



GOVERNMENT OF BERMUDA

Department of Planning



City of Hamilton Plan 2023

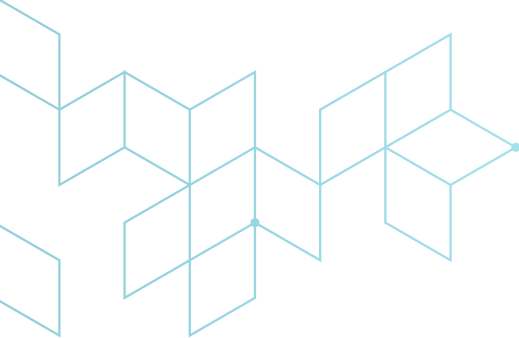
Consultative Draft



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1 Introduction

This document represents the first stage in the process of preparing a new land use plan for the City of Hamilton. For confirmation, this document is not the draft plan, which is a requirement of the Development and Planning Act 1974. The draft plan will be issued subsequent to this document. The purpose of this document is to provide all stakeholders with an opportunity to influence the content of the plan at an earlier stage in the plan-making process. Previously, the Department has been in the practice of issuing a single, operative draft plan before proceeding to adoption. Upon careful review, it is considered that such an approach does not provide the most effective means of public consultation. This consultative draft plan provides an opportunity for earlier engagement.

This is a discussion-based document which, alongside the City Survey Report 2023, establishes the rationale behind the stated policy approaches. The next stage in the process will be the preparation of the draft plan, which is a legislated stage of the process. Alongside the draft plan we will publish an updated version of the City Survey Report, which will contain a summary of the issues raised through the current City of Hamilton Plan 2023 (Consultative Draft) consultation phase, alongside the Department's responses.

The draft plan will provide a more solidified representation of what the Department considers the final, adopted version of the plan should look like. However, the draft plan stage also provides a further opportunity to make submissions to the Department in the form of either an objection or representation.

Neither this Plan nor the subsequent draft plan will be used as operative land use plans. The City of Hamilton Plan 2015 will continue to be the document against which all planning applications within the City (with the exception of North East Hamilton), will be assessed until the new Plan is formally adopted.

1.1 Tell us what you think!

This Plan provides the first opportunity for you to comment on our intended approach to the preparation of the City's next land use plan. It is an extremely important stage in the process because any feedback that we receive at this stage will be used to inform the content of both the draft plan and an updated version of the City Survey Report 2023.

There are two different ways of commenting on the Plan. You can provide feedback on a series of questions contained within the Story Map version of the Plan (available here: <https://storymaps.arcgis.com/stories/a9a2dc9848d7449f85b5c028f7c04c6f>), or via email: cityplan@gov.bm. Please note that any comments submitted may be made publicly available. Should you require further information, please contact the Department of Planning by calling **297-7756**, or by visiting our offices at the Dame Lois Browne-Evans Building, 5th Floor, 58 Court Street, Hamilton.

Thank you for your interest!

**NOVEMBER 2021
- APRIL 2022**

- Research
- Data gathering
- Analysis

**DECEMBER 2021
- JUNE 2022**

- Internal
- Consultative Draft Plan preparation

**JULY 2022 -
NOVEMBER 2022**

- Graphics, formatting, Plan refinement and devising consultation strategy of publication

**JANUARY 2023 -
MARCH 2023**

- Public consultation phase for Consultative Draft Plan

DECEMBER 2023

- Appoint Tribunal and refine Tribunal Procedures

**AUGUST 2023 -
NOVEMBER 2023**

- Consideration of objections/representations
- Pursue resolutions
- Prepare Department Position Reports

**JUNE 2023 -
AUGUST 2023**

- Issue draft plan
- Conduct legislated consultation phase

**MARCH 2023 -
MAY 2023**

- Review of consultation findings
- Refine plan and City Survey to reflect findings

**JANUARY 2024
- MARCH/APRIL
2024**

- Tribunal period, including consideration of objection/representation cases by Tribunal

**APRIL 2024 -
JUNE 2024**

- Preparation of Tribunal Report
- Ministerial review of recommendations
- Preparation of Tribunal Report inclusive of Minister's decisions

JULY 2024

- Plan will be taken before Cabinet
- Present Plan to both houses

**SEPTEMBER
2024**

- Adoption

1.2 Background

The Department has collated both qualitative and quantitative data from a wide range of sources on a number of different topics to establish a comprehensive understanding of the key issues affecting the City. The majority of this information, alongside our analysis of the findings, is presented within the City Survey Report 2023, which accompanies this document. We have also held discussions with a number of key stakeholders throughout the preparation of this document and the City Survey Report 2023.

As part of our research, we have also looked at what is happening within other towns and cities around the world and analysing how they are responding to the challenges being faced. It is unsurprising to note that, in general, retail activity within city centres has declined over the last 20 years as urban centres have struggled to cope with the impacts of out-of-centre retailing and online shopping. Whilst the 2008 global financial crisis and the pandemic have been major factors in this decline, the general consensus is that online shopping has been the single largest contributory factor. Urban centres have had to respond to these challenges in different ways and whilst it is important to learn lessons from other jurisdictions, it is also important that the vision for the future of the City of Hamilton is derived from an understanding of local circumstances and what would work best for the City.

From the analysis undertaken, the Department believes that the best way for the City to realise its fullest potential is to create a high quality, pedestrian friendly urban environment. We think that by focussing on the quality of place, the City can become an appealing destination in and of itself and not just somewhere which must be visited out of necessity. In addition, in recognising that the vitality of urban centres will not be pre-eminently driven by retail activity in the long term, it is important that a more diverse range of services and facilities is accommodated, with a particular focus on the social, leisure and entertainment sectors.

As evidenced by the publication of this document, we will be taking a different approach to the plan-making process than has traditionally been applied in Bermuda. We hope that through issuing a discussion document such as this one, the process will become more engaging and accessible to a wider audience. Furthermore, our intended approach to the application of the new plan will also represent a marked change to the way in which planning policy has been approached and applied in Bermuda. It is hoped that this new approach, which emerged out of the preparation of the North East Hamilton Local Plan 2022, will facilitate a higher standard of development which is truly responsive to its surrounding environment and contributes towards the creation of successful places.

The existing City of Hamilton Plan 2015 is a 'development plan', however, it is our intention to ultimately replace this with a 'local plan' through this plan-making process. This is a procedural change and will not impact upon the functionality of the document as the City's land use plan. Although the plan-making process for local plans is less onerous under the terms of the Development and Planning Act 1974 ("the Act"), we will broadly be adhering to the procedures required for the preparation of a development plan. This will ensure a transparent plan-making process which provides opportunities for meaningful input.

1.3 The City of Hamilton

The origins of the City of Hamilton date back to 1788 when the Governor of the day, Sir Henry Hamilton, decided that there was logic in having a town in the central part of the Island. In 1793 the town was incorporated by an Act of Parliament and subsequently the first officials were elected, with Daniel Tucker becoming the first Mayor of the town.

Within a short space of time the town was thriving as a port and quickly grew, becoming the centre of commerce for the Island. In 1815 it was confirmed as the capital of Bermuda, replacing the historic Town of St. George. The town of Hamilton had its status raised to a City by Queen Victoria in 1897 upon completion of the rebuilding of the Cathedral. Thereafter, the City of Hamilton officially became a municipality under the Municipalities Act of 1923.

Today, the City of Hamilton continues to be the Island's centre of commerce and the seat of government. It continues to have an active port which was adapted for container shipping in 1973. The City has also established itself as a hub for international business, a key pillar of Bermuda's economy.



Figure 1-2: City Plan Area

Key Statistics



POPULATION

Pre-pandemic, it was estimated that **40%** of the working population worked in the City.



PARKS

The City boasts **4** notable areas of public open space however, there is an imbalance in the geographic spread of these facilities, with the majority being located in the western part of the City.

VACANCY RATES

15% of ground floor units within the City are currently vacant, providing an indication that there is limited demand for commercial space within the City.



PARKING

Parking currently accounts for **12.5%** of the City's land mass, including large public parking lots, onsite parking, motorcycle parking and on-street parking. On-street parking is available on almost every street within the City and often creates a cluttered street scene which is hostile towards pedestrian movement.



THE WATERFRONT

The Waterfront area of the City is vastly underutilised, currently accommodating the container port (7 acres) and large areas of commercial parking.



HEALTH

- **75%** of adults are overweight or obese
- **50%** of adults have at least one chronic disease
- 3rd highest in the OECD for diabetes prevalence
- **16.9%** of the population was 65+ in 2016, which is projected to reach **24.9%** by 2026

1.4 City of Hamilton Plan 2015

The City of Hamilton Plan 2015 was adopted in July, 2016 and has therefore been operational for approximately 6 years. Since its adoption a total of 256 applications have been determined by the Development Applications Board within the City (31st December, 2021 as a cut-off date). This is a relatively low number of applications to enable comprehensive analysis of how the Plan has performed. In addition, a significant proportion of the operative period of the Plan has coincided with the pandemic, meaning that many of the issues which have recently arisen within the City have been as a consequence of the wider socio-economic implications of the pandemic.

The City Survey Report 2023 sets out detailed analysis across a number of different policy areas and provides commentary on how the City of Hamilton Plan 2015 has addressed certain issues. However, at the outset of this plan-making process, we knew that we wanted to pursue a different approach to planning within the City than has previously been taken. Towns and cities across the world have been impacted by the effects of the global recession, the pandemic and the shift towards e-commerce, as outlined within Section 1. We believe that the impacts of these events tells us that we must have a flexible system which can respond to changing circumstances. Consequently, whilst the objectives of the City of Hamilton Plan 2015 are largely valid, we believe that we now need to approach the underlying issues in a different way.

1.5 How the Plan will be used

A number of policies will ordinarily be relevant in the determination of a planning application. It is therefore important that the Plan is read and applied in its entirety, ensuring that decisions are based upon a balanced understanding of all relevant factors. There may be instances where a particular policy does not mention a specific issue (e.g. flooding, impact upon the historic environment, impact upon amenity etc.), however, this does not mean that such issues are irrelevant; all aspects of the Plan need to be fully considered.

