ground floor level, the front building setback should be treated as an extension of the public realm to provide additional outdoor space and landscaping opportunities, and allow for at-grade uses to expand outdoors and encourage street animation.

Natural light

In order to provide opportunities for natural light penetration and daylighting, buildings should be designed with sufficient setbacks from property boundaries and adjacent buildings. Windows and other openings should be placed to provide for effective internal lighting, passive solar heating or cooling and minimal energy use.

Energy Efficiency/Sustainable Design

In accordance with Government's commitment to a long-term sustainable national energy policy and efforts to become more energy self-sufficient, this Plan supports the use of renewable energy technologies (see Section 3, Utility Services) and sustainable modes of transport (see Section 3, Traffic Management and Parking). It also supports this national energy policy by encouraging energy efficient site and building layout, and energy and water conservation measures in building design.

Proposals will be expected to demonstrate how energy conservation measures are incorporated into building design to achieve passive heating and cooling. This can be achieved through careful consideration of the building's location and orientation on the

site, building layout, window design, insulation, thermal mass, shading and ventilation. Proposals will also need to comply with the current Bermuda Building Code which incorporates a number of energy conservation requirements from the International Energy Conservation Code (IECC).

Accessible buildings

The Plan requires that all new buildings and alterations to existing buildings are accessible to persons with disabilities, in accordance with the requirements of the current Bermuda Building Code and encourages all buildings and spaces to be designed according to universal design principles.

Corner Lots

Corner lots are located at the intersection of two streets and have two street frontages. Corner lots are highly visible gateway sites and the design and characteristics of corner lot buildings, including the treatment of the space in front of the buildings, play an important role in setting the tone for the adjacent streets. Corner lot developments should therefore be designed to provide visual interest and emphasis to the corner location. Building corner cut-offs, architectural features and articulation can be provided to enhance the pedestrian environment and connectivity between the streets.

Public Art

Public art is defined in this Plan as being a piece of work designed by an artist or craftsperson for a particular building or site that is accessible to the public. Public art can play an important role in enlivening places, creating visual interest and enhancing the public realm. Public art can also contribute to education, encourage community interaction and provide employment to local artists. Murals on buildings, three-dimensional art or sculptures and fabricated streetscape elements can act as positive visual and social enhancements.

This Plan encourages the integration of public art in all developments and requires it for all major developments. The involvement of an artist is encouraged at the earliest possible stage of the design process to ensure that the public art elements are fully integrated into the fabric of the building or space. The advice of the Bermuda Arts Council and other relevant bodies will be sought in considering the appropriateness of public art proposals. For major developments, the applicant will be required to include a statement demonstrating how public art has been included in the proposal, and for major developments it is recommended that at least one percent of the development's total costs be committed to providing public art.

Objectives

- DSN (1) To maintain and promote high quality urban design that supports the City's architectural traditions and contemporary building designs**
- DSN (2) To promote sustainable design principles through the incorporation of energy and water conservation measures in building and site design**
- DSN (3) To ensure that the City's buildings and spaces are accessible to everyone**

Policies

Design Principles

- DSN.1 The Board shall ensure that any development proposal reflects the design objectives DSN (1) to (3) and the relevant design policies for each district as detailed in Section 4.**

Advisory Architectural Panel (AAP)

- DSN.2 The Advisory Architectural Panel shall advise the Board regarding the design and appearance of any proposal submitted to it for review, in particular where:-**
- (a) the proposal comprises a gross floor area of 50,000 sq. ft. or more;
 - (b) the proposal is for a development of 6 or more storeys;
 - (c) the proposal is seeking the Board's discretion for an additional storey(s) above the maximum number of storey heights permitted;
 - (d) the proposal would exceed the maximum overall height restriction of 138 O.D. as set out in policy DSN.5(b);
 - (e) the proposal incorporates a rooftop feature as set out in policy DSN.10(2); or
 - (f) any other instance where the Board requests advice from the AAP.

Design Statement

- DSN.3 (1) In order to assess the design principles for a proposal, the submission of a Design Statement is required for the following:-
- (a) a proposal which comprises a gross floor area of 50,000 sq. ft. or more;
 - (b) a proposal for a development of three or more storeys;
 - (c) a proposal which affects a building considered by the Board to be of special historical or architectural interest;
or
 - (d) any other proposal where the Board considers a Design Statement is necessary.
- (2) The Design Statement should explain and illustrate the design principles and design concept for the proposal and should include but is not limited to details of the following:-
- (a) how the proposal meets the objectives of the district and design objectives of the Plan;
 - (b) how the proposal relates to and enhances the site and its surrounding area;
 - (c) the proposal's contribution to the public realm and pedestrian environment;
 - (d) the proposal's incorporation of universal design features and accessibility in accordance with the Department of Planning's Planning Policy Guidance Note GN115 on Accessibility and Access Statements;
 - (e) the building's scale, massing, fenestration, detailing, materials and energy efficiency; and
 - (f) the provision of landscaping.

Maximum Building Height

- DSN.4 The maximum number of storeys permitted for each location in the City will be determined in accordance with policies HRD.6, CBD.3, CBD.4, RCD.3 and RCD.4 for each district (see Figures 9 and 10).
- DSN.5 Notwithstanding policy DSN.4, in order to protect the aspect and prospect of the City's Historic Areas and to retain the Cathedral's visual dominance, the Board shall ensure that:-

- (a) the proposal does not have a detrimental impact on the aspect or prospect of any Historic Area in accordance with policy HSC.6 (see Figure 11, Historic Areas – Aspects and Prospects); and
- (b) development does not normally exceed 138 feet O.D. in height (being the height of the ridge level of the Cathedral as shown in Figure 12, Heights of the Anglican Cathedral).

Storey heights

- DSN.6 (1) Storey heights shall not normally exceed 14 feet with preference for above ground storeys to be less than 14 feet.
- (2) Notwithstanding sub-paragraph (1), the Board has the discretion to allow an increase in storey heights, provided the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Storey heights at street level

- DSN.7 The maximum number of storeys permitted at street level will be determined in accordance with policies HRD.8 and CBD.6 for the two districts in which they apply (see Figure 9).

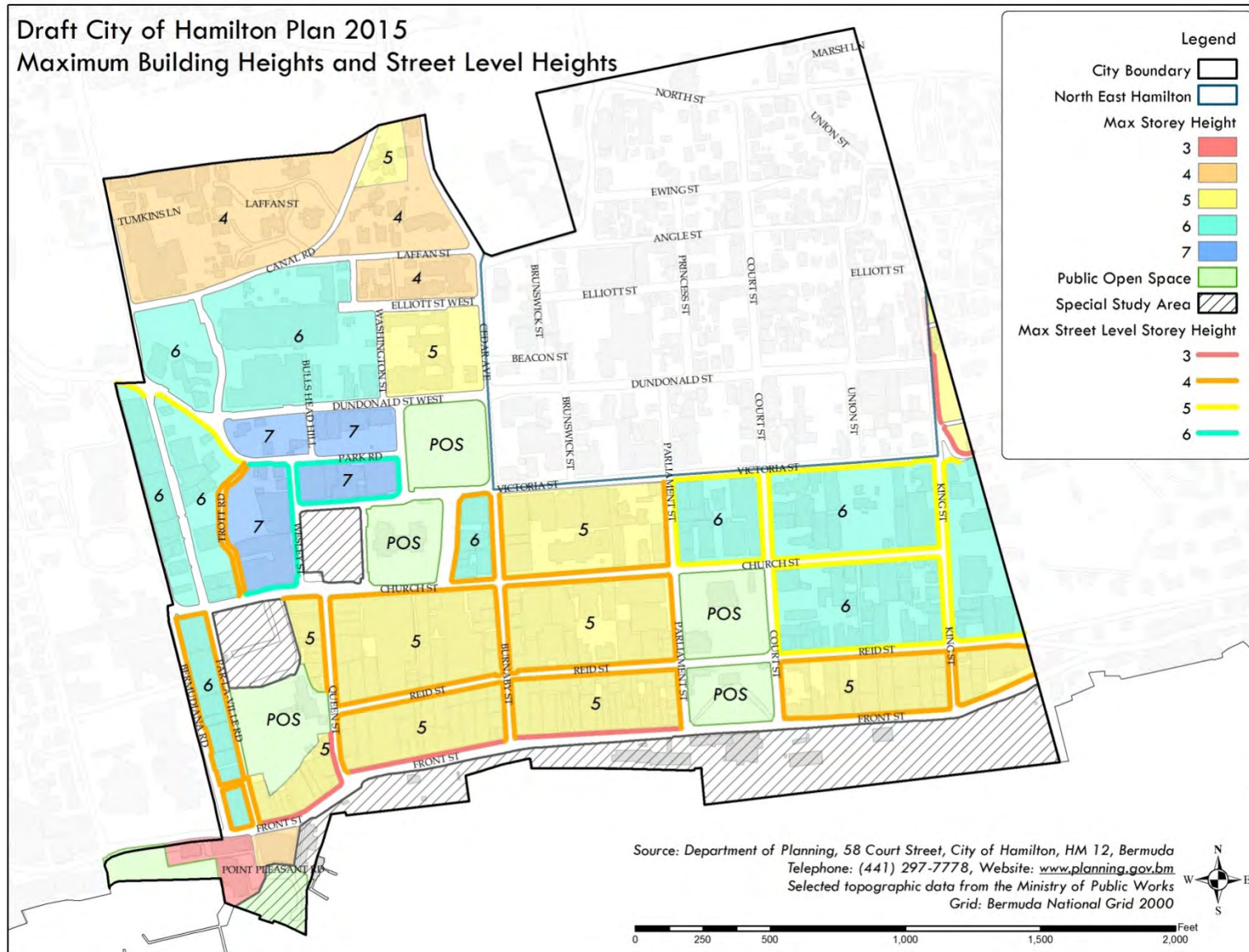


Figure 9: Maximum building heights and street level storey heights in all districts

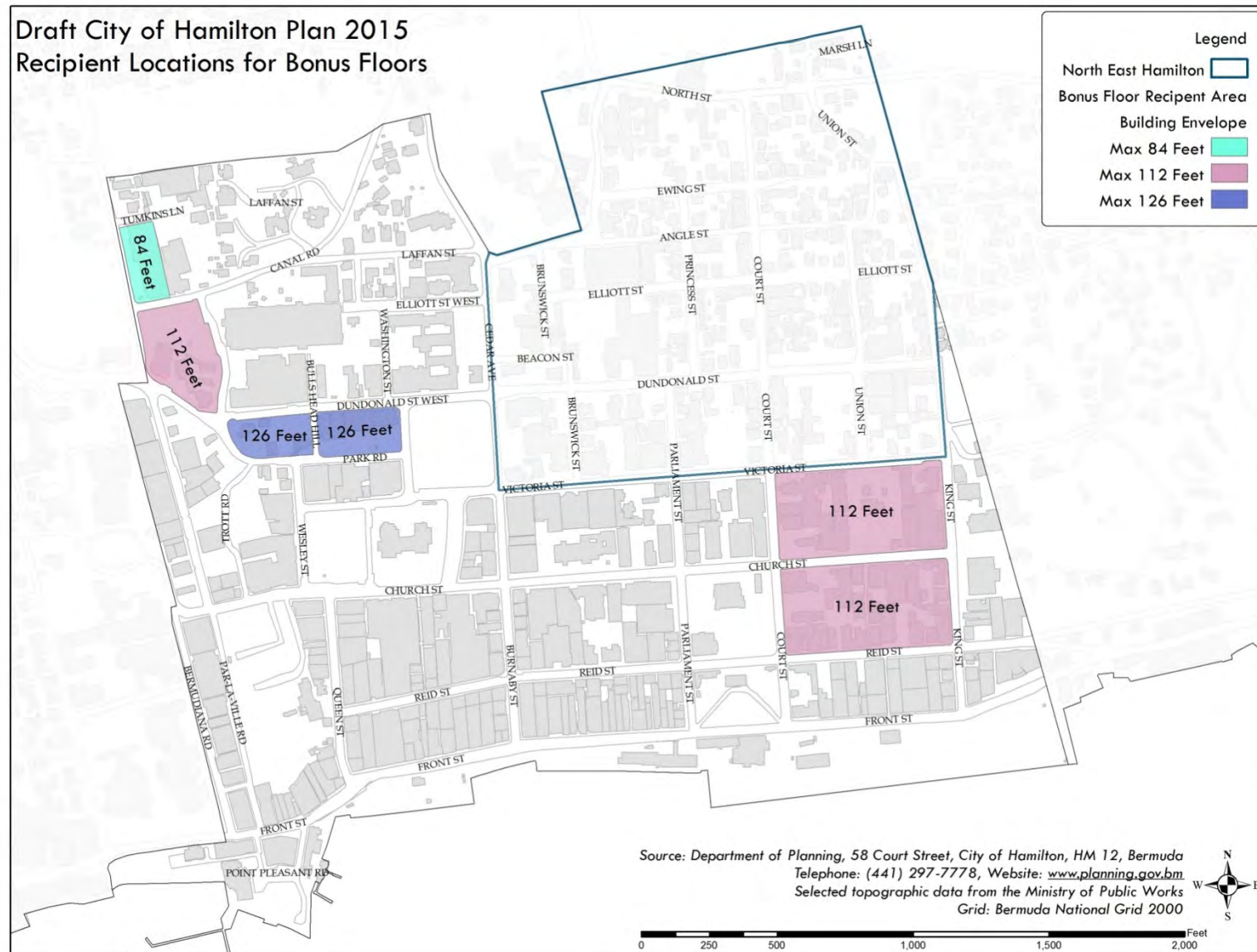


Figure 10: Recipient locations for bonus floors

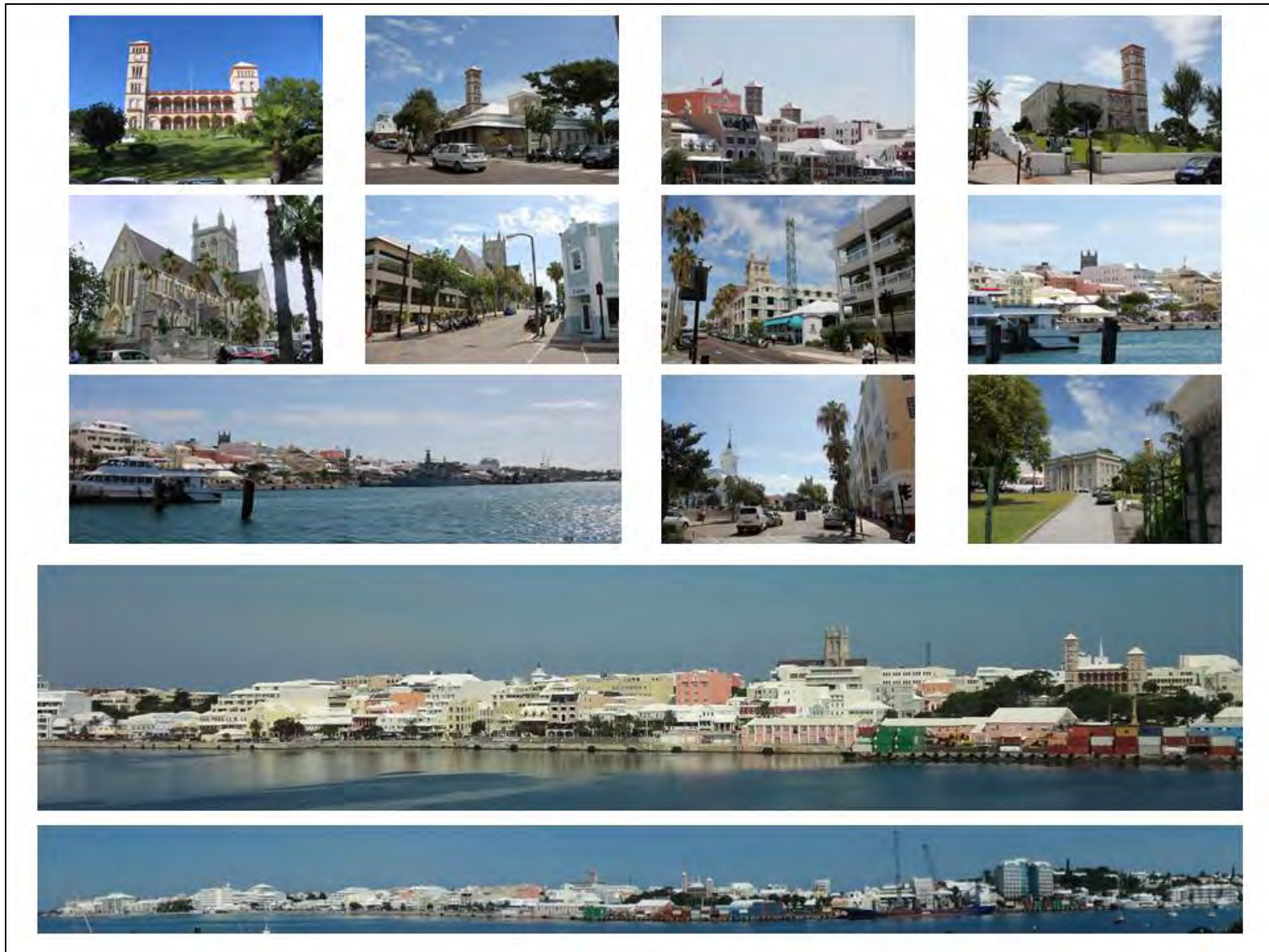


Figure 11: Historic Areas - Aspect and Prospect

ANGLICAN CATHEDRAL HEIGHTS

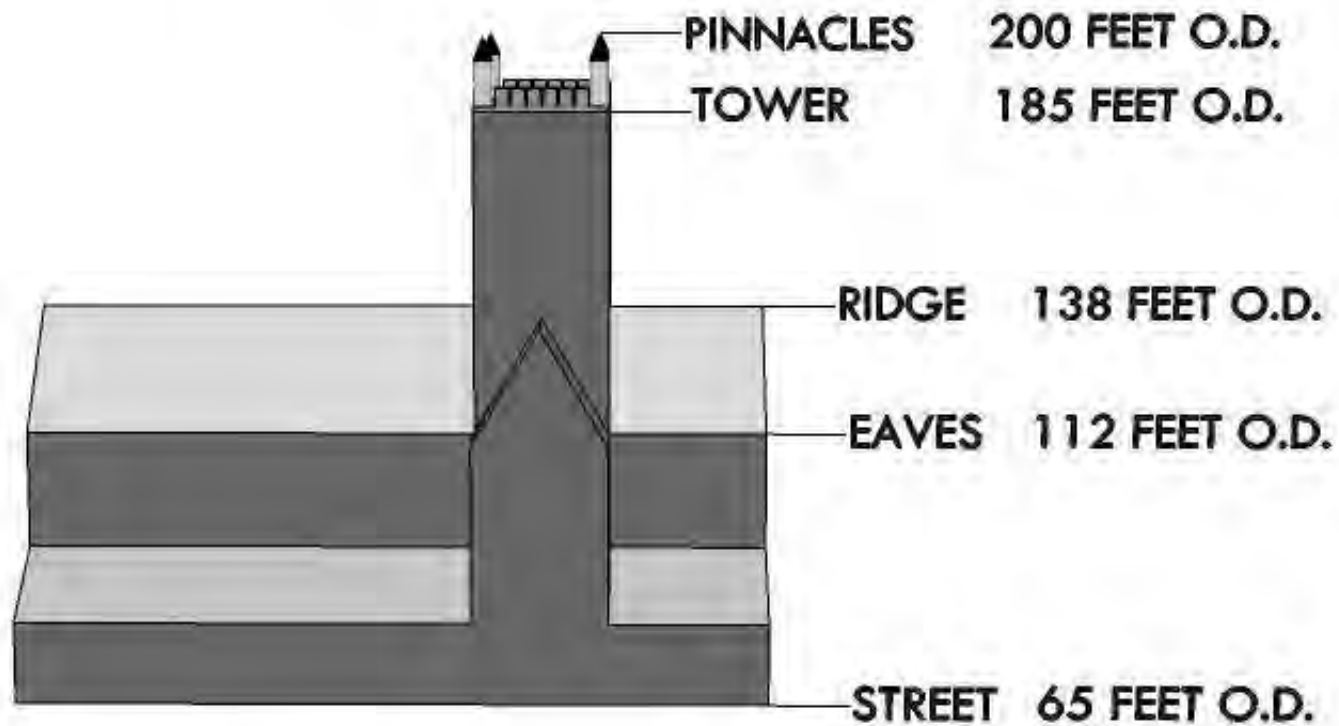


Figure 12: Heights of the Anglican Cathedral

Development through a City block

- DSN.8 Where development is proposed through a City block from one road to another, the upper storey(s) of the building at the higher grade may be extended through the site providing the extended storey(s) does not project beyond a line drawn at 30 degrees from the height of the proposed building on the road frontage at the lower grade as shown in Figure 13.

Roof Design

- DSN.9 The Board shall ensure that the roof design of any new development is of high visual quality and compatible with the existing roof designs within the district.

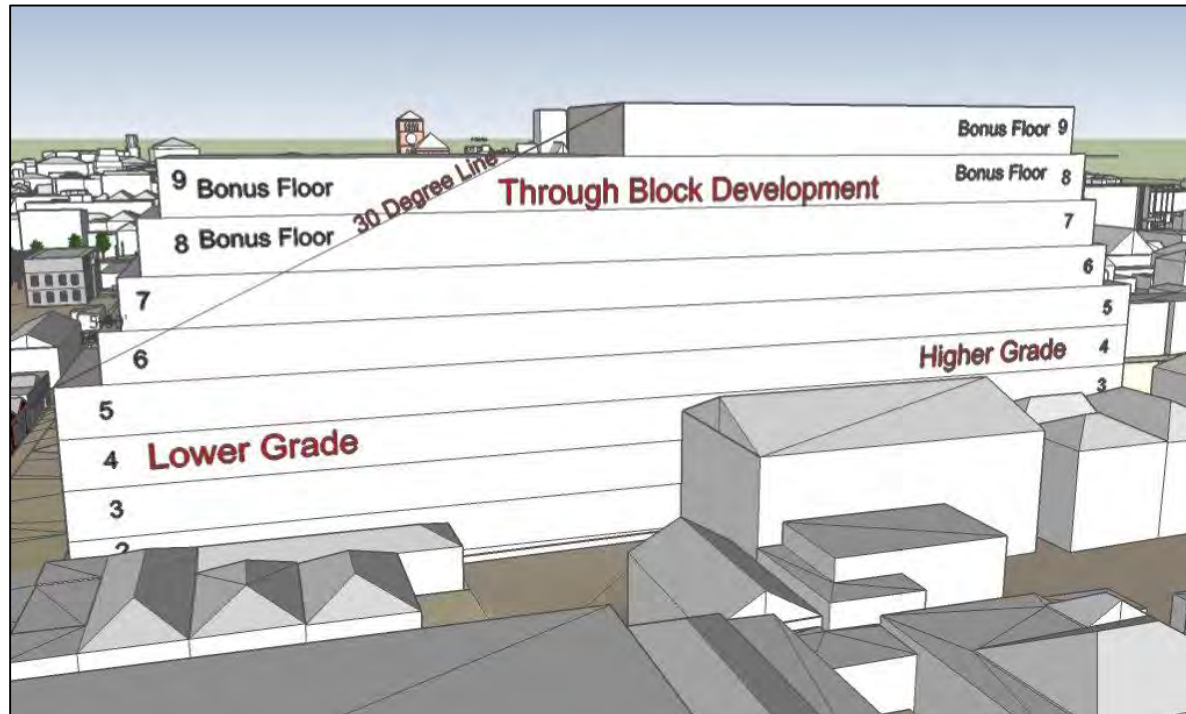


Figure 13: Development through a city block

- DSN.10 (1) The Board shall ensure that new development does not have a detrimental visual impact on the City's skyline and shall require that plant and machinery comply with the provisions of policy DSN.19.
- (2) In exceptional cases, such as for a development which proposes a rooftop feature, the Board may allow the maximum overall height limit set out in policy DSN.5 (b) to be exceeded, provided the Board is satisfied that:-
- (a) the development creates an attractive addition to the City's skyline;
 - (b) the development does not prevent the enjoyment of an established view of the Cathedral;
 - (c) the proposal has been reviewed by the Advisory Architectural Panel and the Corporation of Hamilton; and
 - (d) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Street level setbacks

- DSN.11 The required street level setbacks for each site will be determined in accordance with policies HRD.12, CBD.8 and RCD.6 for each district (see Figure 14).

Projections into setback

- DSN.12 Projections into the required setbacks, including but not limited to balconies, canopies and awnings, may be approved at the discretion of the Board provided that:-
- (a) the projection is well-designed and provides visual interest to the building façade;
 - (b) the projection enhances the pedestrian environment at street level or provides outdoor space on the upper floor of a building;
 - (c) the projection does not interfere with the objective of having an unobstructed pedestrian pathway width of 7 feet; and
 - (d) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

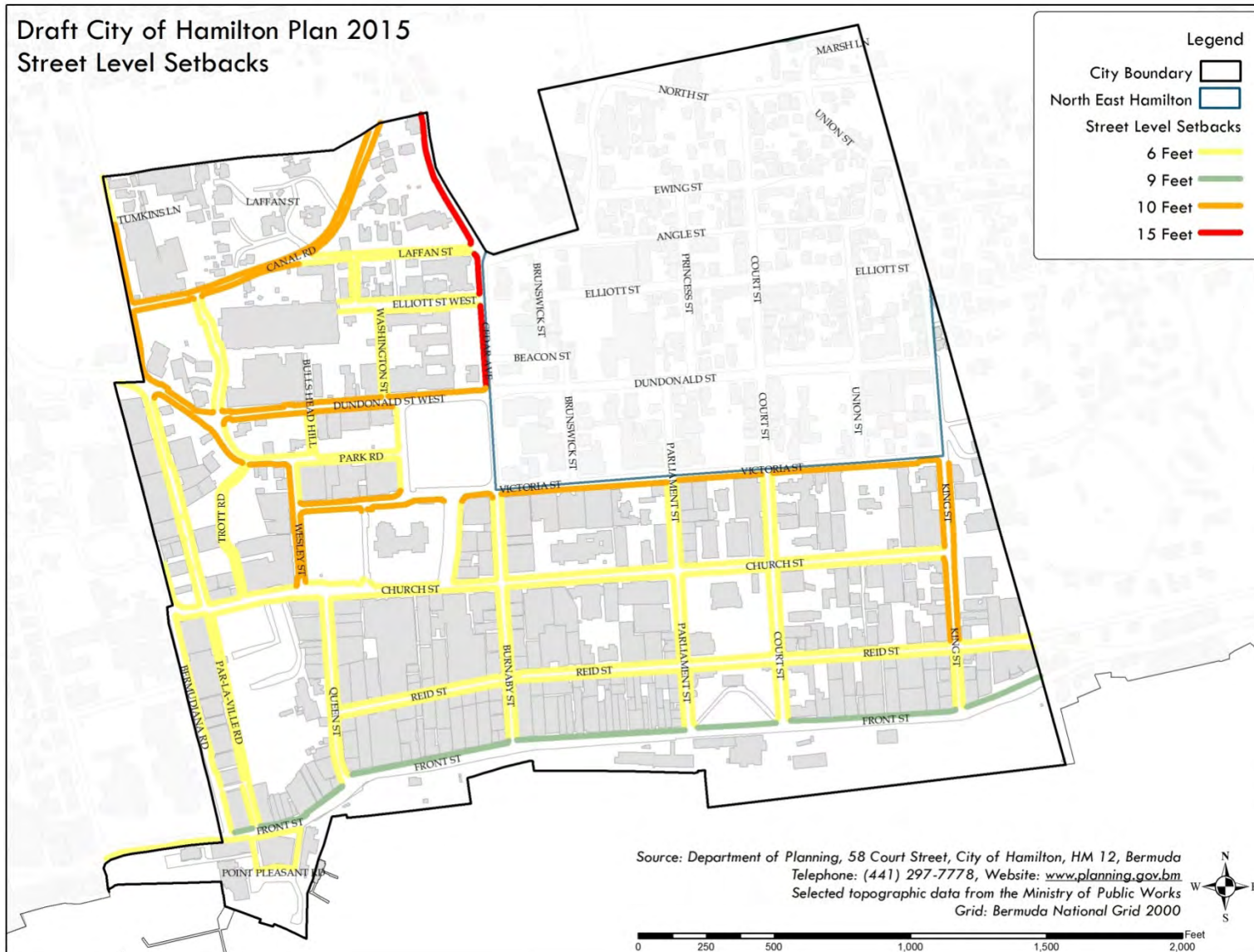


Figure 14: Street level setbacks in all districts

Natural light

- DSN.13 (1) All proposals are required to provide adequate natural light.
- (2) For lots greater than 3,000 square feet, a setback of 10 feet will normally be required from the rear lot line to the building and this setback shall apply to all storeys of the development.
- (3) Notwithstanding sub-paragraph (2), the Board may vary the rear lot line setback requirement provided it is satisfied that:-
- (e) an equivalent or similar setback area is incorporated into a side lot line setback, front lot line setback, atrium, light well and/or upper storey setback;
 - (f) the variance does not result in a detrimental impact on any building, street, lane or pedestrian space;
 - (g) the development provides community benefits to the public realm in accordance with policy PED.1;
 - (h) the application is accompanied by a Design Statement in accordance with policy DSN.3;
 - (i) the proposal has been reviewed by the Advisory Architectural Panel and the Corporation of Hamilton; and
 - (j) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Upper storey setbacks

- DSN.14 The required upper storey setbacks will be determined in accordance with policies HRD.9, HRD.10 and CBD.7 for the two districts in which they apply.