Furthermore, Policy STR.1 (which sets out placemaking principles) has been intentionally located within the strategic section of the Plan to emphasise the importance of placemaking principles to the decision-making process. Successful and meaningful application of these principles can assist in providing strategic direction to the overall merits of a development proposal.

2 Vision and Objectives

2.1 Vision

In developing a vision for the Plan we firstly had to give careful consideration to what role the City currently plays in the context of the Island as a whole and the role that we would like to see it playing in the future. Key questions that we asked ourselves include:

- What are the City's main strengths and weaknesses?
- How can the City fulfil the needs of locals and visitors alike?
- What are the key attributes which the City needs to have in order to make it an appealing destination for both locals and visitors?
- How do we create an appealing context for increased retailing activity?
- How can we enhance the tourism, recreation and leisure offerings of the City?
- How can we encourage increased pedestrian activity?
- How can we make the City complement the beaches and other quality natural assets of the Island as a reason for visiting Bermuda?
- How can we make the City more inclusive?
- How can we enhance the resilience of the City?

In answer to these questions, we came up with the following statements:

- To make the City of Hamilton the premier destination for shopping, cultural and leisure experiences on the Island
- Support the Corporation of Hamilton's ongoing efforts to improve the quality of the public realm to provide it with international allure
- Enhance pedestrian and customer experiences within the City through facilitating safe and pleasant environments, with particular focus upon pedestrian movements
- Increase the residential population of the City to support sustainability principles, facilitate increased expenditure within the City and enhance the evening and weekend economy
- Facilitate greater connectivity both within and outside the City
- Improve and expand upon existing green infrastructure
- Enhance the urban fabric of the City in support of its distinctive history, character and culture

Consideration of the above statements led us to the following Vision for the new City Plan:

**To facilitate a vibrant and sustainable
City of local and international appeal,
offering a broad range of services
and experiences within a pedestrian-
focused and high quality public realm**



2.2 Objectives

In order to provide the delivery of the Vision with clearer focus, a number of objectives have been identified. These objectives have been used to inform the detailed content of this document:

- To increase activity through facilitating a diverse range of services and facilities
- To assist in making the City a safe and pleasant environment for residents and visitors
- To enhance the City's green credentials through continuing to protect established areas of open space and capitalising upon opportunities to enhance the green network
- To support the revitalisation of North East Hamilton and enhance connections between this area and the remainder of the City
- To support ongoing efforts to improve accessibility and to enhance connections within and beyond the City
- To protect and enhance the historical and cultural assets of the City and, where relevant, ensure that they play a central role in the creation of new places
- To promote healthier and safe communities
- To increase the resilience of the City through providing it with the necessary tools to adapt to changing circumstances
- Ensure that climate change and sustainability considerations form an intrinsic part of the development process
- To facilitate healthy communities through encouraging walking, running and cycling, improved green spaces, parks and public realm and alternative forms of food production / agriculture

2.3 Climate Change

Climate change is a complex issue which cuts across almost all areas of public policy. Land use planning is a key sector in this regard as it can help to ensure that we plan for the right development in the right places and use appropriate materials and technologies to minimise the impacts of development activity. Whilst Bermuda is a small island, we still have a role to play in ensuring that we adopt sustainable practices and minimise the impacts we have upon climatic factors. As an isolated, remote island within Hurricane Alley containing many low lying areas, Bermuda is highly vulnerable to the effects of climate change and therefore it is important that sustainability considerations form an integral part of the planning process. Bermuda also experiences extreme heat and humidity over the summer months and the effects of this are particularly prevalent within the City where there is a high concentration of hard and reflective surfaces and heating and cooling systems.

The urban heat island effect can raise temperatures by 1 to 7 degrees Fahrenheit. Plants and trees can lower the surface temperatures by 20-45 degrees Fahrenheit (11-25°C).

There are a number of ways in which the planning system can make a positive contribution to reducing and adapting to the effects of climate change such as facilitating active travel, requiring methods of sustainable design and construction, promoting the use of renewable energy, ensuring flood risk is appropriately managed and requiring landscaping works to act as natural adaptation measures. It is essential that consideration is given to the inclusion of these measures in the design and development process if Bermuda is going to effectively minimise and adapt to the evolving effects of climate change.



Policy CCG.1

All development proposals will be required to minimise, adapt to and/or mitigate against the causes and anticipated impacts of climate change, where possible through:

- a) maximising energy efficiency;
- b) using renewable forms of energy;
- c) maximising the inclusion of green infrastructure;
- d) incorporating measures to manage overheating; and
- e) appropriately managing flood risk, and using sustainable drainage methods.

2.4 The Corporation of Hamilton

The Department of Planning has established effective working relations with the Corporation of Hamilton in the preparation of this document. Whilst the Department of Planning is responsible for processing planning applications, it is critical that we work with the Corporation and ensure that, in response to development activity, the Corporation can continue to provide the services and facilities which support the operation of the City. In practice, the Department consults with the Corporation on any application that it receives within the City. The Corporation also has a representative on the Development Applications Board, which is responsible for determining planning applications.

In preparation of this document, the Department has liaised closely with the Corporation, both in setting out our intentions for the Plan and also in collating data. The Corporation has provided the Department with a significant amount of information and observations which have been used to inform the content of the Plan. The Department has also attempted, in its preparation of the Plan, to complement the Corporation's most recent Strategic Plan in an effort to ensure that, as far as land use is concerned, we are playing complementary roles in enabling the City to maximise its potential. The Department is grateful for the input of the Corporation in the preparation of this document.

3 The Strategy

3.1 Placemaking

The North East Hamilton Plan 2022 established a new approach to the application of planning policy in Bermuda whereby decisions will be made through applying the Plan as a whole document. It is our intention that the new City Plan will also adopt a similar approach, as outlined within Section 1.4. This represents a fundamental change to planning practice in Bermuda and places greater responsibility on all stakeholders to ensure that development and land use is appropriately managed. In order to successfully make this transition, and to work towards our overall Vision for the City, we believe it is necessary to place increased emphasis upon design quality through the adoption of a holistic design-led approach to planning.

Placemaking is a broad and overarching concept which promotes the creation of successful and sustainable places. It is focused around a set of core principles which, if appropriately applied to development proposals over a sustained period, will result in the creation of successful places with a sense of identity and noticeable improvements to the quality of the built and natural environment. It is recognised that some proposals may only be able to make limited contributions to enhance the quality of a place, however, the principles set out under Policy STR.1 can be applied at a range of scales.

In Lancaster, California streetscape investment which put pedestrian movement at the core cost \$11.5 million and within 4 years attracted \$130 million in private investment and \$273 million in economic output.

We believe that the City needs to become a destination if it is to have long-term success in delivering the needs of residents, businesses and visitors. Creating a safe, pleasant and welcoming environment, which is an appealing place to be, will allow the City to fulfill its potential. We think this should be the starting point. If you create places where people want to spend time and interact, they will also increase expenditure within the area and in turn, make that area a more appealing prospect for future businesses. Effective delivery of this cyclical process will be to the long-term benefit of all stakeholders.

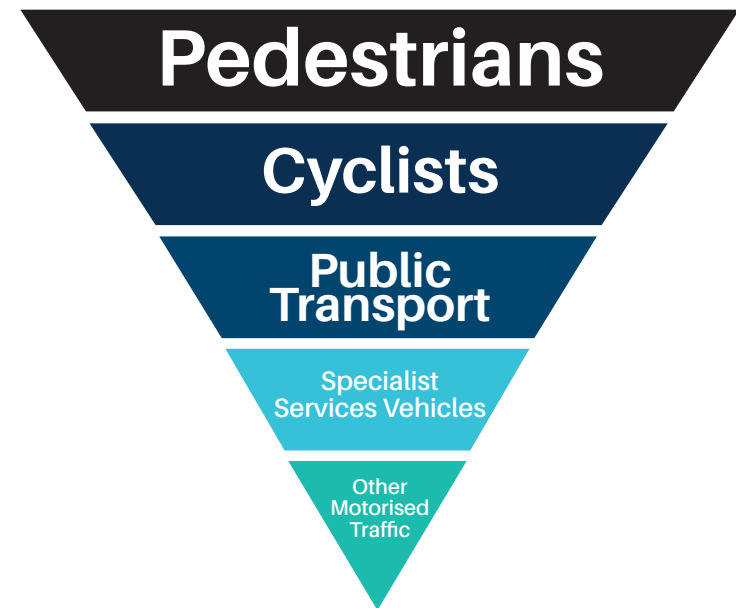


Figure 3-1: Movement hierarchy

Policy STR.1 - Placemaking

All development proposals must be designed in a holistic manner, demonstrating an understanding of context whilst positively contributing to the surrounding area. All proposals will be assessed against the criteria set out within this policy and expanded upon within Appendix 3.



Photo: City of Hamilton

Distinctive

Development should create places with a strong sense of identity.

- Design and density should respond appropriately to site context and complement the established character of the area in terms of scale, height, massing and materials.
- Proposals should respond appropriately to positive local features through consideration of topography, skylines, views, landmarks and green and blue spaces.

Safe and Pleasant

Development should create places which are naturally appealing to be in because they are vibrant and have a sense of security.

- Incorporate active frontages with clearly defined principal entrances at street level.
- Windows should look onto illuminated streets, pedestrian walkways and open spaces to provide natural surveillance.
- Create places that prioritise pedestrians over vehicles.
- Avoid blind corners and recesses.



Connected, Easy to Move Around and Beyond

Development must consider the movement of people over the movement of motor vehicles.

- Layouts should prioritise and encourage sustainable and active travel choices, including walking, cycling and public transport.
- Connections should be retained or created within and beyond the site, seeking to direct users to established paths and/or routes.
- Access arrangements should consider and accommodate people with a range of physical abilities.



Policy STR.1 - Placemaking cont'd



Photo: The Royal Gazette

Welcoming

Development should be enticing to prospective users and should be intuitively navigable.

- Using existing landmarks or positive features of the surrounding area intelligently in order to make the orientation of a site or area more appealing.
- Incorporating public art, planting and street furniture at appropriate locations.
- Include signage, distinctive lighting and creative artistic installations.

Adaptable

Development should consider the long-term use of buildings and spaces to support adaptability and resilience.

- Ensuring that the needs of all future users are fully considered, taking into account, for example, age and degree of personal mobility.
- Creating versatile spaces that can support a range of uses, including greenspaces.



Photo: The Royal Gazette

Sustainable and Resource Efficient

Development should support the sustainable use of resources and facilitate appropriate waste management.

- Appropriate orientation of buildings and incorporation of planting to support natural heating, shading and cooling of buildings.
- Integration of renewable and low carbon technologies for water conservation, heating, cooling and electricity generation.
- Support for the adaptive reuse of existing buildings.



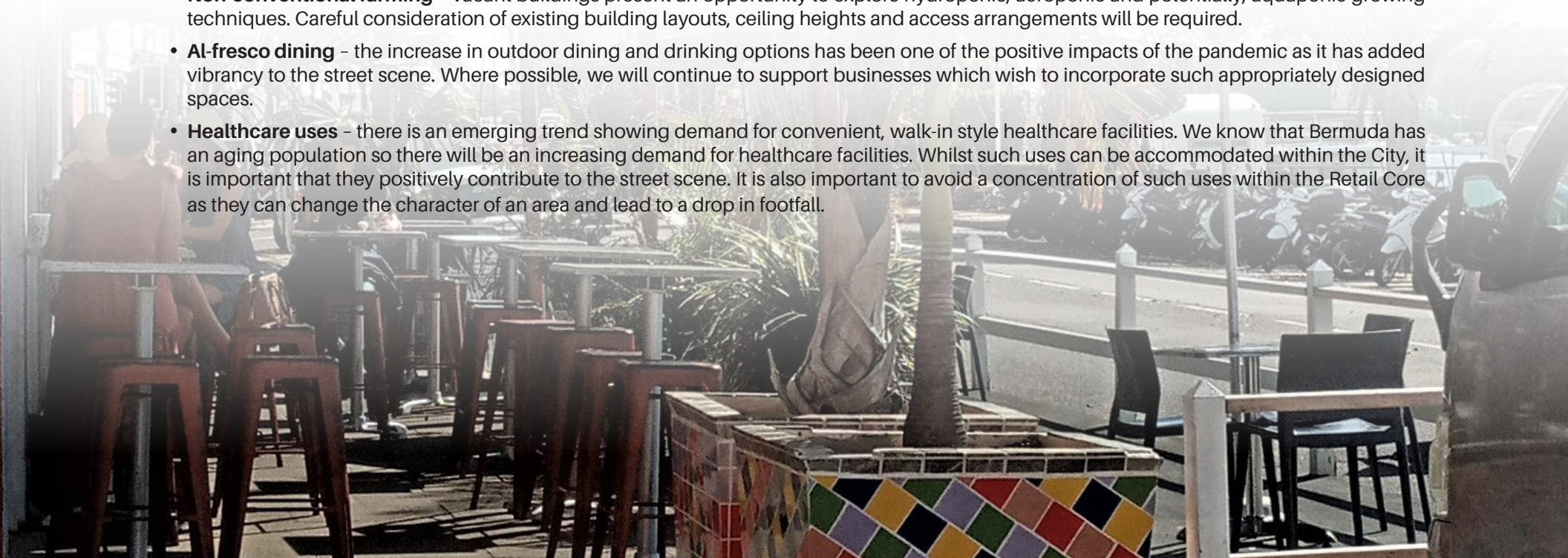
Photo: The Royal Gazette

3.2 Rethinking the City

Our research has found that the City has a vacancy rate of 15% at ground floor level. We predict that this figure is likely to increase as the full and long-term impacts of the pandemic are felt. It is also abundantly clear that town centre retailing, in general, has experienced considerable decline over the last 20 years around the world. These trends mean that in order to retain and improve the resilience, vitality and viability of the City, there must be scope for a diverse range of uses which increase footfall and expand upon the types of services and facilities offered. We want to make the Plan supportive of creative uses within the City which could make efficient use of vacant space. Some of the uses which could be supported within the City, include:

- **Artistic and cultural uses** – such uses can introduce a new dynamic into urban areas and attract large sectors of the resident and visiting population. In addition, these types of uses would make a significant contribution to the City as an appealing destination for recreational and leisure purposes.
- **Leisure and recreation** – beyond restaurants, cafes and bars, the City lacks recreational and social uses which would assist in changing the perception of the City to more of a destination. Such uses would also retain the working population within the City for longer hours with increased expenditure for established businesses.
- **Flexispaces** – these provide access to meeting areas, presentation areas and office spaces for short term daily, weekly or monthly based rents. It is anticipated that some of the existing office-based businesses may downsize or not renew leases due to the vast increase in homeworking.
- **Non-conventional farming** – vacant buildings present an opportunity to explore hydroponic, aeroponic and potentially, aquaponic growing techniques. Careful consideration of existing building layouts, ceiling heights and access arrangements will be required.
- **Al-fresco dining** – the increase in outdoor dining and drinking options has been one of the positive impacts of the pandemic as it has added vibrancy to the street scene. Where possible, we will continue to support businesses which wish to incorporate such appropriately designed spaces.
- **Healthcare uses** – there is an emerging trend showing demand for convenient, walk-in style healthcare facilities. We know that Bermuda has an aging population so there will be an increasing demand for healthcare facilities. Whilst such uses can be accommodated within the City, it is important that they positively contribute to the street scene. It is also important to avoid a concentration of such uses within the Retail Core as they can change the character of an area and lead to a drop in footfall.

“When streets are designed for walkers and not cars, people are 25% more likely to walk to work” (World Health Organisation)



3.3 Community Benefits

As stated, we believe that a high quality public realm can be the impetus behind a revitalised City. Whilst the Corporation of Hamilton will continue to undertake its programme of works to improve the environmental quality of the City, we believe that the development industry should also have a role to play in this regard. Developers will be able to yield higher returns for projects within the City if the City has an attractive and appealing public realm which makes people want to reside in or visit the area. It is therefore in the interests of all stakeholders to invest in the City. Consequently, the Board will require community benefits to be provided as part of some development proposals. This can be in the form of a monetary contribution or the implementation of a public realm improvement project, which will require collaboration with the Corporation and/or any other affected landowner(s). The extent of the contribution required must be commensurate with the scale or nature of the proposal. The implementation of this policy will be detailed within forthcoming supporting documentation to be issued by the Department of Planning.

It should be noted that development proposals on their own do not constitute a “community benefit” and that where applicable, Policy STR.2 will require contributions over and above the development itself.



Policy STR.2

The Board will ordinarily require a commitment or contribution from a developer towards a community benefit within the City. In determining whether a community benefit contribution will be required, the Board will take into account a range of factors including, but not limited to:

- scale of the proposed development;
- proposed use;
- site context and constraints; and
- the impact of the proposed development.

The required community benefits must be commensurate with the nature of the development and may comprise, but not be limited to, the following:

- the creation or enhancement of public spaces
- sidewalk and public realm improvements
- public art (in various forms)
- infrastructure improvements
- affordable housing
- educational and cultural facilities
- community gardens
- exercise, recreational or children's play facilities
- pedal cycle parking/storage

The community benefit may not be directly related to the proposed development and may not be located within the application site, however, all community benefits will be directed towards improving the City.

4 Procedural Policies

This section references and expands upon the legislative requirements of the Development Applications Board (“the Board”) for processing and determining planning applications and is intended to be read in conjunction with supplementary guidance notes issued on behalf of the Board and available [here](#). Of particular relevance is the guidance note entitled “**Submitting Planning Applications**”, which should be reviewed by all applicants prior to submitting a planning application.

As this section sets out established procedural matters, the Department is of the opinion that these will be carried forward into the draft Plan. In terms of the requirement for some of the referenced supporting documentation, we believe that whilst it is important from a policy perspective to give an indication of the circumstances under which additional supporting studies or information may be required, ultimately it should come down to a case-by-case judgement call by the Department and/or the Board.

4.1 General direction to the Board

The Board is required to determine applications for planning permission and the subdivision of land in accordance with Sections 17 and 35C of the Development and Planning Act 1974 respectively. The Board may not grant planning permission for development which is at variance with the Act or this Plan.

Policy GP.1

The Board will determine applications against the provisions of the Plan as a whole and will make balanced judgements based on all material planning considerations.

Policy GP.2

In addition to the provisions of Policy GP.1, the Board may refuse planning permission if it considers that:

- a) insufficient details have been submitted to allow the Board to make a fully informed assessment of the proposal; or
- b) the proposal is premature.

Where there is a conflict between a provision of a Special Act as approved by the Legislature, a Special Development Order made under Section 15 of the Act or an agreement made under Section 34 of the Act and a policy of this Plan, the provision of the Special Act, Special Development Order or Section 34 agreement, as appropriate, prevails and shall apply.

4.2 Planning permission applied for or granted before commencement day

Please note that this version of the Plan has no “commencement day”, and policies GP.3 and GP.4 are therefore not relevant at present.

Policy GP.3

Where, before commencement day, the Board granted in-principle planning permission for development or approved a draft plan of subdivision, any application submitted on or after commencement day for approval of any reserved matters of the in-principle planning permission or for the approval of a final plan of subdivision shall be determined by the Board under the provisions of the City of Hamilton Plan 2015.

Policy GP.4

Where an application for planning permission was received by or on behalf of the Board before commencement day, the application shall be determined by the Board under the provisions of the City of Hamilton Plan 2015.

4.3 Lots crossing the City Plan area boundary

Policy GP.5

Where a lot lies partly outside of the City Plan area boundary, the Board shall apply the policies of the development plan or local plan against which it considers to be most logical and appropriate for the application to be assessed.

4.4 Changes of use

For the avoidance of doubt, the City of Hamilton will be subject to the Development and Planning (Use Classes) Order 2022 and/or any subsequent amendments or re-enactments as issued by the Legislature. Therefore, an application for planning permission is not required for a new use of a building or land, provided that it falls within the same Use Class as its existing lawful use (see Appendix 2 for more information).