Corner Lots

- DSN.15 For corner lot developments, the Board shall ensure that the development satisfies the following criteria:-
- (a) the building is designed to provide visual interest and emphasis to its corner lot location, and relates well to its context between adjoining streets; and
 - (b) the proposal contributes to a high quality, pedestrian oriented and universally designed public realm, and provides connectivity between the streets.

Sustainable Design, Energy and Water Conservation

- DSN.16 (1) All development proposals will be required to adhere to the requirements of the current Bermuda Building Code for energy conservation.
- (2) In addition to sub-paragraph (1), all proposals shall provide written details demonstrating how energy efficiency and water conservation measures, and/or other sustainable design measures have been incorporated into building and site design (see the Department of Planning Guidance Note on Energy Efficiency in Residential Developments).

Accessibility

- DSN.17 All new buildings and alterations to existing buildings shall be accessible to persons with disabilities, in accordance with the requirements of the current Bermuda Building Code.

Appearance

- DSN.18 The Board shall ensure that any proposal for development in the City satisfies the following criteria:-
- (a) the development enhances the visual quality of the streetscape and relates well to its context and any surrounding buildings;
 - (b) roller-shutters and grilles that are visible on the street elevation are designed as an integral part of the building to minimise their visual impact;
 - (c) there are no areas of blank wall on the visible side and/or rear elevations;
 - (d) windows and/or other architectural details are provided to improve the aesthetics and visual impacts of external walls of buildings; and
 - (e) large areas of reflective glass are avoided and are not installed on the street level storeys.

DSN.19 Wherever possible, plant and machinery should be housed within the building and where this is not possible, they should:-

- (a) be integrated into the overall design scheme for the development, through coordination of materials, colour and configuration;
- (b) be placed on the portion of the roof which is least visible from adjacent streets and properties;
- (c) not normally exceed 138 feet O.D. in height in accordance with policy DSN.5(b);and
- (d) be adequately screened from view.

Public Art

DSN.20 All proposals should include an element of public art either on the application site or on an alternative site, and applicants will be expected to demonstrate how this will be achieved (see the Department of Planning Guidance Note on Public Art).

DSN.21 (1) Further to policy DSN.20, all new developments having a gross floor area of 50,000 sq. ft. or more will be required to include an element of public art either on the application site or on an alternative site which should comprise at least one percent of the total development costs.

- (2) In amplification of sub-paragraph (1), the applicant will be required to submit a statement providing details of the public art component of the proposal.

DSN.22 The public art must be accessible to the public, visible from the street and preferably external to the building.

DSN.23 In considering the appropriateness of the proposed public art, the Board may seek the views of the Bermuda Arts Council or other such relevant body.

Landscaping

DSN.24 High quality hard and soft landscaping will be required in all developments and shall be designed to enhance pedestrian movement and comfort in accordance with the policies in Section 3, Greening the City.

SECTION 4: CITY DISTRICTS

Introduction

This Plan establishes a district approach to the future development of the City. The aim is to create a sense of character and place for the different neighbourhoods of the City and a vision and framework for identifying development opportunities and public realm improvements in each area.

This Plan identifies four districts, the Historic and Retail District, the Contemporary Business District, the Residential and Community District and the North East Hamilton District(see Figure 15). The North East Hamilton District will be the subject of a future Local Plan and this Plan does not therefore contain any specific policies for this district.

The boundaries of each district are based on existing land uses, building design characteristics, location, topography and development potential. The Plan outlines different objectives for each district and details specific policies and development regulations relating to land uses and building design for each. Those building design objectives and policies which are common to all three districts are provided in Section 3, City Design Standards.

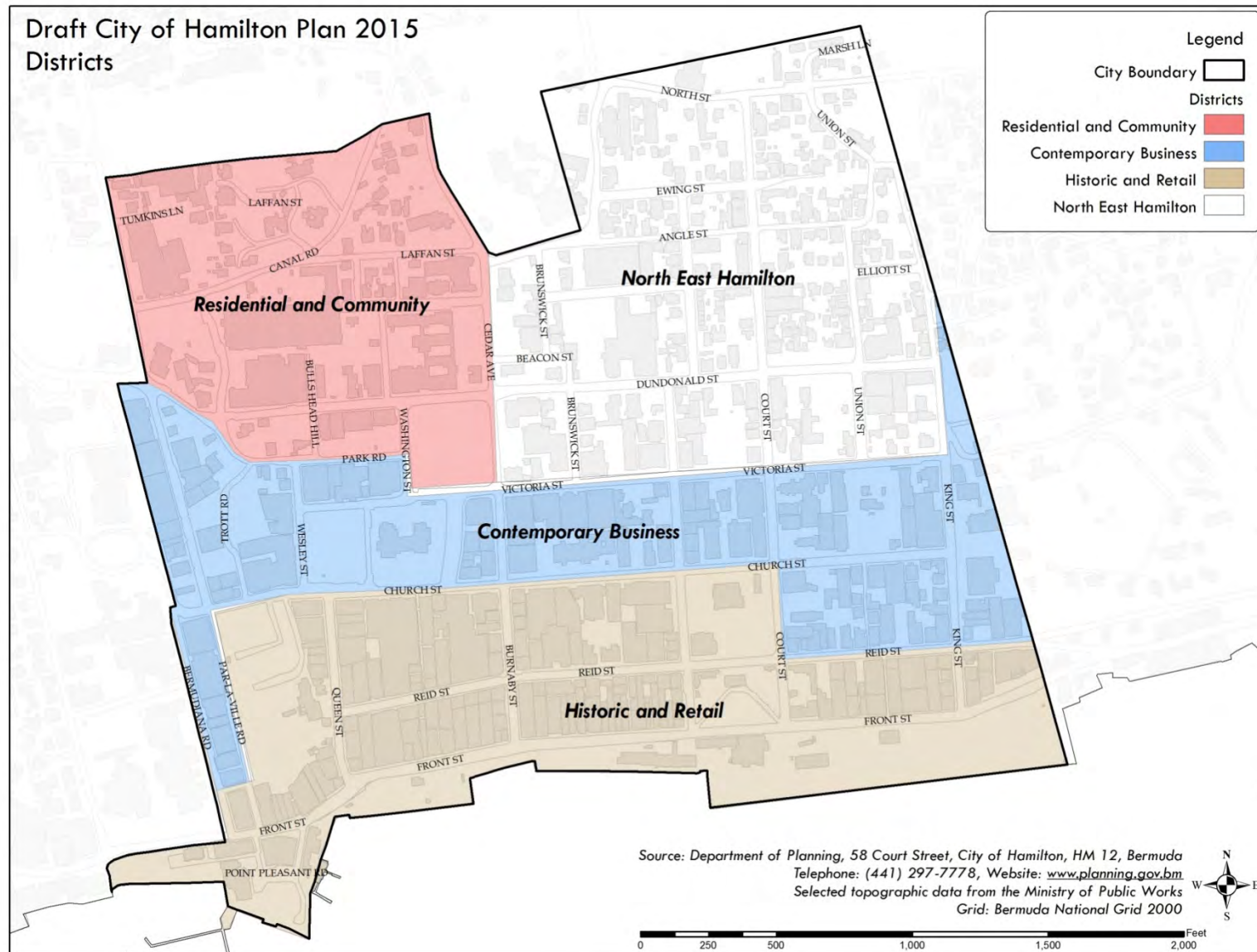


Figure 15: City Districts

Historic and Retail District

Vision

The Historic and Retail District represents the City's main historic area, retail hub and centre of pedestrian activity. It is an area representative of Bermuda's eclectic architectural characteristics and contains 6 listed buildings (the Sessions House, the Cabinet building, the Magistrate's Court, the Old Town Hall, Perot Post Office and Par-la-Ville) as well as a number of other buildings recognized as having historic and Bermuda architectural significance which may be listed at a future date.

Four Historic Areas are also located within this district. These Historic Areas of Front Street, Queen Elizabeth Park and Queen Street, the Sessions House and the Cabinet Building, and Upper Burnaby Street East are designated pursuant to section 31 of the Act and the provisions of the Act (see Section 3, The City's Historic Environment).

This Plan recognises that the City's retail sector and principal shopping area (see Figure 6) are crucial to generating pedestrian activity and ensuring the vitality and viability of Hamilton. The Plan therefore requires that consideration be given to providing retail, restaurant and cafes or other similar uses that contribute to the vitality and interest of the area on the ground floors of properties throughout the Historic and Retail District. Furthermore, the Plan requires that only retail uses, restaurants and cafes or other similar uses will be permitted on the ground floors of properties fronting onto streets within the principal shopping area of the Historic and Retail District.

This district also includes one of the City's main parks, Queen Elizabeth Park and one of the City's greatest assets, the waterfront. The City's waterfront has been identified as a Special Study Area.

Character defining building design elements within this district include verandahs, balconies, gable ends, Bermuda shutters, white roofs and walls painted in pastel colours. These are representative of Bermuda architectural traditions and create iconic, Bermuda streetscapes, particularly along Front Street. The protection of these historic, architectural and cultural characteristics has contributed to the iconic look of the City of Hamilton and this Plan will continue to protect these characteristics.

The Anglican Cathedral is located just to the north of the Historic and Retail District and its visual dominance has been protected by successive City of Hamilton Plans. Figure 11 identifies key locations where new development could potentially impact the aspect or prospect of the Anglican Cathedral Historic Area and the other Historic Areas in the City. Development proposals will

be carefully assessed to determine their impact on the aspect and prospect of the Historic Areas and new development will not normally be permitted to exceed 138 feet O.D. in height (the height of the ridge level of the Cathedral) as shown in Figure 12.

Development proposed in this district will be required to conform to design standards that promote Bermuda's architectural characteristics and materials, and variances to these design standards will only be permitted in exceptional cases. Buildings will be permitted to have a maximum of five storeys, with three to four storeys at street level and building setback requirements to support the pedestrian friendly scale and existing built environment. The Board has the discretion to vary the street level setbacks (except on Front Street) and upper storey setbacks providing the proposal adds architectural interest to the building design and provides improvements to the public realm.

The northern side of Front Street will retain the 9 feet building setback requirement from the Front Street lot line with a requirement for verandahs to provide an attractive, convenient and weather protected pedestrian link that is reflective of the Bermuda architectural characteristics of Front Street. Building setbacks elsewhere in this district have been established to provide the opportunity for wider sidewalks, open spaces, alfresco dining areas and landscaping within the private realm, as well as to reduce the massing of new developments.

The streets in the Historic and Retail District have high volumes of pedestrian traffic but many of the sidewalks are narrow and cluttered. This district also has a high volume of vehicular traffic, much of which uses Reid Street and Queen Street as a through route. This Plan therefore identifies a Pedestrian Enhancement Area within which improvements to the public realm and pedestrian environment will be given a high priority. The Department of Planning will work closely with the Corporation of Hamilton to assist in the planning and implementation of pedestrian friendly improvements in this area. These could include the removal of some on-street parking to create wider sidewalks to provide more space for pedestrians, street trees, lighting, landscaping, water features and alfresco dining. Traffic calming measures could also improve pedestrian safety and deter non-essential traffic from this central area.

All development proposals within this district will be encouraged to provide improvements to the public realm and/or pedestrian environment. In addition, any proposal requesting a design variance should only be permitted if it incorporates a community benefit in the form of improvements to the public realm and/or pedestrian environment within this district.

Objectives

- HRD (1) To support the street oriented retail and business environment**
- HRD (2) To protect Bermuda's architectural heritage and eclectic design characteristics**
- HRD (3) To maintain the Historic Areas of Front Street, Queen Elizabeth Park and Queen Street West, the Sessions House and Cabinet Building, and Upper Burnaby Street**

Policies

General Direction to the Board

- HRD.1 The Board shall apply the Historic and Retail District policies and other relevant policies of the Planning Statement in a manner best calculated to achieve objectives HRD (1) to (3).

Public Realm Community Benefits

- HRD.2 (1) In accordance with policy PED.1, the provision of community benefits to the public realm of this district will be encouraged with all developments and will be required for certain developments which seek the Board's discretion for a design variance.
- (2) In amplification of sub-paragraph (1), community benefits within this district may include, but are not limited to, the provision of new, or improvements to, amenity areas, park and open spaces, sidewalks, landscaping, pedestrian links, street furniture and signage, some examples of which are illustrated in Figures 16 and 17.

Ground Floor Uses

- HRD.3 (1) On the ground floors of properties fronting onto any street within the principal shopping area (as shown on Figure 6), only retail uses, restaurants and cafes or other similar uses that, in the opinion of the Board, contribute to the vitality and interest of the area, will be permitted.

- (2) Retail uses, restaurants and cafes or other similar uses are the preferred uses on the ground floors of properties elsewhere in this district, although the Board has the discretion to permit other uses provided the grounds in support of the proposal, as submitted by the applicant, justify the exercise of the Board's discretion.