4.5 Supplementary documentation

In addition to the statutory requirements set out by the Act, the Development and Planning (Application Procedure) Rules 1997 and relevant supplementary guidance notes, the policies of this section set out submission requirements relating specifically to planning applications affecting

the plan area. In all cases, all documentation should be submitted at the time the application is submitted. Other supplementary documentation may also be required, as detailed in the Plan. The Board will issue further details on this topic in the form of guidance notes to ensure consistency in the quality of submissions.

Supporting Information

Policy GP.6

The Board may require an applicant to submit written grounds in support to justify a proposal, which shall include such detailed and relevant information as deemed necessary by the Board.

Design Statements

The Department anticipates that there will be an increasing requirement for design statements in support of planning applications due to the renewed focus on design quality outlined within this Plan.

Policy GP.7

In assessing the design, scale and massing of a proposal, the Board may require the submission of a Design Statement, which will normally, but not exclusively, be required for proposals for development:

- a) which exceeds four storeys;
- b) which affects a building or the setting of a building which is considered by the Board to be of special historical, cultural or architectural interest; or
- c) which, in the opinion of the Board, merits detailed consideration due to the location of the site, the surrounding environment or the specifics of the proposal.

The Design Statement must explain and illustrate the design principles and design concept for the proposal, clearly evidencing placemaking principles set out within Policy STR.1, and include such details as specified by the Board. Further details of what should be included within and what is considered to be an acceptable Design Statement will be set out within a guidance note.

Traffic Impact Statements

Policy GP.8

The Board may require the submission of a Traffic Impact Statement where the characteristics of the site or the particulars of the proposal require a careful examination of the potential traffic impacts of the development prior to the determination of the application. A Traffic Impact Statement shall include appropriate plans, information and data as specified by the Board in order to enable the Board to make a fully informed assessment of the potential traffic impacts of the proposal.

Environmental Impact Statements

Policy GP.9

An Environmental Impact Statement will be required for development projects which, because of the characteristics of the site and/or the particulars of the proposal, are likely to have a significant impact on the environment. Such projects may include, but are not limited to:

- major tourist and resort developments
- power plants and water supply systems
- major utility development
- major quarrying operations
- major commercial developments
- major industrial developments
- major infrastructure or transport developments
- reclamation projects

An Environmental Impact Statement shall include appropriate plans, information and data in sufficient detail to enable the Board to determine, examine and assess the potential environmental impacts of the proposal, as specified by the Board or as directed by the Legislature, as appropriate.

4.6 Energy Statements

Sustainability considerations are ingrained within placemaking principles and therefore form an integral part of this Plan. Alongside our desire to raise the bar in terms of overall design quality, we must also ensure that we fulfill our climate change obligations through requiring mitigation and adaptation measures as part of the design and development process.

Climate change considerations should be a fundamental part of the development process from the inception of a project through to its operational phase, including consideration of operating costs. An effective way of achieving this and ensuring that developers are considering the key issues is through requiring Energy Statements in association with planning applications, which is a common requirement in other jurisdictions.

Energy Statements will be required to demonstrate that a 3-staged process has been followed to minimise the energy requirements of the development and ensure that energy is supplied efficiently and from renewable sources. There is no set template for an Energy Statement at this stage, however, the information set out within Policy GP.10, in combination with Appendix 4, provides an indication of what will be expected. The level of detail contained within an Energy Statement should be reflective of the scale of the development proposal.

This is a new concept in Bermuda and something which will require further consideration in terms of its rollout. It is also highly likely that this is something which will evolve in accordance with best and workable practices. In time, it is anticipated that specific metrics can be applied as definitive requirements, over and above building code requirements. The purpose of introducing the concept at this time is to make stakeholders aware that the Department will be intensifying its sustainability efforts and to encourage those operating within the relevant sectors to identify ways in which we can reduce our energy needs.

The Bermuda Building Code 2014 is the current building code in Bermuda. This code incorporates the International Energy Conservation Code 2012 for commercial buildings. Prospective applicants should be mindful of the most recent building code requirements in formulating development proposals. Although not formally adopted by the Department at this stage, it is recommended that prospective applicants also consult the standards outlined within the International Energy Conservation Code (2021) for commercial buildings, which provides detailed information on materials and techniques which can be employed to maximise the energy efficiency of new and existing buildings.

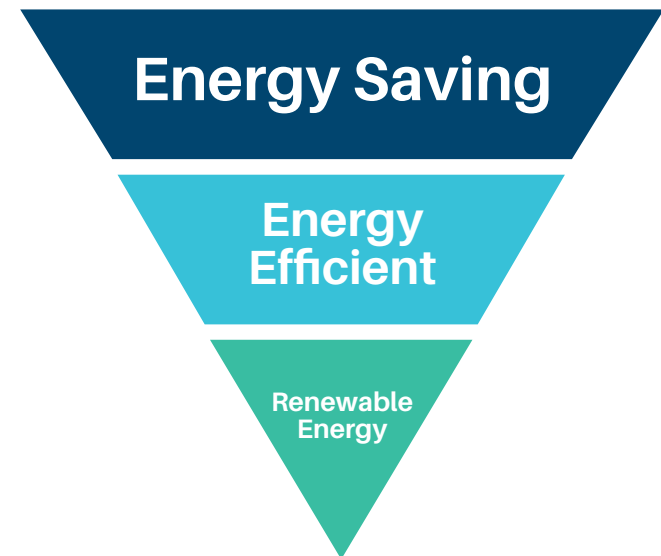


Figure 4-1: Energy Hierarchy

Policy GP.10

For all new developments (including adaptive re-use, change of use and extensions), , the submission of an Energy Statement will be required, evidencing:

- a) how the design will reduce energy consumption;
- b) the energy efficiency measures being employed; and
- c) the incorporation of renewable energy technologies.

Further information on Energy Statements is contained within Appendix 4.

4.7 Development Viability Statements

All developments have an impact, placing additional pressures upon infrastructure networks. In other jurisdictions, developer contributions are routinely sought to ensure that the development industry is responsible for mitigating the impacts of development activity. This is often a complicated process and there are a range of different contributions which can be required, based upon consideration of the scale and type of development in question, alongside the characteristics of the site and its surroundings. Within Bermuda, developer contributions have never been routinely required. However, Policy STR.2 of this Plan establishes a policy framework through which developer contributions can and will be required in the form of ‘community benefits’.

There will be occasions where some planning requirements set out within this Plan cannot be achieved for development viability reasons. In such circumstances, the Board has discretion to require a Development Viability Statement, which should contain a comprehensive breakdown of development costs and anticipated returns as part of the proposed project. The Department may seek the advice of suitably qualified persons to validate the content of a Development Viability Statement. The Department fully understands the sensitivity of information contained within a development viability statement and will therefore ensure that they are treated in strict confidence.

Policy GP.11

The Board may require the submission of a Development Viability Statement where an applicant claims that provisions of the Plan cannot be met for reasons of development viability. A Development Viability Statement shall include all details deemed necessary for the Board to obtain a comprehensive understanding of the economics of the development, including, but not limited to:

- a detailed description of the proposed development, including timeline for construction;
- the purchase price of the site;
- the existing value of the site;
- the costs of building the proposed development whilst meeting all planning policy requirements;
- the anticipated value of the site in the event that planning permission is granted for the proposed development;
- any other anticipated income during or following construction; and
- the overall projected returns.

4.8 Consultations

In accordance with Section 19 of the Development and Planning (Application Procedure) Rules 1997, the Board may seek comments and specialist advice from other sources on an application. This may include, but is not limited to, the following:

- **Advisory Architectural Panel**
- **Bermuda Arts Council**
- **Corporation of Hamilton**
- **Department of Health**
- **Department of Environment and Natural Resources**
- **Environmental Authority**
- **Historic Buildings Advisory Committee**
- **Ministry of Public Works**

The Board will issue and regularly update guidance on consultations, which will set out the circumstances under which it will consult with specific bodies.

5 Strategic Land Use Approach

5.1 The Districts

The City consists of a number of discreet areas which are principally defined by the land use activities taking place, but also by the overall character, feel and function of the areas. Figure 5-1 sets out the City Districts which we have devised for the Plan. The purpose of these districts is not to be overly restrictive to the land uses that can be permitted, but to reflect the nature of the land use activities taking place and provide an indication of preferred uses. Notwithstanding, there will be a more restrictive approach within the Retail Core in recognition of the crucial role that this area plays in underpinning economic activity within the City. Whilst this District will be primarily restricted to retailing, a limited range of other uses which assist in supporting the viability and vitality of this area throughout the business day, may also be considered. Outside of the Retail Core there are three other types of district: Mixed Use, Office and Canal. In addition, the Districts map identifies areas of Open Space (Section 5.3), four Strategic Opportunity Sites (Section 5.4) and the Container Port (Section 5.9).

The policies within this section identify uses which are considered appropriate across each of the districts. With the exception of the Retail Core, a range of what have been termed “City Centre Uses” is preferred. Confirmation of the types of uses which could be appropriate within each of the districts does not automatically confer that they are “permitted” – the proposals will be subject to other relevant considerations set out within the Plan. The City Centre Uses described within the Plan refer to specific use classes (1, 2, 3, 4, 7, 8, 9, 10, 11, 12 and 13), defined under the Development and Planning (Use Classes) Order 2022 (see Appendix 2). However, there may be occasions where other uses could be appropriate, and in those instances the Plan is sufficiently equipped to enable informed and logical decisions based upon the merits of the proposal and the circumstances of the application site.

Ground floor uses clearly have a more significant and direct impact upon the City’s environment than upper floor uses. It is therefore important to pay particular attention to the ground floor of properties, both in terms of how they look and the activities taking place. In general, the ground floor of buildings within the City should be publicly accessible, accommodate uses which generate footfall, have a clearly defined entrance and intervisibility with the public realm. These issues are not as critical in the upper floors of buildings within the City however, it is still important to be mindful of the uses taking place. Accordingly, there will be support for City Centre Uses in the upper floor of buildings throughout the City, and any other appropriate uses which could sensitively contribute to the vitality of the City.