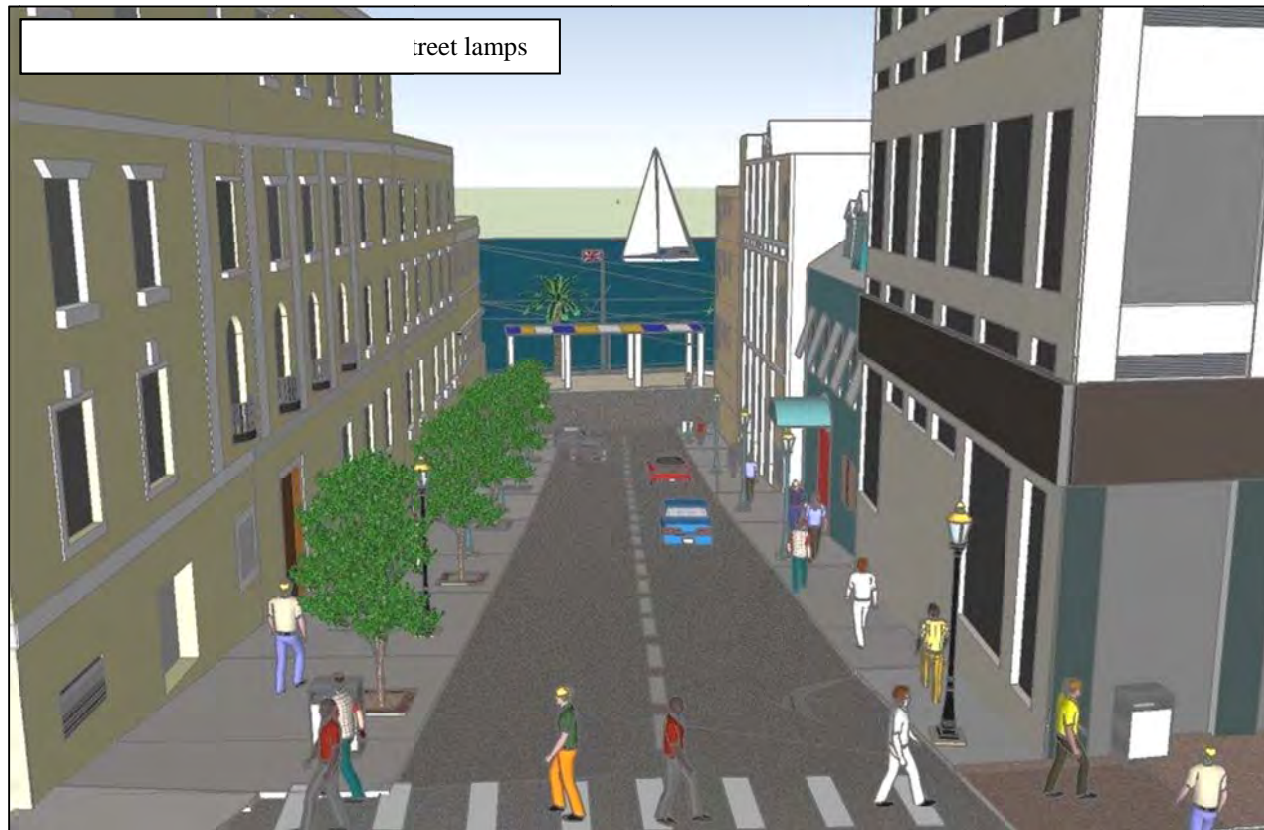


Figure 16: Potential Community Benefits for the Historic and Retail District



Figure 17: Potential Community Benefits for the Historic and Retail District

HRD.4

The Board may permit uses for the redevelopment and/or enhancement of the Hamilton waterfront Special Study Area in accordance with objective SSA(1) and policies SSA.1 and SSA.2, Section 3, Special Study Areas.

Design principles

- HRD.5 The Board shall ensure that any proposal for development in the Historic and Retail District is reflective of the Bermuda architectural characteristics of the district and takes into consideration the following principles:-
- (a) design sensitivity to and compatibility with Bermuda's architectural heritage, respecting the existing scale, proportion and character of the area;
 - (b) the preservation of important features, landmarks, views and vistas;
 - (c) respect for the historical evolution of the area and buildings from different time periods;
 - (d) respect for the character defining features of individual buildings as well as the building frontages, setbacks from roads, building materials, and light and shadow characteristics of a group of buildings;
 - (e) site context including the pattern and historic value of surrounding buildings and the overall topography of the area; and
 - (f) compatibility of new development with the setting, and historical and architectural character of the area.

Maximum building height

- HRD.6 The maximum number of storeys of development permitted within the Historic and Retail District shall be determined in accordance with Figure 18 (see also Figure 9).
- HRD.7 Notwithstanding policy HRD.6, in order to protect the aspect and prospect of the City's Historic Areas and to retain the Cathedral's visual dominance, the Board shall ensure that:-
- (a) the proposal does not have a detrimental impact on the aspect or prospect of any Historic Area in accordance with policies HSC.6 and DSN.5(a) (see Figure 11, Historic Areas – Aspects and Prospects); and
 - (b) development does not normally exceed 138 feet O.D. in height (being the height of the ridge level of the Cathedral) in accordance with policy DSN.5(b) and as shown in Figure 12, Heights of the Anglican Cathedral.

Maximum number of storeys at street level

- HRD.8 The maximum number of storeys permitted at street level within the Historic and Retail District shall be determined in accordance with Figure 18 (see also Figure 9).

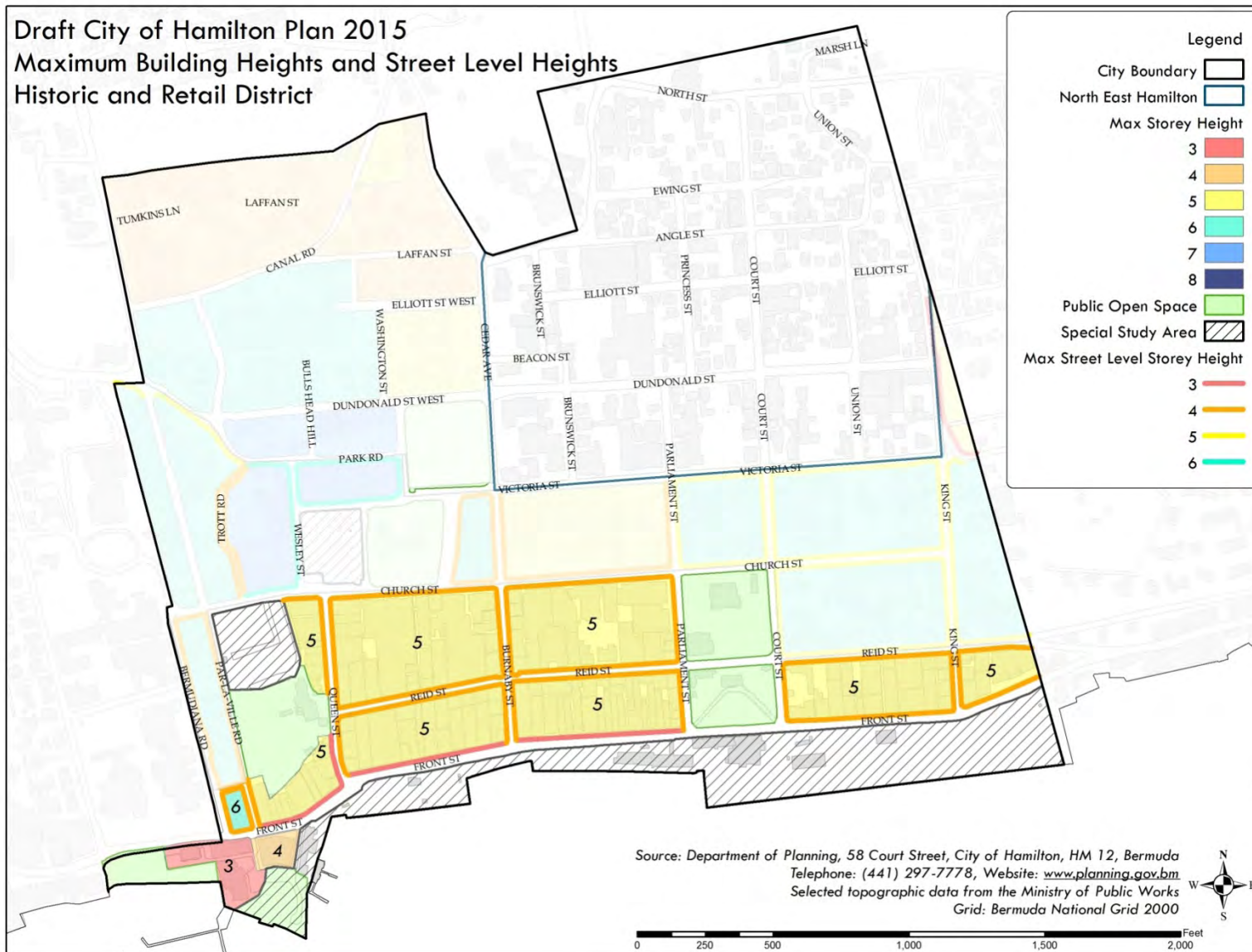


Figure 18: Maximum building heights and street level heights – Historic and Retail District

Upper Storey Setbacks

- HRD.9 For any development within the Historic and Retail District which fronts onto Front Street, the first upper storey setback will normally be 25 feet and further upper storeys will be set back by an additional 15 feet as shown in Figure 19.
- HRD.10 For any development within the Historic and Retail District not fronting onto Front Street, the first upper storey setback will normally be a minimum of 10 feet from the building front with each additional upper storey setback an additional 5 feet as illustrated in Figure 20.
- HRD.11 Notwithstanding policies HRD.9 and HRD.10, the Board may vary this upper storey setback requirement in order to provide a better design solution, provided the Board is satisfied that:-
- (a) an equivalent or similar area of the variance is incorporated into a street level setback and/or corner cut off on the ground floor to improve the pedestrian environment;
 - (b) the variance does not result in a detrimental impact on any building, street, lane or pedestrian space;
 - (c) the variance adds variety and architectural interest to the building design;
 - (d) the development provides community benefits to the public realm in accordance with policy HRD.2;
 - (e) the application is accompanied by a Design Statement in accordance with policy DSN.3;
 - (f) the proposal has been reviewed by the Advisory Architectural Panel and the Corporation of Hamilton; and
 - (g) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

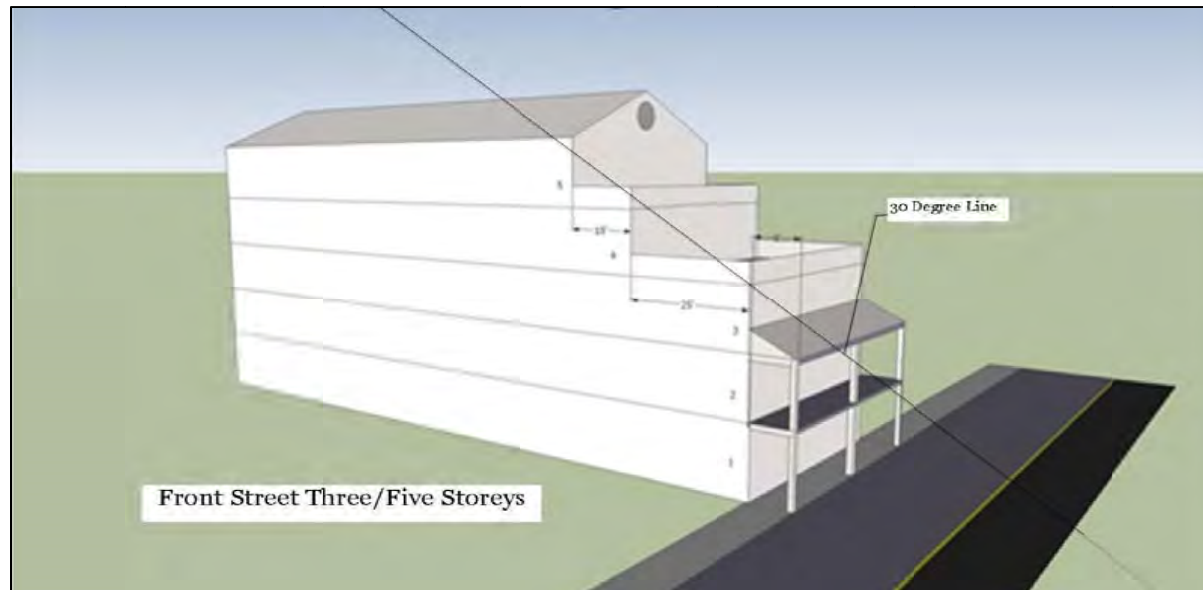


Figure 19: Upper storey setbacks - Front Street

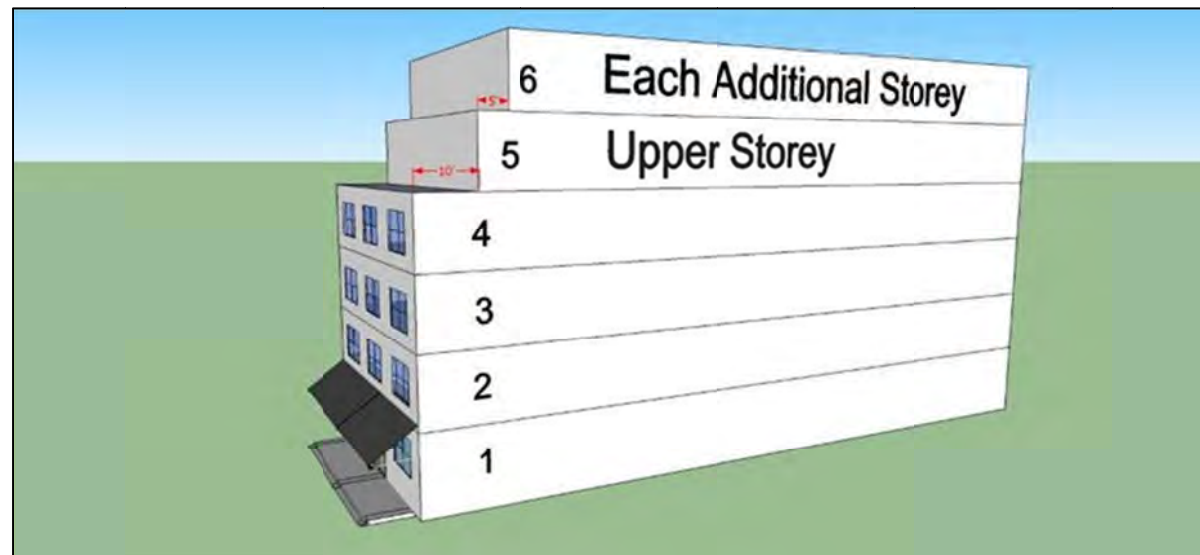


Figure 20: Upper storey setbacks - Historic and Retail District (except Front Street)