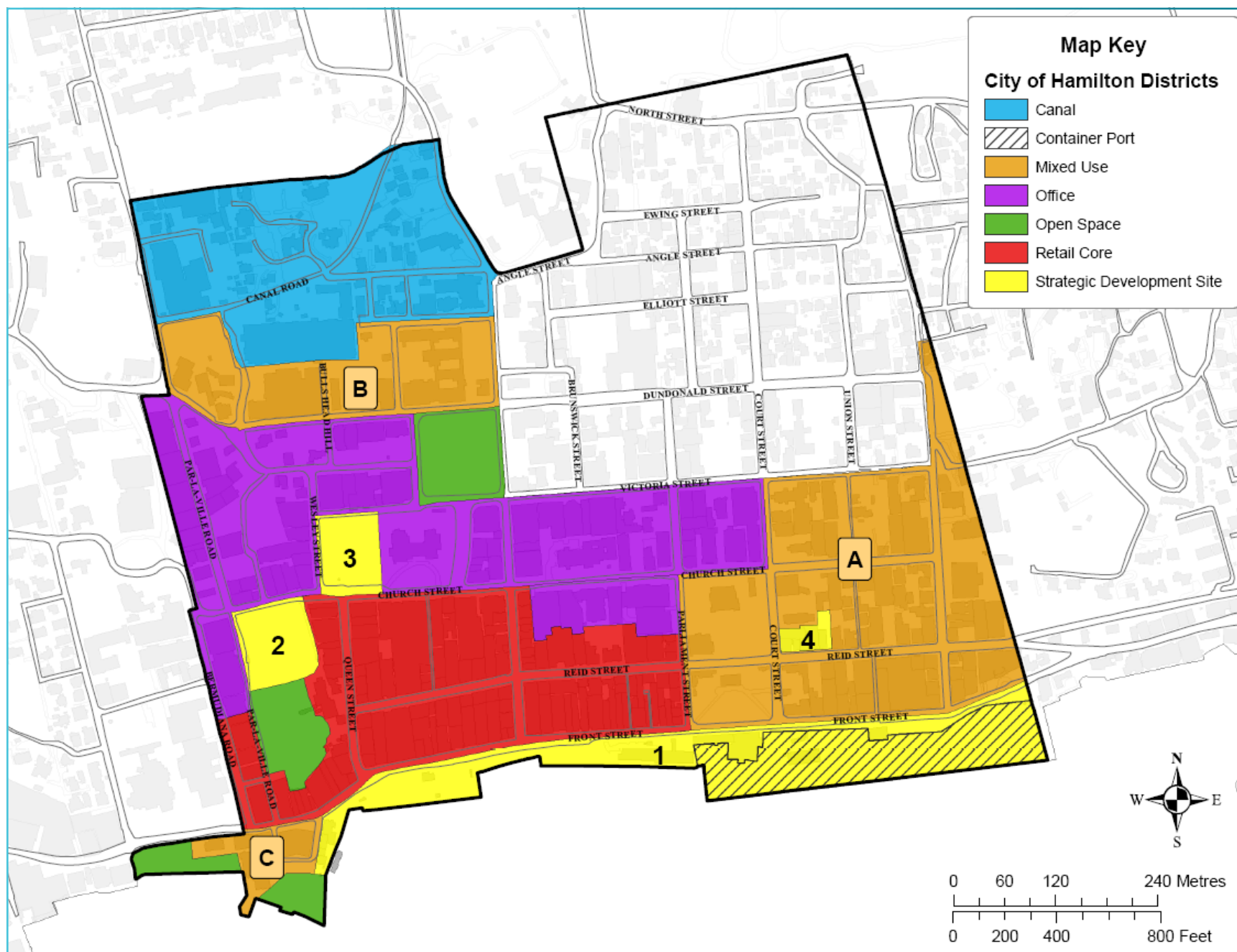


Figure 5.1: City Districts

5.2 Retail Core

This area is the main focus for retailing and commercial activities within the City and is therefore critical to its overall economic performance. The District comprises sections of both Front Street and Reid Street, in addition to Church Street, Queen Street and Burnaby Street. The area contains a high concentration of apparel stores, in addition to cafes, bars and restaurants, some of which are located above ground floor level on Front Street. The District also contains the City's main mall – Washington Mall. This contains a series of smaller units and has been experiencing a gradual decrease in occupancy, even before the pandemic began to take effect.

It is important to protect the vitality of this area through ensuring that retail uses continue to predominate on the ground floor. However, we're also aware that vacancy rates within this area have been increasing and this is an extremely concerning trend which we must try to reverse. Of particular note are recently vacated buildings on Front Street, which is arguably the prime location for retailing on the Island. Accordingly, we must provide scope for appropriate alternative uses within this District to protect and enhance its vitality. There will therefore be support for ground floor uses which present an active frontage to the street and which have a strong public interface. In general, this should not be uses which you have to make an appointment for and should be uses which operate, and even extend beyond, regular business hours. Another key consideration will be ensuring that any proposed uses generate regular footfall throughout the business day and therefore contribute to the overall vitality of the area.

In allowing for this flexible approach to uses within this area, we will be mindful of the cumulative impact of non-retail uses at ground floor level. We want to ensure that there are no unintended consequences and that the perception of this area as a retail destination is not compromised. Applications for non-retail uses will therefore be assessed on a case-by-case basis, taking account of existing circumstances at the time.

5.3 Mixed Use Districts

The Mixed Use districts currently accommodate a wide range of uses, with retail, office and residential uses predominating. These areas add to, and complement the overall blend of uses contained within the City.

The section of Reid Street which falls within Mixed Use District "A" bears little resemblance to the western end of Reid Street as it contains derelict sites, unsightly off-street parking, a high proportion of vacant ground floor units and the rear service entrance for a supermarket from which delivery and containerised trucks regularly unload produce into the store over the sidewalk. This area is one of the main vehicular routes into the City and it is therefore unfortunate that it has seen a decline in its environmental quality. The site of the former Canadian Hotel at the corner of Reid Street and Court Street presents an excellent opportunity to accommodate a leisure, recreational or cultural use which could increase footfall and stimulate further investment in this area. This District also contains both the Cabinet Building and Sessions House, both of which are listed buildings and central to the functions of Government.

Mixed Use District "B" contains a high proportion of car parking associated with established uses in the area. There is an unfinished development site at Park Road which presents an opportunity to increase the residential population of this part of the City; a key policy initiative which is supported by this Plan. Despite its location, this area does benefit from footfall generated by the presence of a large hardware store (Masters) and its proximity to Bulls Head car park, from which people walk through this District to get to the core of the City.

Mixed Use District "C" is located in the south western corner of the City, between Albuoy's Point and Barr's Bay Park. As noted, this district contains

Point House, in addition to a yacht club, an office building (Markel House), a retail unit and the former Marine Police Station, which is now vacant. This area experiences relatively high volumes of footfall, particularly during office hours as it is part of a wider area which is host to many of the international businesses present in Bermuda. The District also benefits from excellent public transportation linkages, being within proximity of a bus stop and the public ferry terminal.

5.4 Office District

Office units comprise over 75% of existing units within this District. The western end of the District marks the beginning of the highest concentration of international business premises on the Island, extending further to the west, beyond the City boundary. The central part of the District benefits from being within proximity of the Retail Core, public open space and the main public bus transportation hub. This area also contains the grade 1-listed Cathedral; the dominant feature of the City's skyline. Unsurprisingly this is a busy area during the working week with Church Street being one of the busiest streets within the City, routinely accommodating high volumes of traffic, including buses.

5.5 Canal District

This outlying area of the City has an unusual array of uses which makes this area feel remote and disjointed from the remainder of the City. Residential properties are the dominant land use, however, the residences are traditional 1 and 2-storey properties, as opposed to the apartment house complexes found elsewhere within the City. There are also a number of industrial uses taking place, including the large warehouse premises of a food distribution company. This unusual mixture of uses provides this area with a unique character, distinct from the remainder of the City.

City Centre Uses

Policy DIS.1

With the exception of the ground floor of properties within the Retail Core, there will be support for City Centre Uses throughout the City.

Retail Core

Policy DIS.2

There will be a strong presumption in favour of retail uses (Class 1) within the ground floor of buildings in the Retail Core to protect the viability of this area as Bermuda's principal shopping destination. Within the ground floor of buildings there is scope to permit a limited range of other uses falling within Classes 2 and 3 of the Development and Planning (Use Classes) Order 2022 within this area, provided:

- a) the ground floor maintains an active frontage with a clear public interface; and
- b) the proposed use would contribute to the vitality and viability of the area through generating regular footfall.

In all instances, the Board will be mindful of the cumulative impact of non-retail uses within this area, ensuring that retail uses predominate and the vibrancy of the area is not compromised.

Other uses in the City

As noted within Section 4, the Development and Planning (Use Classes) Order 2022 will be applicable in the City, simplifying the process of changing between certain types of uses. The Department is acutely aware of the unintended consequences which can arise from an ill-considered use class order and therefore, the Development and Planning (Use Classes) Order 2022 has been prepared with careful consideration to the implications for the City. Outside of the Retail Core, this Plan establishes a considered, flexible approach towards uses within the City, tied to the content of the Development and Planning (Use Classes) Order 2022. However, there are a number of uses which fall outside of any defined class of the Development and Planning (Use Classes) Order 2022, which may also be appropriate within areas of the City, including the Retail Core. Policy DIS.3 has been designed to provide an understanding of the key issues to be considered when determining the acceptability of any proposed use which is not covered by any of the use class categories of the Development and Planning (Use Classes) Order 2022.

Policy DIS.3

Proposals for a use which is not covered by any of the defined use class categories of the Development and Planning (Use Classes) Order 2022 will be supported provided that it will:

- a) enhance the vitality and viability of the City;
- b) respect the amenity of the surrounding area and land uses;
- c) have no adverse impacts upon the effective operation of the road network; and
- d) enhance the leisure, commercial, cultural or entertainment offerings of the City.

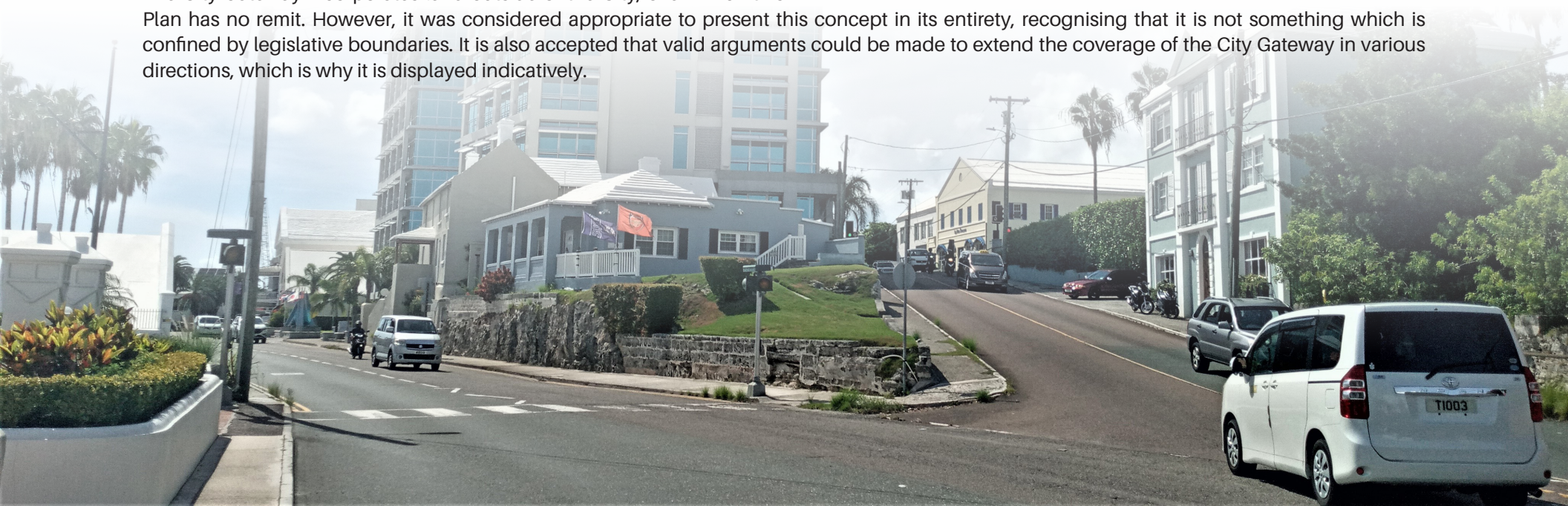
5.6 City Gateway

The “City Gateway” (as shown in Figure 5-2) is an indicative area which provides many people with their first impressions of the City. This is the most popular route into the City and therefore it is important that we pay close attention to the environmental quality of this area. Travelling west, the City Gateway is firstly framed by the buildings on either side of East Broadway and recently created informal parking areas before it becomes overwhelming dominated by a 10 storey building which presents a side elevation to those travelling into the City from this direction, momentarily terminating this vista. This building makes for an unwelcoming and confusing entrance into the City and, aside from a small sign on the south side of Front Street, there is nothing to clearly indicate that you have entered the City. The entrance is also impacted by the presence of the docks where cranes and stacked containers are frequently visible. The configuration and layout of the approach indicates that you are entering an area which is dominated by motorised vehicles and hostile towards pedestrian movement. Whilst options are presently limited to change some of the unfortunate defining features of this area, we believe it is important to acknowledge the significance of this area and ensure that it is appropriately managed in the future.

The City Gateway incorporates land outside of the City, over which this Plan has no remit. However, it was considered appropriate to present this concept in its entirety, recognising that it is not something which is confined by legislative boundaries. It is also accepted that valid arguments could be made to extend the coverage of the City Gateway in various directions, which is why it is displayed indicatively.



Figure 5-2: City Gateway



Policy DIS.4

All development proposals within the City Gateway will be required to demonstrate that due cognisance has been afforded to the sensitivities and opportunities that this area presents as the City's primary gateway. This will be achieved through consideration of:

- a) building orientation, scale and design;
- b) vistas from East Broadway;
- c) impacts upon the skyline;
- d) landscaping works; and
- e) avoiding the creation of vacant or underutilised lots.

5.7 Open Space

There are four main public parks within the City as shown in Figure 5.1, comprising Victoria Park, Queen Elizabeth Park (also known as Par-la-Ville Park), Point Pleasant Park at Albuoy's Point and Barr's Bay Park. These parks are well-maintained, highly popular amenities which are regularly used for passive recreation and leisure purposes. The parks provide some natural relief within what is otherwise a densely developed urban centre, whilst also supporting biodiversity and reducing the urban heat island effect within the City. The Plan strongly supports the protection and enhancement of these public amenities and will also seek to capitalise upon any opportunities which could enhance the City's green infrastructure, particularly in those areas which are deficient at present.

Policy DIS.5

The Board will protect all identified areas of public open space from inappropriate forms of development. Development proposals within areas of open space will only be considered acceptable where:

- a) the scale, use and design of the proposal is sensitive to the character of the open space and there is no adverse individual or cumulative impact upon the amenity or recreational value of the site; or
- b) an alternative area of high quality public open space of at least equal size is offered within proximity.

The Board will support proposals which would enhance the green infrastructure of the City, including landscaping works, tree planting and the creation of new areas of public open space.

5.8 Strategic Development Sites

The City has a small number of strategic development opportunity sites which, if appropriately developed, could assist in revitalising key areas of the City. Most of the sites identified in this section have long been recognised for their redevelopment potential and it is considered prudent to continue to highlight the existence of these sites within the Plan. The redevelopment of these locations will require careful thought and input from a number

of stakeholders to ensure their success. It is possible that some sites may not be appropriate for comprehensive redevelopment, but could be more productively used to assist in consolidating some of the land uses currently taking place across these sites in order to enable the City to achieve some of the placemaking principles set out within this document.

The purpose of this section is to provide an overview of these sites and to set out the high level design criteria which must be taken into account in consideration of any proposals for development within these areas. The intention of this section is not to be overly prescriptive, but to set out the key issues which must be taken into account in devising proposals. A wide variety of City Centre Uses would be appropriate for these sites. In all instances, early consultation with the Department is recommended.

The Department is aware that the redevelopment of some of these sites would require significant investment and that some of the concepts suggested within this section are speculative, however, it is also the case that land use plans should be aspirational documents which establish a vision for how an area could be enhanced over the long term. We believe that within the context of a flexible framework, the overall approach to the development of these sites, as set out within this section, would be to the long-term benefit of the City. Additionally, these sites provide an opportunity to exemplify placemaking principles, as set out within Policy STR.1.

Whilst these sites present opportunities for comprehensive redevelopment, it is important that we have a policy framework which is equipped to respond to smaller-scale and more piecemeal forms of development. The most critical issues to consider in this regard are the appropriateness of the proposed use for the site and ensuring that the long term redevelopment prospects of the site is not compromised. Some of these sites, most notably the Waterfront, have been used for temporary recreational and leisure uses in the past, however consents are normally provided on a temporary basis. It is considered that temporary consents on these sites remains the most suitable option to manage development activity where the proposals do not relate to their comprehensive redevelopment.

The Waterfront (Site 1)

The Waterfront area of the City is a site of immeasurable potential which currently accommodates a series of uses which drastically fail to capitalise upon the opportunities that the area presents. Whilst it is recognised that the Container Port in particular, and the large areas of car parking, provide facilities which the Island and City requires, this is not the best use of a prime waterfront area. The Waterfront has the potential to be Bermuda's premier destination for social activity, which would have direct knock-on benefits for existing businesses in the City and encourage new businesses to view the City as a viable location. This area presents an opportunity to accommodate a range of recreational and leisure activities set within a high quality, pedestrian-oriented public realm.

The Waterfront strategic development site consists of an area measuring approximately 11 acres, however, it is naturally split up into more discreet sections due to the uses taking place and existing landscaping works. It is evident that the western portion of the site presents the most immediate opportunity for redevelopment as it largely consists of car parking at present. The complexities of the Container Port and its long term future at this location lie far beyond the remit of the Plan and it is accepted that this is an issue which is unlikely to be resolved in the short term.

Owed to the profile, visibility and critical role which this site could play in the long-term future of the City, the Department strongly advocates that any proposals for the redevelopment of this area should be the subject of a public consultation exercise, incorporating workshops, whereby the public are afforded opportunities to directly influence the final proposals. Meaningful community consultation is one of the key pillars of placemaking and

it is considered that the prominence and importance of this site to the long-term prosperity of the City, merits thorough community dialogue.

The Department considers that the scale and importance of this site lends itself to being informed by a masterplan, as advocated by the Corporation of Hamilton's Strategic Plan. Placemaking principles are most effective at the neighbourhood level and this site presents an excellent opportunity to apply these principles on a flagship site and to realise the benefits which can ensue from a carefully thought out and properly planned site, which puts people at the heart of the process.

Policy DIS.6

Proposals for the comprehensive redevelopment of the Waterfront shall be informed by a masterplan, which will be required to, inter alia:

- a) provide a range of uses which are aimed at enhancing the social, recreational and leisure experiences of the site and wider City;
- b) ensure that pedestrian movement is prioritised over vehicular;
- c) create a high quality public realm, including comprehensive landscaping works and the inclusion of public art installations;
- d) include linkages to and from the site, which direct people to other parts of the City;
- e) include attractive directional signage which markets other parts of the City, including North East Hamilton;
- f) accommodate the continuing effective operation of the existing dock facilities; and
- g) take full advantage of the waterfront setting in terms of both the arrangements for pedestrian movement within the site and in framing views of the harbour, whilst ensuring that views of the harbour from Front Street are not significantly compromised.

Par-la-Ville Parking Lot (Site 2)

This site is located to the west of the Retail Core and provides car parking for 206 cars, in addition to motorcycle parking. Due to the proximity of this site to the Retail Core, it has the potential to be the main parking facility in support of the commercial operations taking place within the City. The site is well screened due to the topographical conditions of the area, vegetation, boundary walls and the height of adjacent buildings. All of these factors make this site a strong candidate for consolidating public car and bike parking facilities within the City. Previous development proposals for this site have shown that the area has considerable excavation potential and therefore, there is scope to accommodate parking above and below the existing grade.