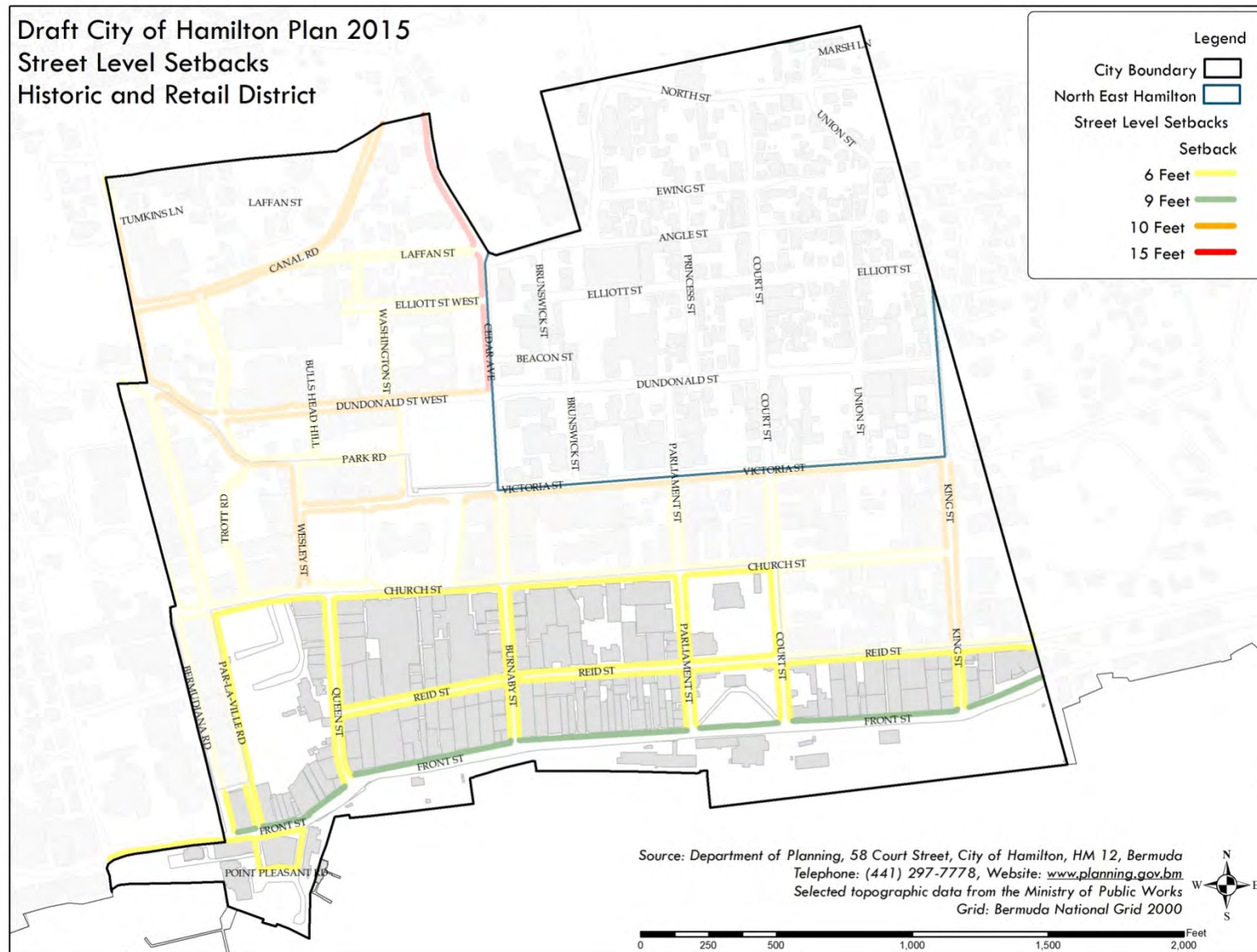


Figure 21: Street level setbacks - Historic and Retail District

Street level setbacks

- HRD.12 (1) The required street level setbacks for the Historic and Retail District are shown in Figure 21 (see also Figure 14).
- (2) Notwithstanding sub-paragraph (1), with the exception of properties located on Front Street, the Board may vary the street level setback requirement provided it is satisfied that a minimum sidewalk width of 12 feet, including an unobstructed pedestrian pathway width of 7 feet, is provided.
- (3) Further to sub-paragraphs (1) and (2), with the exception of those properties located on Front Street, the Board may vary the street level setback requirement provided it is satisfied that:-
- (a) an equivalent or similar setback area is incorporated into a side lot line setback, rear lot line setback or upper storey setback;
 - (b) the variance does not result in a detrimental impact on any building, street, lane or pedestrian space;
 - (c) the variance adds variety and architectural interest to the building design;
 - (d) the development provides community benefits to the public realm in accordance with policy HRD.2;
 - (e) the application is accompanied by a Design Statement in accordance with policy DSN.3;
 - (f) the proposal has been reviewed by the Advisory Architectural Panel and the Corporation of Hamilton; and
 - (g) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Verandahs

- HRD.13 (1) In accordance with policy HSC.8, verandahs will be required for any development fronting onto the north side of Front Street (see Figure 8).
- (2) In amplification of sub-paragraph (1), verandahs shall cover the full frontage of the building and the entire building setback, and shall provide an attractive and convenient pedestrian link at the street level.

Contemporary Business District

Vision

The Contemporary Business District represents the main business and commercial core of the City and accommodates a number of tall, contemporary office buildings, particularly on the western side.

A key landmark in the centre of this district is the Anglican Cathedral, a Grade 1 Listed Building. The Anglican Cathedral site is also designated as a Historic Area.

This district includes two key strategic sites, City Hall car park and Par-la-Ville car park, both of which are recognized as potential redevelopment sites and designated as Special Study Areas.

This Plan encourages commercial development within the City. It provides opportunities for a variety of architectural styles reflective of the status of the City of Hamilton as the centre of business but emphasizes the need for new development to be respectful to and compatible with historic and landmark buildings in the surrounding area.

To encourage new development in the eastern parts of this district, the Plan gives the Board the discretion to permit development that is more than the maximum number of storeys as identified in Figure 9 in the areas identified in Figure 10, providing the proposal (a) includes a significant residential and/or tourism component and community benefits to the public realm or (b) includes a donation to the Listed Building Grant Scheme amounting to 1 per cent of the total development costs or (c) includes a combination of (a) and (b).

Street level setbacks and upper storey setbacks will be required to help reduce the scale and massing of tall buildings and provide a pedestrian friendly scale. Upper storey setbacks will also be required to help create façade articulation, and assist in providing natural light and ventilation within buildings. However, the policies provide the Board with the discretion to reduce the upper storey setbacks to allow for alternative building design options.

On the western side of this district, where there is a good supply of public car parking, on-site private parking for non-residential developments will not be permitted within the Restricted Parking Area. Within the Reduced Parking Area, on-site parking will be restricted to the minimum number of parking spaces required to meet the operational needs of the site. On the eastern side, where

there is less public car parking, on-site private parking will be permitted in accordance with the maximum parking standards associated for different uses within a Standard Parking Area (see Section 3, Traffic Management and Parking).

Objectives

- CBD (1) To support commercial development and encourage new development particularly on the eastern side of the City**
- CBD (2) To add to the vibrancy and diversity of the City by providing for a variety of architectural styles**

Policies

General Direction to the Board

- CBD.1** The Board shall apply the Contemporary Business District policies and other relevant policies of the Planning Statement in a manner best calculated to achieve objectives CBD (1) to (2).

Public Realm Community Benefits

- CBD.2** (1) In accordance with policy PED.1, the provision of community benefits to the public realm of this district will be encouraged with all developments and will be required for certain developments which seek the Board's discretion for a development bonus or design variance.
- (2) In amplification of sub-paragraph (1), community benefits within this district may include but are not limited to the provision of new, or improvements to, amenity areas, park and open spaces, sidewalks, landscaping, pedestrian links, street furniture and signage, some of which are illustrated in Figure 22.



Figure 22: Potential Community Benefits in the Contemporary Business District

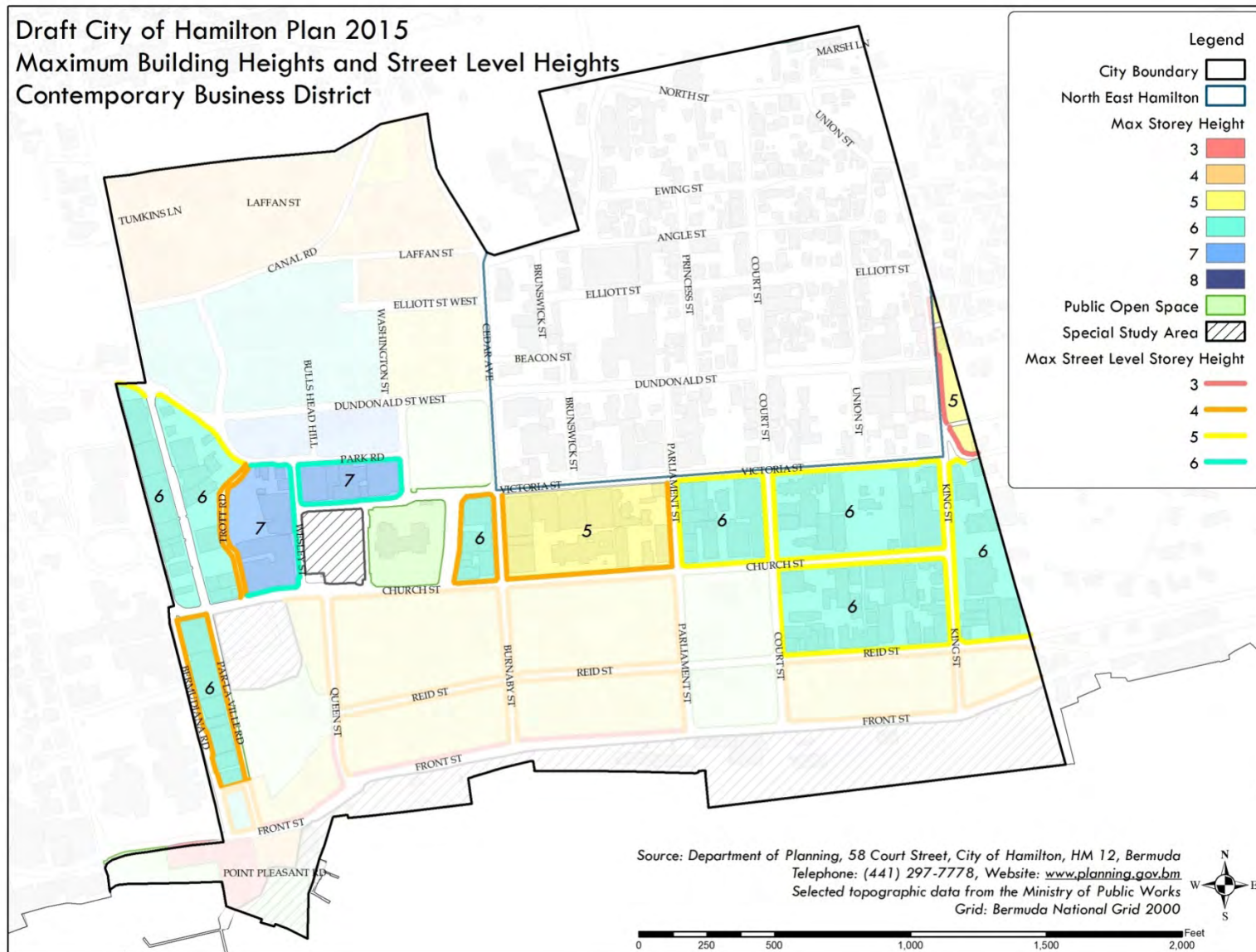


Figure 23: Maximum building heights and street level heights - Contemporary Business District

Maximum building height

- CBD.3 The maximum number of storeys of development permitted within the Contemporary Business District shall be determined in accordance with Figure 23 (see also Figure 9).
- CBD.4 (1) Notwithstanding policy CBD.3, the Board has the discretion to permit development that is more than the maximum number of storeys (as identified in Figures 9 and 23), up to a maximum building height as specified in those areas identified in Figure 10, providing the proposal:-
- (a) includes a significant residential and/or tourism component and community benefits to the public realm in accordance with policy CBD.2; or
 - (b) includes a donation to the Listed Building Grant Scheme amounting to the minimum value of one per cent of the total development costs in accordance with policy HSC. 5; or
 - (c) includes a combination of options (a) and (b).
- (2) In exercising its discretion under sub-paragraph (1), the Board must be satisfied that:-
- (a) the height, scale and massing do not create an overly dominant feature when viewed from any street or public area and do not have a detrimental impact on any listed building;
 - (b) the application is accompanied by a Design Statement in accordance with policy DSN.3;
 - (c) the proposal has been reviewed by the Advisory Architectural Panel and the Corporation of Hamilton; and
 - (d) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.
- CBD.5 Notwithstanding policies CBD.3 and CBD.4, in order to protect the aspect and prospect of the City's Historic Areas and to retain the Cathedral's visual dominance, the Board shall ensure that:-
- (a) the proposal does not have a detrimental impact on the aspect or prospect of any Historic Area in accordance with policies HSC.6 and DSN.5(a) (see Figure 11, Historic Areas – Aspects and Prospects); and

- (b) development does not normally exceed 138 feet O.D. in height (being the height of the ridge level of the Cathedral) in accordance with policy DSN.5(b) and as shown in Figure 12, Heights of the Anglican Cathedral.

Maximum Number of Storeys at Street Level

- CBD.6 The maximum number of storeys at street level for the Contemporary Business District shall be determined in accordance with Figure 23 (see also Figure 9).

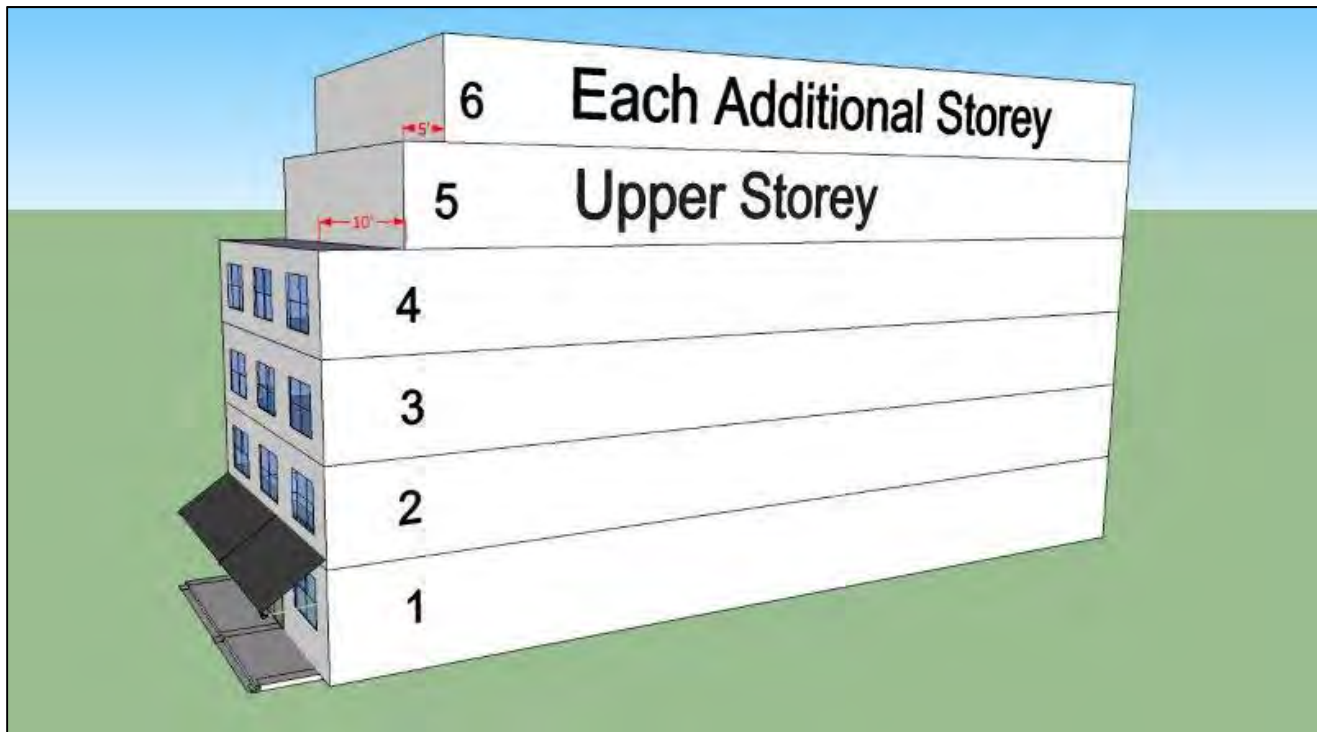


Figure 24: Upper storey setbacks - Contemporary Business District

Upper Storey Setbacks

- CBD.7 (1) For any development within the Contemporary Business District, the first upper storey of a building will be required to be set back from the building front by a minimum of 10 feet and by an additional 5 feet for each additional upper storey as illustrated in Figure 24.
- (2) Notwithstanding sub-paragraph (1), the Board may vary this upper storey setback requirement in order to provide a better design solution, provided the Board is satisfied that:-
- (a) an equivalent or similar area of the variance is incorporated into a street level setback and/or corner cut off on the ground floor to improve the pedestrian environment;
 - (b) the variance does not result in a detrimental impact on any building, street, lane or pedestrian space;
 - (c) the variance adds variety and architectural interest to the building design;
 - (d) the development provides community benefits to the public realm in accordance with policy CBD.2;
 - (e) the application is accompanied by a Design Statement in accordance with policy DSN.3;
 - (f) the proposal has been reviewed by the Advisory Architectural Panel and the Corporation of Hamilton; and
 - (g) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Street level setbacks

- CBD.8 (1) The required street level setbacks for the Contemporary Design District are shown in Figure 25 (see also Figure 14).
- (2) Notwithstanding sub-paragraph (1), the Board may vary the street level setback requirement provided it is satisfied that a minimum sidewalk width of 12 feet, including an unobstructed pedestrian pathway width of 7 feet, is provided.

- (3) Further to sub-paragraphs (1) and (2), the Board may vary the street level setback requirement provided it is satisfied that:-
- (a) an equivalent or similar setback area is incorporated into a side lot line setback, rear lot line setback or upper storey setback;
 - (b) the variance does not result in a detrimental impact on any building, street, lane or pedestrian space;
 - (c) the variance adds variety and architectural interest to the building design;
 - (d) the development provides community benefits to the public realm in accordance with policy CBD.2;
 - (e) the application is accompanied by a Design Statement in accordance with policy DSN.3;
 - (f) the proposal has been reviewed by the Advisory Architectural Panel and the Corporation of Hamilton; and
 - (g) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

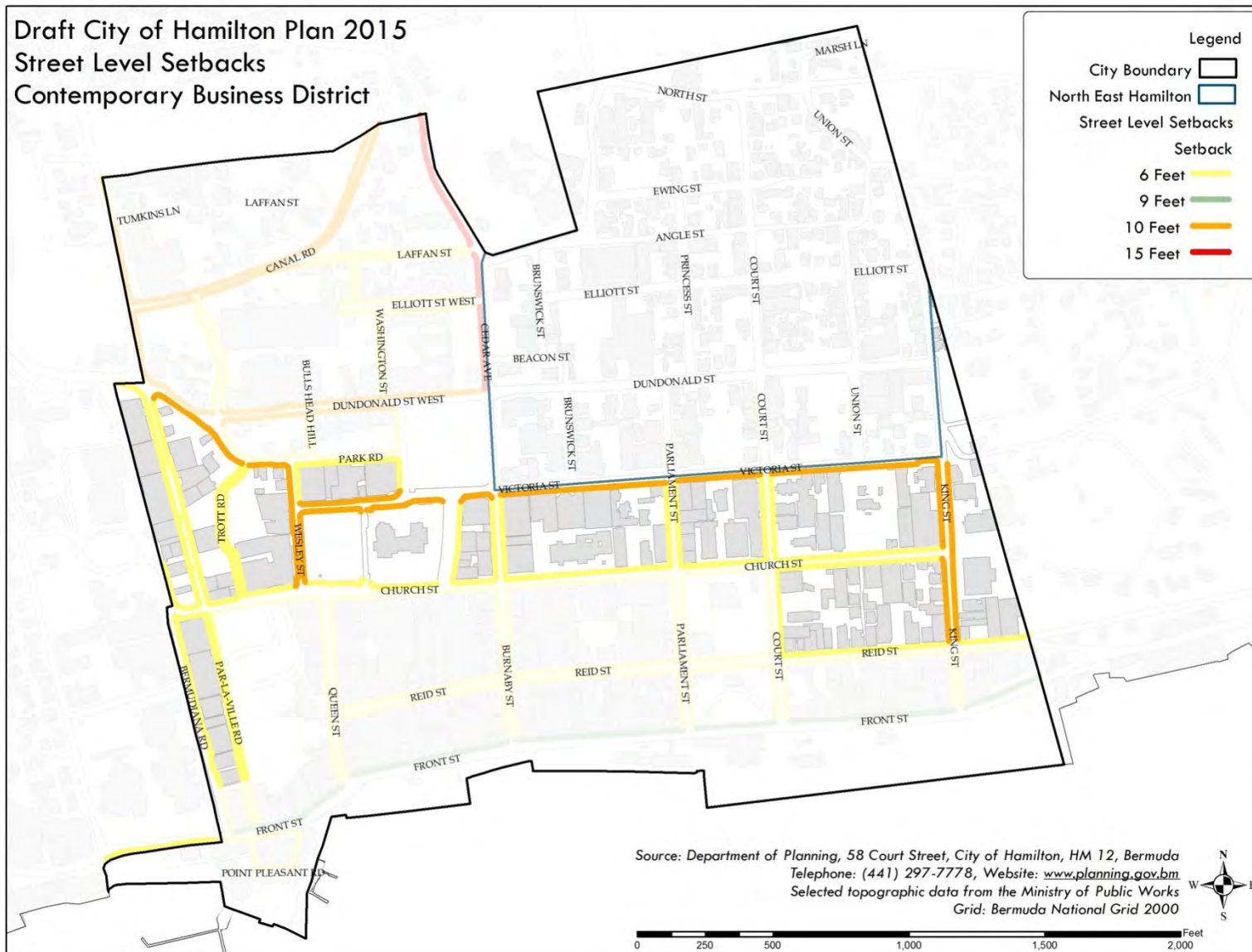


Figure 25: Street level setbacks - Contemporary Business District

Residential and Community District

Vision

The Residential and Community District represents the north western corner of the City (see Figure 15). This district has an established residential community as well as a mix of social, educational, commercial and light industrial uses. Pembroke Canal runs along the northern City boundary and cuts through the western corner of this area (see Figure 2). This district has the potential for further residential development and supporting local services as well as significant redevelopment and expansion on some of the large commercial and institutional sites.

The topography of this district is generally low lying with small hills in the Laffan/Cedar Avenue and Canal Road/Jacksons Road areas. The lower elevations provide the opportunity for the construction of higher buildings which should have limited visual impact on the City skyline and other parts of the City to the south. However, one significant challenge is that this area is prone to flooding due to the topography and proximity to the water table.

The introduction of permeable paving for sidewalks, driveways and parking lots as well as more greenery and vegetation in this area would help to capture storm water and reduce run-off. The incorporation of sustainable drainage systems, greenspace and landscaping in development proposals as well as the capture and reuse of storm water should help reduce the drainage issues in the locality. Individual development proposals within the district would benefit from an engineer's report to recommend best methods of water catchment and disposal.

Under the Pembroke Marsh Canal Act 1969, the Minister of Public Works is responsible for the maintenance and upkeep of the canal including any improvements. The Pembroke Marsh Canal Regulations 1971 prohibit the discharge of effluent or storm water into the canal. The regulations prohibit development within 14 feet of the edge of the canal as well as any development considered to have a potential detrimental impact on the canal.

Given these restrictions, Pembroke Canal provides an opportunity for some green, recreational and amenity space in this area. In addition, a possible new community garden or parkette could provide a much needed green space or community garden in this area.

Located in proximity to a number of City gateways including Serpentine Road, Woodlands Road, Canal Road, and Cedar Avenue, and accommodating the City's only multi-storey car park, this district has good accessibility and a good supply public car parking. Consequently, it is a highly trafficked area with a lot of traffic congestion particularly in the morning and evening rush hours.

Traffic calming measures are required particularly along Canal Road. In addition, road and sidewalk improvements along Canal Road and potential sidewalk improvements along Washington Street could significantly enhance the pedestrian environment and pedestrian safety in this district.

The objective for this district is to provide for a range of development opportunities that allow for a mix of uses and encourage residential development close to employment. Residential development, tourism development, day care centres, local services and small businesses are considered particularly suitable uses for this district.

To encourage new development in this district, the Plan provides opportunities for tall buildings and flexibility in building design. The Plan also gives the Board the discretion to permit development that is more than the maximum number of storeys as identified in Figure 9 in the areas identified in Figure 10 providing the proposal (a) includes a significant residential and/or tourism component and community benefits to the public realm or (b) includes a donation to the Listed Building Grant Scheme amounting to 1 per cent of the total development costs or (c) includes a combination of (a) and (b).

Open spaces and parks, pedestrian improvements and improvements to the Pembroke Canal to provide green amenity space will be encouraged.

Objectives

RCD (1) To provide for a range of development opportunities and encourage residential development, tourism development, local services and amenity areas

Policies

General direction to the Board

RCD.1 The Board shall apply the Residential and Community District policies and other relevant policies of the Planning Statement in a manner best calculated to achieve objective RCD (1).

Public Realm Community Benefits

- RCD.2 (1) In accordance with policy PED.1, the provision of community benefits to the public realm of this district will be encouraged with all developments and will be required for certain developments which seek the Board's discretion for a development bonus.
- (2) In amplification of sub-paragraph (1), community benefits within this district may include but are not limited to the provision of new, or improvements to, amenity areas, park and open spaces, sidewalks, landscaping, pedestrian links, street furniture and signage, some of which are illustrated in Figures 26 and 27.



Figure 26: Potential Community Benefits - Residential and Community District



Figure 27: Potential Community Benefits - Residential and Community District

Maximum building height

- RCD.3 The maximum number of storeys of development permitted within the Residential and Community District shall be determined in accordance with Figure 28 (see also Figure 9).
- RCD.4 (1) Notwithstanding policy RCD.3, the Board has the discretion to permit development that is more than the maximum number of storeys (as identified in Figures 9 and 28), up to the maximum building height specified in those areas identified in Figure 10, providing the proposal:-
- (a) includes a significant residential and/or tourism component and community benefits to the public realm in accordance with policy RCD.2; or
 - (b) includes a donation to the Listed Building Grant Scheme amounting to 1 per cent of the total development costs in accordance with policy HSC.5; or
 - (c) includes combination of options (a) and (b).
- (2) In exercising its discretion under sub-paragraph (1), the Board must be satisfied that:-
- (a) the height, scale and massing does not create an overly dominant feature when viewed from any street or public area and does not have a detrimental impact on any landmark or listed building;
 - (b) the application is accompanied by a Design Statement in accordance with policy DSN.3;
 - (c) the proposal has been reviewed by the Advisory Architectural Panel and the Corporation of Hamilton; and
 - (d) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.
- RCD.5 Notwithstanding policies RCD.3 and RCD.4, in order to protect the aspect and prospect of the City's Historic Areas and to retain the Cathedral's visual dominance, the Board shall ensure that:-
- (a) the proposal does not have a detrimental impact on the aspect or prospect of any Historic Area in accordance with policies HSC.6 and DSN.5(a) (see Figure 11, Historic Areas – Aspects and Prospects); and
 - (b) development does not normally exceed 138 feet O.D. in height (being the height of the ridge level of the Cathedral) in accordance with policy DSN.5(b) and as shown in Figure 12, Heights of the Anglican Cathedral.