The consolidation of car and bike parking at this location would enable the reduction or removal of car and bike parking spaces from other key locations across the City in an effort to make the City a more pedestrian-friendly environment (consistent with placemaking principles) and reduce the visual clutter which is created by the plethora of car and bike parking spaces throughout the City. Anecdotally, it is understood that many businesses within the City would like to retain a high volume of car parking spaces in proximity to shops, including on-street parking. Whilst the reasons behind this are understood, the Department considers that a better balance could be struck through reducing on-street parking in particular, and thus enabling the creation of a more pedestrian-friendly environment which, various studies around the world have proven, can result in increased expenditure over the long term. The creation of such environments makes these spaces more appealing to residents and tourists,

increasing social interactions, creating an aesthetically attractive environment and facilitating safe pedestrian movements. The overall effect of this is the creation of an environment which draws people in, who in turn, will spend more time and money within the City.

Despite viewing the Par-la-Ville parking lot site as an opportunity to consolidate public car and bike parking, we are mindful that the long term prospects for this site are uncertain for a number of reasons and therefore it is important to ensure that the policies of this Plan do not unreasonably stifle appropriate alternative uses for the site.

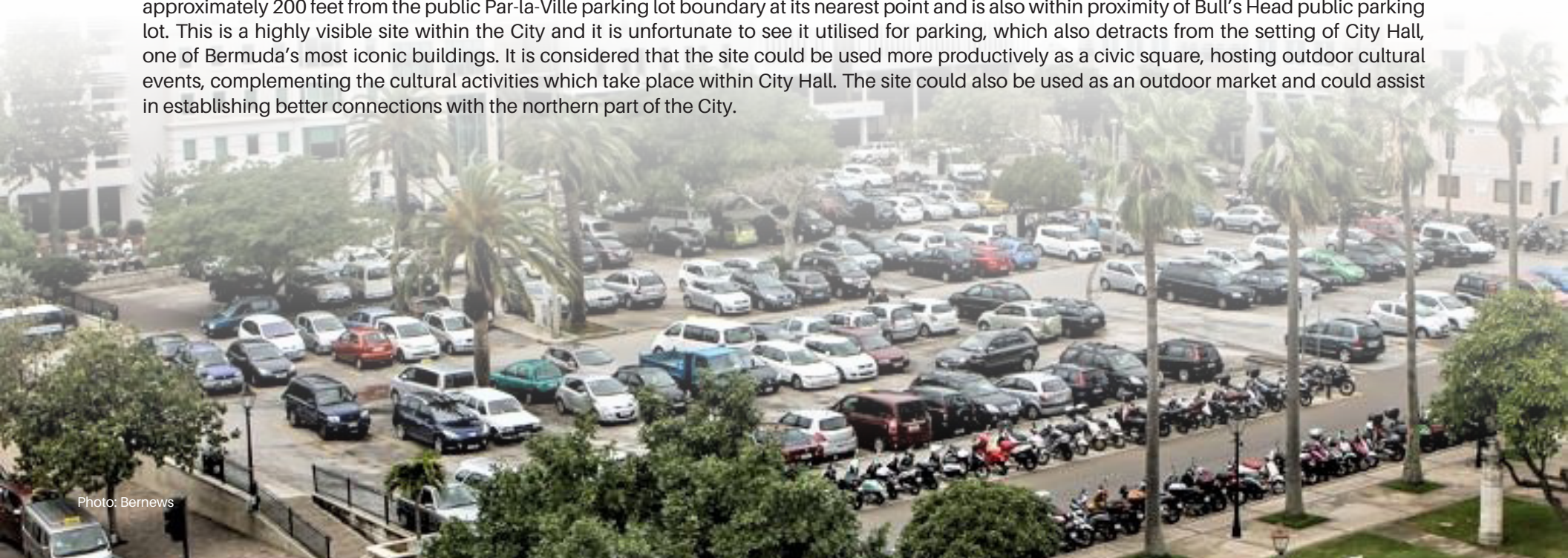
Policy DIS.7

Proposals for the redevelopment of this site shall be informed by a design brief and will be required to:

- a) ensure that there is no net loss of public parking provision, unless demonstrated to be acceptable through the submission of a parking study, evidencing that there is sufficient capacity of public parking within the surrounding area to absorb any loss;
- b) provide additional and/or improve existing pedestrian linkages with the surrounding area, including access to Queen Street, Church Street, Par-la-Ville Street and Queen Elizabeth Park; and
- c) consider the inclusion of ground floor uses which add to the vitality of the area and increase footfall.

City Hall Parking Lot (Site 3)

This site is adjacent to the grade-1 listed City Hall and provides public car and bike parking facilities adjacent to Church Street. The site is located approximately 200 feet from the public Par-la-Ville parking lot boundary at its nearest point and is also within proximity of Bull's Head public parking lot. This is a highly visible site within the City and it is unfortunate to see it utilised for parking, which also detracts from the setting of City Hall, one of Bermuda's most iconic buildings. It is considered that the site could be used more productively as a civic square, hosting outdoor cultural events, complementing the cultural activities which take place within City Hall. The site could also be used as an outdoor market and could assist in establishing better connections with the northern part of the City.



Policy DIS.8

Proposals for the redevelopment of this site shall be informed by a design brief and will be required to:

- a) incorporate safe, pleasant and high quality civic space;
- b) demonstrate the adaptability of the site to accommodate a variety of temporary uses;
- c) include comprehensive landscaping works, designed to make the site more visibly appealing;
- d) consider the inclusion of linkages with City Hall, whilst ensuring that the setting of the building is protected;
- e) provide for direct access into the site along its southern perimeter;
- f) establish legible pedestrian linkages to the north and south.

Former Canadian Hotel (Site 4)

This site is located at the junction of Reid Street and Court Street, and is vacant following the demolition of the Canadian Hotel in 2019. This eastern section of Reid Street is one of the busiest routes into the City during the morning rush hour and the site is therefore highly visible to commuters entering the City. As noted within Section 5.3 of this Plan, this area bears little resemblance to the western end of the Reid Street and currently has an alarming ground floor vacancy rate of 28.5%, compared with a City wide vacancy rate of 15%. This is a clear indication that the area is not an appealing prospect for businesses. There must be a mixture of uses within the City and not everywhere can be used for retailing, however, we believe that it is important to try and increase footfall across the City as this benefits businesses and creates the overall feeling of a vibrant, safe and thriving urban centre. Whilst this site is noticeably smaller than other Strategic Development Sites, it is considered important from a locational perspective and the opportunities that it presents to address some of the issues identified within the City Survey Report 2023 and City Health Check.

Corner lots provide development opportunities for taller buildings, which should be designed with a clear understanding of their locational characteristics. This can involve making a feature of the middle section of the building, where the two street elevations meet, creating a defining landmark. The Department would expect any development on this site to be designed to a high architectural standard, providing visual interest on both street elevations whilst being mindful of impacts upon the setting of the nearby Cabinet House and Sessions House buildings, both of which have Grade 1 listing status. Consideration should be given the inclusion of a splayed corner to improve pedestrian visibility and to open up views towards Sessions House as you travel westwards along Reid Street.

Policy DIS.9

Proposals for the redevelopment of this site shall be informed by a design brief and will be required to:

- a) demonstrate that careful consideration has been afforded to impacts upon the setting of both Cabinet House and Sessions House;
- b) enhance the vitality of the area through incorporating uses within the ground floor which generate regular pedestrian movements;
- c) respect the established building line of the eastern section of Reid Street; and
- d) ensure that the design creates visual interest on both street-facing elevations.

Temporary uses within Strategic Development Sites

Policies SDP1 – SDP.4 establish the design mechanisms and key issues which shall be used to inform the comprehensive redevelopment of each of these sites. However, due to the undeveloped nature of these sites (most notably the Waterfront and City Hall Parking Lot) they present opportunities for temporary uses which could add to the vitality of the City. The Plan is supportive of such temporary uses provided that they would not compromise the long-term redevelopment potential of the sites. Given the opportunities presented by these sites, it is essential that they are not developed on an incremental basis, and the use of temporary consents is an effective way of guarding against this.

Policy DIS.10

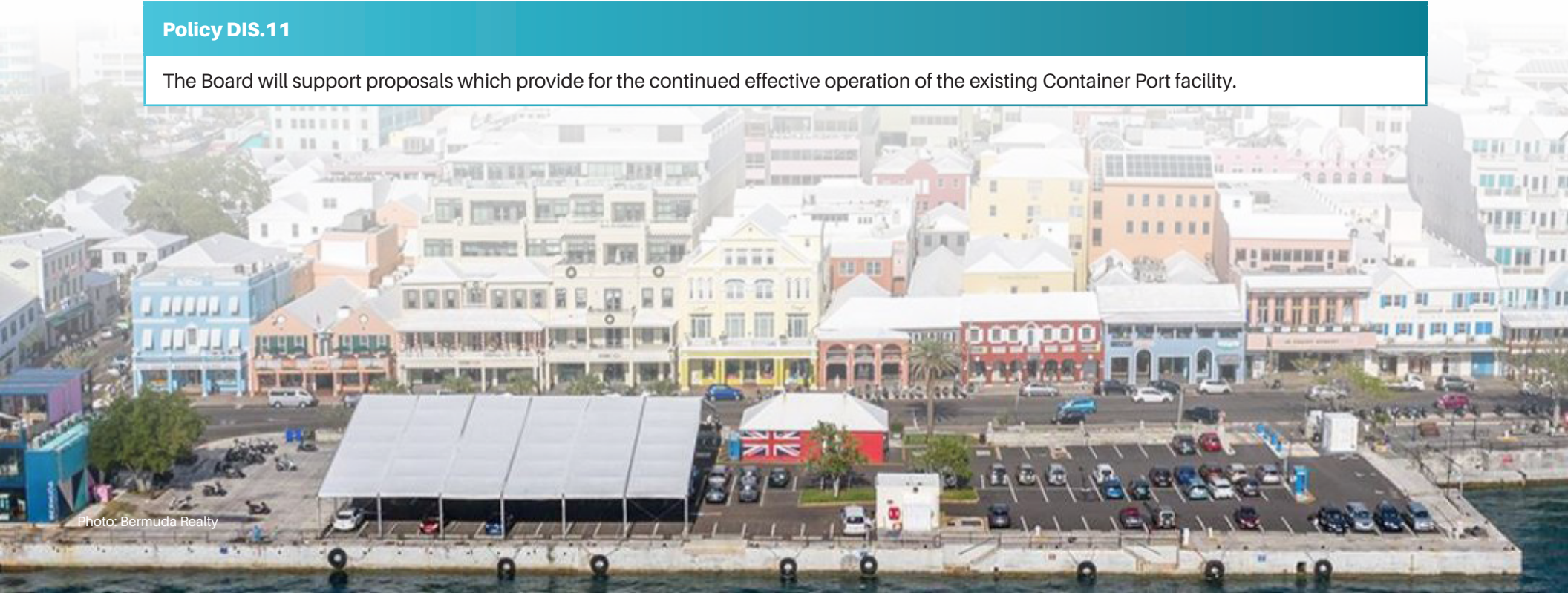
A variety of uses and forms of development can be supported on each of the Strategic Development Sites on a temporary basis, provided that the proposal will not compromise the long-term comprehensive redevelopment of the site.