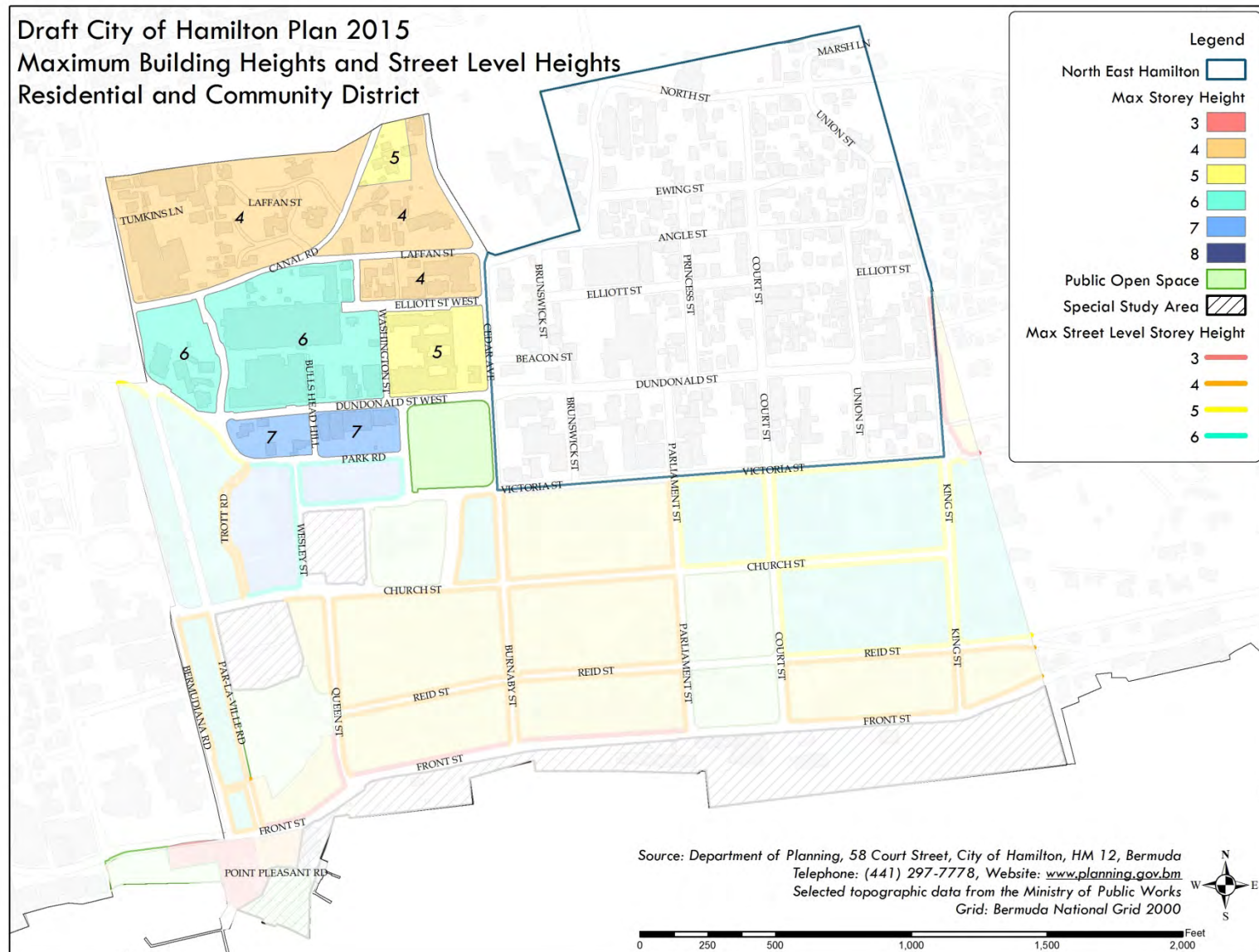


Figure 28: Maximum building heights and street level heights - Residential and Community District

Street level setbacks

- RCD.6 (1) The required street level setbacks for the Residential and Community District are shown in Figure 29 (see also Figure 14).
- (2) Notwithstanding sub-paragraph (1), the Board may vary the street level setback requirement provided it is satisfied that a minimum sidewalk width of 12 feet, including an unobstructed pedestrian pathway width of 7 feet, is provided.
- (3) Further to sub-paragraphs (1) and (2), with the Board may vary the street level setback requirement provided it is satisfied that:-
- (a) an equivalent or similar setback area is incorporated into a side lot line setback, rear lot line setback or upper storey setback;
 - (b) the variance does not result in a detrimental impact on any building, street, lane or pedestrian space;
 - (c) the variance adds variety and architectural interest to the building design;
 - (d) the development provides community benefits to the public realm in accordance with policy RCD.2;
 - (e) the application is accompanied by a Design Statement in accordance with policy DSN.3;
 - (f) the proposal has been reviewed by the Advisory Architectural Panel and the Corporation of Hamilton; and
 - (g) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

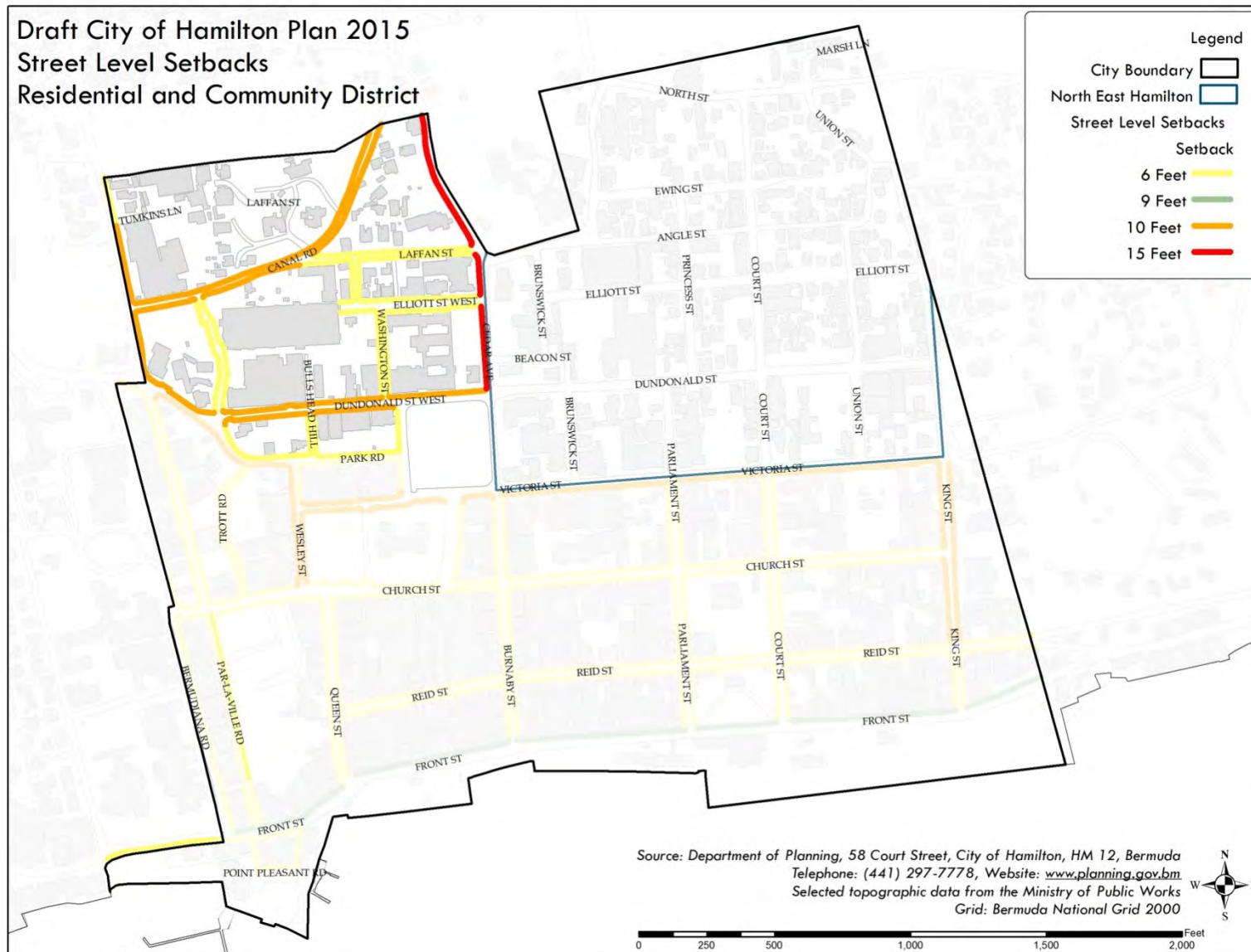


Figure 29: Street level setbacks - Residential and Community District

SECTION 5: IMPLEMENTATION, MONITORING AND REVIEW

Implementation

The objectives of the City of Hamilton Plan will be achieved through the Board's powers to grant or refuse planning permission in accordance with the policies of the Plan. The Act places prime importance on the policies of development plans in the determination of whether to approve a planning application. Planning conditions are attached to planning permissions, where necessary, to regulate the form and use of the approved development and where planning conditions cannot be used to resolve these matters, the applicant may be encouraged to enter into an agreement with the Minister in accordance with section 34 of the Act.

Most development in the City is expected to come from private investment, ranging from upgrades to existing properties through to major new commercial, residential, tourism and mixed use developments. A number of the Plan's policies make reference to provisions which need to be included in all development proposals as a matter of course, for example all developments should provide a high quality design and landscaping and contribute to the enjoyment, comfort and safety of pedestrians. For other proposals, it may be necessary to secure certain provisions, for example a specific development use and community benefits to the public realm, in order for the Board to permit additional bonus storeys.

The Corporation of Hamilton plays a vital role in providing the services necessary for the smooth operation of the City including road and sidewalk maintenance, public parking, garbage collection and maintenance of the City's parks as well as the use and development of its own land holdings.

To help facilitate ongoing communication and collaboration regarding City improvements and future initiatives for the City, a Futures Committee has been established with representatives from the Corporation of Hamilton, Chamber of Commerce, Department of Planning, City residents and interested professionals.

Monitoring

This Plan provides the policies to help guide the use and development of land in the City of Hamilton for the next 5 to 10 years. During this time, it is likely that some circumstances which have a bearing on development within the City will change, for example, changes in the economy and the introduction of new legislation or government policy. It is important, therefore, that the Plan is regularly monitored to assess the effectiveness of its objectives and policies.

The need to undertake surveys and studies of land use, population growth, the economy, transportation, communication needs and public services is outlined in section 6(2) of the Act. In order to provide a framework for these surveys, it is important to develop effective processes and procedures for monitoring and review.

Monitoring involves examining the extent to which the objectives and policies of the Plan are successfully being implemented by collecting and analysing relevant information. One of the main objectives of the monitoring process is for the Department to have clear, concise, complete and accurate information as it pertains to development, and to provide an accessible and up-to-date information system.

The Department has a sophisticated planning and building applications database called Bermuda Environmental Management Information Systems (BEMIS) which also has a spatial mapping function and many layers of geographic information. BEMIS is used primarily for administering the processing of applications; however, it has also been designed to generate statistical reports which are used for decision-making and long term planning. BEMIS 1.0 was custom built in 1999 and has undergone many enhancements including linkages to other Government databases and information systems. An improved and re-designed BEMIS will offer greater potential in the collection and monitoring of land use and development information in the future and provide an efficient, effective and accurate tool for monitoring the policies of the City of Hamilton Plan.

Review

A review of the Plan is required every five years, in accordance with section 9 of the Act. The review may indicate that some minor alterations to policies are required to reflect changes in circumstances or the need for a comprehensive review of the entire Plan. Any change in policy would require statutory public consultation in accordance with the Act.

Further studies, guidance and information

The Plan is not a stand-alone document. It is important to apply the Plan's policies in conjunction with other Corporation of Hamilton and Government plans, programmes and initiatives. Some of these initiatives are yet to be finalized and others will evolve over time.

The Plan identifies certain special study areas for which more in-depth research and design is required. In addition, there are certain initiatives, such as a City Streetscape Enhancement Plan, which requires further work.

The Plan identifies North East Hamilton as an area for which a local plan will be prepared. The policies of the local plan must conform generally to the City of Hamilton Plan (a development plan) in accordance with the Act.

Planning guidance notes are used to supplement the Plan's policies and address certain development issues in more detail as well as development issues not addressed in the Plan. Planning or development briefs are also used for key sites to provide more detailed guidance on their future development. Whilst not strictly part of the regulatory Plan, guidance notes and planning briefs are nevertheless relevant to the Board's consideration of a planning application.

SECTION 6: DEFINITIONS

The terms used in this Plan shall be defined as follows, unless the context requires otherwise:

- DEF.1 “accessory” in relation to a building or use means a structure or use which is supplementary, subsidiary and incidental to the principal building or the principal use on the same site, and "ancillary" shall mean the same;
- DEF.2 “the Act” means the Development and Planning Act 1974 and any subsequent amendments;
- DEF.3 “amenity” means a positive element or elements that contribute to the overall character or enjoyment of an area;
- DEF.4 “apartment house” means a residential building that contains three or more dwelling units, and “apartment house development” shall be construed accordingly;
- DEF.5 “aspect” means the appearance of or, view into, an area;
- DEF.6 “attic” means the space in a building between the ceiling joists / collar ties of the storey below the roof rafters of the storey above;
- DEF.7 “basement” means that part of a building which is partly or completely below grade;
- DEF.8 “bedroom” means any private habitable room intended for sleeping purposes;
- DEF.9 “Board” means the Development Applications Board;
- DEF.10 “building” means a combination of materials enclosing a space to form a roofed construction;
- DEF.11 “commencement day” means the day on which the Draft Plan became operative as a development plan in accordance with section10 of the Act;
- DEF.12 “commercial” means development for the provision of goods and services including but not limited to shops; restaurants, cafes and bars; offices; banking halls; insurance and financial services; services such as beauty parlours,

laundromats, locksmiths and shoe repair shops; artists' studios and local craft shops; showrooms and rental outlets; and “commercial premises” and commercial use shall be construed accordingly;

- DEF.13 “communal space” means areas comprising gardens, lawns, play areas, swimming pools, tennis courts, fitness centres or similar within the curtilage of a residential development, at or below grade, outside or within a building, provided for the enjoyment and use of residents on a shared basis;
- DEF.14 “community benefits” means improvements, that can be enjoyed by the public, normally located within the public realm and contemplated as part of a development proposal, and may include but are not limited to the provision of new, or improvements to, amenity areas, park and open spaces, sidewalks, landscaping, public art, pedestrian links, street furniture and signage;
- DEF.15 “compatible” means the ability of a proposed development to co-exist within its environment without causing conflict, discord, incongruity or visual incoherence, and is generally applied to use, size, scale, proportion, massing, height, setback, detailing and materials;
- DEF.16 “the Corporation” means the Corporation of Hamilton;
- DEF.17 “cultural” means development for use as a library, cinema, theatre, museum, art gallery, auditorium or studio of the performing arts;
- DEF.18 “density” means the degree to which a lot or any area of land is occupied by development, housing units or persons, as the case may be;
- DEF.19 “Department” means the Department of Planning;
- DEF.20 “design statement” means a statement describing the design principles, concepts and features for a development proposal as detailed in policy DSN.20;
- DEF.21 “details of planning” means those matters listed in policy GEN.10 which the Board shall take into consideration in determining any planning application;

- DEF.22 “development” means the carrying out of building, engineering or other operations in, on, over or under any land, the making of any material change in the use of any building or other land or the demolition or the making of a material alteration to the external appearance of a listed building, as stated in section 14 of the Act, and “develop” shall be construed accordingly;
- DEF.23 “development brief” means a document which sets out the Department’s guidelines and requirements for the development of a particular site, giving details of acceptable land uses and relevant standards to be met (see also “planning brief”);
- DEF.24 “development regulations” means the provisions which impose restrictions or limitations on the development of land with respect to such matters as building height and setbacks, and which are normally expressed in numerical form either as a maximum or minimum, or to be determined at the discretion of the Board;
- DEF.25 “dwelling unit” means a self-contained residential unit capable of human habitation having its own bathroom, permanent cooking facilities, living space and access, and where the accommodation is intended for related persons or no more than five unrelated persons;
- DEF.26 “environmental impact statement” means a document (or series of documents) which presents a quantitative analysis and qualitative assessment of a project's effects on the natural, human and built environment and which presents the results in a way which enables the Board to properly evaluate the impact of the predicted effects, and the scope for modifying or mitigating them(refer to policies GEN.24 and GEN.25);
- DEF.27 “existing” means in existence immediately before commencement day;
- DEF.28 “façade” means any exterior surface of a building other than the roof;
- DEF.29 “floor area, gross” means the habitable area within the perimeter of the outside walls of a building as measured from the inside surface of the exterior walls, with no deduction for hallways, stairs, closets, thickness of walls, columns, or other interior features;
- DEF.30 “front, building” means a plane determined by the forward most part of the building which fronts onto any street and extends vertically to the highest point of the building;

- DEF.31 “frontage, street” means the total length of the building that faces onto any street;
- DEF.32 “grade” means with reference to a proposed or existing structure, the average existing elevation of the ground adjoining the existing or proposed structure(s) on all sides; and with reference to an excavation, the elevation of the ground at any point along the sides of the elevation;
- DEF.33 “grounds in support” means a written submission from an applicant in accordance with policy GEN.26;
- DEF.34 “group housing” means accommodation such as boarding houses, rooming houses and staff accommodation intended for persons who are ordinarily resident in Bermuda and in which cooking and/or sanitary facilities are shared, and for the avoidance of doubt, the occupation of a dwelling by no more than five unrelated persons shall not constitute group housing;
- DEF.35 “habitable” means suitable for human occupation;
- DEF.36 “height” means, in relation to a structure, the vertical distance from the grade to the highest point of a coping on a flat roof or to the eaves of any other type of roof, and “maximum height” shall be construed accordingly;
- DEF.37 “height, Cathedral eaves” has the meaning assigned to it in Figure12;
- DEF.38 “height, Cathedral ridge” has the meaning assigned to it in Figure 12;
- DEF.39 “Historic Area” means an area of land designated pursuant to section 31 of the Act to protect the historic, architectural or cultural character of these areas and may or may not contain listed buildings;
- DEF.40 “home occupation” means a business, profession, occupation or trade conducted entirely within a residential building which:-
- is strictly accessory to and compatible with the residential use of a property;
 - maintains the residential appearance and character of the building and land;
 - does not involve the direct sale of goods or produce from the premises to the general public;
 - occupies no more than 25% of the total floor space of the dwelling in which it is located;

- is not injurious to the amenity of the residential area by reason of noise, vibration, odour, smoke, dust or the generation of traffic;
- does not involve more than one commercial vehicle and all parking and turning facilities are contained within the site; and
- employs no more than two persons on the premises of which at least one person shall be a bona fide resident of the dwelling;

DEF.41 “industrial” means development for the purpose of carrying on any process for or incidental to any of the following:-

- the making of any article or part of any article, including a ship or boat;
- the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, break-up or demolition, of any article; and
- the storing, warehousing and wholesaling of merchandise; and
- includes but is not limited to the sale, rental and repair of cycles, motor vehicles and boats, and building supply establishments; and
- "industrial premises", "industrial use" and “industrial development” shall be construed accordingly;

DEF.42 “industrial, light” means industrial development which is not detrimental to the amenity of a surrounding area, particularly any residential area, by reason of noise, vibration, smell, fumes, dust or grit, excessive traffic generation or unsightliness, and "light industrial premises" and "light industrial use" shall be construed accordingly;

DEF.43 “institutional” means development for uses such as educational establishments (nursery, pre-schools, middle and senior schools, colleges and centres of research), cultural (museum, art gallery, library), civic and community centres, places of worship, hospitals, clinics, special care facilities, police, fire, regiment and emergency services as well as other government facilities;

DEF.44 “layout” means, in relation to development, the way in which the various components of the proposal are arranged on the site and the relationship between such components as buildings, structures, parking areas, means of access, private and communal spaces and areas of hard surfacing;

- DEF.45 “Listed Building” means a building or structure which has been included on a list approved by the Minister under section 30 of the Act as important for its special architectural or historic interest, and whereby the Listed Building is given a designation of grade HM, grade 1, grade 2 or grade 3 which have the following meanings:-
- “Grade HM” or “Historic Monuments” refers to buildings, structures or groups of buildings not originally intended for residential, commercial or administrative purposes but built as defensive structures, monuments, outbuildings or other ancillary structures, some of which may have become significant ruins, and where their aesthetic value may be modest but their historic significance and structural interest make them of vital historic importance, and integral to both the Island’s history and to its cultural tourism;
 - “Grade 1” refers to buildings, structures or groups of buildings that have survived in essentially their original condition and that are of such exceptional interest and architectural or historical value that they should largely be preserved in their present form, both structurally and decoratively;
 - “Grade 2” refers to buildings, structures or groups of buildings that have survived in such condition and are of such special interest and architectural or historical value that alterations and additions should be limited to works that do not impinge on those parts of the building to be protected and preserved;
 - “Grade 3” refers to buildings, structures or groups of buildings which serve Bermuda as an important visual amenity and are of such architectural or historical value that alterations or additions should normally be carried out in sympathy with the structural and decorative style dominant in the existing structure;
- DEF.46 “live / work unit” means the provision of living and working accommodation in a single, self-contained unit that is occupied by the same resident, which does not permit retail sales and customers visit only by appointment;
- DEF.47 “loading, on-site” means loading in a space provided on a site for the temporary parking of motor vehicles taking on board or discharging of materials in connection with a use exercised on the site;
- DEF.48 “lot” means a parcel of land which before 27 June 1974 was held by single title or which is within a registered plan of subdivision or which is deemed registered in accordance with the Development and Planning Amendment Act 1997;
- DEF.49 “lot line” means the boundary line separating one lot from another or from a road or other space;

- DEF.50 “lot size” means the area of a lot which is calculated by excluding any land used as a road and any land which is used as a right of way or easement for vehicular access to three lots or more, notwithstanding that the subject lot may not gain its access from that right-of-way or easement;
- DEF.51 “massing” means, in relation to development, the overall size, bulk and dimensions of buildings and the overall appearance and visual impact thereof resulting from the juxtaposition of buildings;
- DEF.52 “Minister” means the Minister responsible for planning unless otherwise stated;
- DEF.53 “non-conforming” means the use of land, building or structure that lawfully existed prior to commencement day which does not conform to the policies of the Plan, provided it is a continuous use;
- DEF.54 “O.D.” (Ordnance Datum) means the ground floor height above sea level;
- DEF.55 “parking” means, in relation to a use, a purpose designed surface area or purpose built structure for the accommodation of vehicles;
- DEF.56 “parking lot, private” means a privately owned site on which parking is the principal use;
- DEF.57 “parking, non-operational” means parking provided for vehicles which do not necessarily have to park or wait at the premises including but not limited to parking for employees, visitors, customers and the general public;
- DEF.58 “parking, operational minimum” means the minimum number of parking spaces required for vehicles which are regularly and necessarily involved in the operation of the premises and which must have direct access to the premises for the purpose of its operation, including but not limited to commercial vehicles which service the building;
- DEF.59 “parking, on-site” means a parking space located on the same site as the principal use of the site;
- DEF.60 “parking spaces, maximum number of on-site” means both operational and non-operational parking spaces which accommodate vehicles including private cars and light trucks but which do not accommodate vehicles used for loading and unloading;

- DEF.61 “parking standard” means the maximum number of parking spaces permitted, as determined by a development’s location, use and floorspace;
- DEF.62 “Plan” means the DraftCity of Hamilton Plan 2015;
- DEF.63 “planning brief” means a document which sets out the Department of Planning’s guidelines and requirements for the development of a particular site, giving details of acceptable land uses and relevant standards to be met (see also “development brief”);
- DEF.64 “premises” means the land or the lot and all its buildings;
- DEF.65 “principal use” means the main purpose to which land, a building or a structure is put;
- DEF.66 “private outdoor living space” means an open area provided specifically for the enjoyment of the residents of a dwelling unit;
- DEF.67 “projections” means a part or parts of a building which protrudes away from the exterior wall, such as bay windows, balconies, verandahs, canopies and awnings and may have the ability to provide weather protection for the pedestrian and the building entrance;
- DEF.68 “prospect” means the view from one or more parts of an area;
- DEF.69 “public art” means a work of art that has been planned or executed with the specific intention of being sited or staged in the physical public domain, and includes features that may be permanent, temporary, memorial, or celebratory.
- DEF.70 “public open space” means usable open land provided for the enjoyment of the general public;
- DEF.71 “public realm” means the collection of outdoor spaces, places, linkages and built form elements that are physically and/or visually accessible to the public, including but not limited to streets, sidewalks, plazas, nodes, squares, parks, waterfronts, landmarks, building interfaces, patios and verandahs;

- DEF.72 “renewable energy” means energy that is obtained from naturally occurring sources that are replenishable and include but is not limited to solar, wind, ocean wave, ocean thermal, geothermal, hydro and tidal, and for the avoidance of doubt does not include electricity produced from municipal solid waste;
- DEF.73 “residential” means the use or development of land or a building(s) for the provision of a dwelling unit in a detached house, an attached house, an apartment house, group housing or housing for persons with special needs;
- DEF.74 “restaurant” means use as an establishment where food and drink are sold to the public for consumption on the premises within a provided seating area and which is licensed to serve alcoholic beverages;
- DEF.75 “retail” means the use of an establishment for any of the following purposes:-
- the sale of goods, wares, merchandise or articles;
 - an eating establishment which is not licensed to serve alcoholic beverages, such as a sandwich bar, cafe or coffee shop;
 - travel agents and airline ticket agencies that serve the public and generate customer activity; and
 - accessory storage of such goods, sufficient only to service the principal retail use and not exceeding 50% of the gross floor area and, if located on the ground floor, not within 30 feet of the ground floor frontage; and
 - for the avoidance of doubt, “retail” does not include banking halls or other financial services (see definition for “commercial”);
- DEF.76 “road” means the carriageway and related verges and/or sidewalks of a public or private road but does not include a driveway;
- DEF.77 “roofline” means the shape, contour, style or outline of a roof or series of roofs;
- DEF.78 “rooftop features” means architectural features including but not limited to towers, domes and roof garden structures which may be permitted to project above the roof of the upper storey;
- DEF.79 “scale” means, in relation to a building, the proportions of a building and the relationship of the building to its surroundings and to the physical characteristics of the site;

- DEF.80 “scale of operation” means the relative magnitude, extent and range of an activity as determined by such matters as the size and amount of building, the number of persons accommodated or employed, the level of customer activity, the amount of private and commercial traffic generated, and noise levels, and “scale of development” shall be construed accordingly;
- DEF.81 “setback, street level” means the minimum distance between a lot line or a site boundary and the front face of a building;
- DEF.82 “setback, upper storey” means the required setback between the permitted maximum number of storeys at street level and the building face of any storey above the maximum number of storeys permitted at street level;
- DEF.83 “social” means development that meets a local need for educational, health or welfare related activities including, but not limited to:-places of worship and related facilities; educational facilities including nursery schools and day care centres; community centres, public meeting rooms and youth facilities; medical services including doctors’ and dentists’ surgeries and offices; health and leisure facilities; and any other similar purpose;
- DEF.84 “special needs housing” means accommodation to meet the needs of groups of people who may need special care including but not limited to elderly and disabled persons as well as persons requiring hostel accommodation in which care is provided for health, disciplinary or other reasons in a residential environment;
- DEF.85 “Statement” means the Draft City of Hamilton Plan 2015 which constitutes the written statement as called for by section 6 of the Act;
- DEF.86 “statutory undertakers” means persons authorized by any Act to carry on any dock, harbour or pier undertakings, or any undertaking for the supply of electricity, water, oil, telephone or sewer services, and “statutory undertaking” shall be construed accordingly;
- DEF.87 “storey” means a habitable or rentable space, other than a basement, between two floors, or between any floor and the roof above;
- DEF.88 “storey, maximum number of storeys” has the meaning assigned to it in Figure 9 (see also Figures 18, 23 and 28);

- DEF.89 “storey, maximum number of storeys at street level” has the meaning assigned to it in Figure 9 (see also Figures 18, 23 and 28);
- DEF.90 “storey, upper” means any storey above the maximum number of storeys permitted at street level;
- DEF.91 “sustainable development” means development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs;
- DEF.92 “tourist accommodation” means buildings where sleeping accommodation is provided for paying guests including hotels, guest houses, and “tourist accommodation development” shall be construed accordingly;
- DEF.93 “traffic impact statement” means a document outlining the careful examination of the potential traffic impacts of the development prior to the determination of the application (refer to policy TPT.2);
- DEF.94 “unit, studio” means an “efficiency” or “bedsitter” apartment which consists of one large habitable room that serves as a combined bedroom, living room and dining room area; has a distinct kitchen area or a “kitchenette”; and a separate bathroom;
- DEF.95 “unit, one bedroom” means a dwelling unit with one separate bedroom area clearly defined by walls, a separate living room area, a separate kitchen area and a separate bathroom; and may or may not have a separate dining room area;
- DEF.96 “unit, two bedroom” means a dwelling unit with two separate bedroom areas clearly separated by walls; and three or more bedroom units can be construed accordingly;
- DEF.97 “unit, rooming” means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes;
- DEF.98 “universal design” means buildings, products and built environments that are reusable and accessible to the greatest extent possible by everyone regardless of their age, ability or status in life; and
- DEF.99 “verandah” means an open portico or gallery attached to a building with a roof supported by pillars or posts.



GOVERNMENT OF BERMUDA
Department of Planning