5.9 Container Port

The Container Port is one of the most important pieces of infrastructure on the Island. It facilitates the delivery of a wide range of goods, including vehicles and a significant proportion of the Island's food. Whilst the Government is supportive of an alternative location for the Container Port, it is important that the existing facility is provided with broad planning support to enable it to function effectively whilst it remains in its current location.

Policy DIS.11

The Board will support proposals which provide for the continued effective operation of the existing Container Port facility.



6 General Policies

6.1 North East Hamilton

The North East Hamilton Local Plan 2022 (NEHLP) was adopted in July 2022. The primary purpose of that Plan is to encourage increased economic activity and growth within the area for the benefit of the local community. Planning applications within North East Hamilton will continue to be determined in accordance with the provisions of the NEHLP. Consideration was given to including the North East Hamilton area within this Plan however, given that the NEHLP was only recently adopted, it was determined that the Plan should be afforded time to realise its objectives. It is anticipated that preparation of a single local plan for the City will be revisited in the future.

Although the new City Plan and the NEHLP will be two separate documents, they will not exist in isolation and it is important that these documents complement each other. Alongside the NEHLP 2022, the new City Plan will aim to support and raise the profile of North East Hamilton as an area for investment, living and visiting. We want to strengthen linkages between the remainder of the City and North East Hamilton to generate greater expenditure within that area for the benefit of local businesses and residents. This could be achieved in a number of ways, for example, implementing quality landscaping schemes between development sites and North East Hamilton, implementing creative artistic installations within and adjacent to North East Hamilton to draw people towards the area, enhancing the quality of street surfacing materials which link to the area, implementing directional signage to North East Hamilton (in the context of recognising its cultural and historical contribution towards Bermuda) and capitalising upon any opportunities to facilitate easy movement to and from the area within nearby development sites.

Creative artistic works have helped to raise the profile of Chancery Lane and made it an appealing area for photography, particularly for visitors to the Island. Joells Alley and Fagans Alley present an opportunity for a similar approach, potentially linking Front Street with Victoria Street. Such a project would also align with the recognition that the eastern section of Reid Street requires investment. In an effort to make the City more inclusive and in recognising that the success of the City as a whole is more important than the success of its constituent parts, we believe that it is reasonable to direct some of the finances or other forms of community benefit accrued through Policy STR.2, towards investment in the infrastructure of North East Hamilton and the surrounding area.

Policy NE.1

Opportunities to enhance linkages between North East Hamilton and the remainder of the City shall be explored where possible and, in appropriate circumstances, developments may be required to implement directional signage or improve the environmental quality of routes linking North East Hamilton with the remainder of the City.

The Board will also explore opportunities to implement environmental improvement works within North East Hamilton through the community benefits initiative (Policy STR.2).

6.2 Subdivision

Subdivision is the process of splitting a tract of land into smaller parcels or lots, the adjustment of boundaries between existing lots or the creation of rights or easements over land. Previous city plans have required minimum lot sizes, with the existing City of Hamilton Plan 2015 providing increased flexibility, but an absolute minimum lot size requirement of 3,500 square feet. We believe that there is merit in having no minimum lot size requirements in order to enable a wider variety of businesses to locate within the City. In consideration of subdivision proposals, our view is that there is more value in applying criteria which can be used to make case-by-case judgement calls on subdivision proposals, rather than applying rigid minimum numerical requirements. An assessment of the wider area in terms of the established rhythm, proportion and width of buildings and spaces will be key in determining the acceptability of a subdivision proposal within the City. Whilst these matters will assist in determining if the proposal would be acceptable from an aesthetic standpoint, it is also important to ensure that proposed lots provide sufficient space for a reasonable form of development, associated facilities and infrastructure, without prejudicing the development potential of existing lots or the delivery of infrastructure improvements.

Suitability of land for subdivision

Policy SDV.1

All applications for subdivision will be required to satisfy the following criteria:

- a)** the land is suited to the use for which the subdivision is intended;
- b)** any proposed lot contains an adequate development area and can reasonably accommodate any required vehicle parking, with turnaround, servicing and private outdoor space;
- c)** the layout and design of the proposed subdivision are sensitive to the physical and environmental characteristics of the site and:
 - (i)** retains as many mature trees as possible;
 - (ii)** respects the topography of the site; and
 - (iii)** avoids creating lots where development would require excessive cutting and filling
- d)** where the land is susceptible to subsidence, flooding or erosion, appropriate mitigation is proposed;
- e)** a safe and adequate access is provided to each lot;
- f)** the provision of utilities and infrastructure are adequate to meet the needs of the proposed subdivision;
- g)** the subdivision would not prejudice the retention or provision of an adequately-sized pedestrian pathway or the delivery of any planned highway or sidewalk improvements;
- h)** the proposed subdivision would not compromise the development potential of an existing lot.

6.3 Industrial Development

The Department took a fresh look at how industrial development within the City has previously been managed and if there is justification for a different approach. Our analysis of how existing industrial activities affect their immediate environs provided us with a strong indication that such uses are not typically appropriate within a city environment. Some of the common issues which we observed in connection with existing industrial activities within the City were a need for vehicular access to buildings which meant vehicles crossing over sidewalks, inappropriate frontages which negatively affected the streetscape (particularly during evening hours), noise, unpleasant fumes and the lack of activity associated with these uses, which causes safety issues, particularly in the evening.

It was also apparent in one instance that industrial activities taking place within a site have incrementally intensified over a number of years, leading to nearby buildings also being utilised by the same business and a large vacant lot being stifled from development activity. All of these issues have solidified our belief that the City is not an appropriate location for industrial activity.

Policy IND.1

No new, or expansion of existing industrial or light industrial development will be permitted.

7 Design (DSN)

As stated within Section 3, the Plan forms part of a significant change to the application of planning policy in Bermuda. At the heart of this change will be employing a holistic, design-led approach to development. This approach will be guided by the placemaking principles set out within Policy STR.1, and expanded upon within Appendix 3.

In order to create successful places it is important to understand the existing circumstances, including how an area works in terms of pedestrian and vehicular movement, the key views and vistas, the historical and cultural heritage associations of the area, the established built fabric, street orientation and the opportunities which these issues collectively present for future development. Placemaking is a method of ensuring that these issues are considered in the round and it is hoped that this design-led approach to development will improve the social and environmental qualities of the City, with the resultant knock-on economic benefits.

Positioning design issues at the centre of the decision-making process means that developers will be increasingly required to competently and comprehensively explain how placemaking principles have been applied in devising design solutions. This information may be required in the form of a design statement. Where the Department requires such information, it will be a pivotal part of the decision-making process and therefore we will require quality and carefully considered submissions.

In keeping with our intention to adopt a balanced approach to decision-making, we have taken the bold step of proposing the removal of the traditional design constraints which have been imposed within the City in terms of building heights and upper storey setbacks. Such an approach comes with a greater level of responsibility for all stakeholders, and must be carefully managed to ensure that this change is not exploited and it achieves the intended outcomes. The proposed removal of these design parameters should therefore not be construed as the Department abandoning the principles behind those design parameters; we simply believe that there is a better way of effectively addressing those issues through enabling a case-by-case assessment of a site and its surroundings. In turn, this provides greater flexibility to produce innovative and exciting designs which breathe new life into the City.

7.1 Design requirements

The Department will be preparing a design guidance note which will address placemaking principles, as well as general design criteria. However, in the absence of this guidance note at present, it is necessary to address a number of specific design issues. The information contained within this chapter should be read in conjunction with Policy STR.1, Appendix 3 and the design guidance note, when available.

Refuse and Recycling Storage

Policy DSN.1

All developments shall provide appropriate facilities for the storage of refuse and recyclable goods, which must be:

- a) located within the development site;
- b) contained within a building or purpose built structure which is enclosed and covered; and
- c) designed to blend in with the overall character of the development.

Roller Shutters and Grilles, Plant and Machinery

Policy DSN.2

The use of roller shutters shall be discouraged. Where it has been demonstrated that there are no reasonable alternative solutions, all roller shutters and grilles fronting on to a street should be open-panelled and located internally within the building.

Policy DSN.3

Where practicable, all plant and machinery should be housed within the building; where it has been demonstrated that it 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 part of the property which is least visible from adjacent streets and properties, as far as practicable; and
- c) be adequately screened from view.

Re-grading

Policy DSN.4

Re-grading shall be designed in accordance with the following provisions:

- a)** the overall height and extent should be kept to a practical minimum;
- b)** rock cuts and retaining walls should be:
 - (i) stepped; and/or
 - (ii) screened by planting; and/or
 - (iii) screened by buildings;
- c)** high rock cuts and retaining walls should be avoided; and;
- d)** fill material should be properly landscaped, grassed over and planted to give a natural appearance.

Walls and fencing

Policy DSN.5

Careful consideration shall be given to the design, height and materials of proposed barrier walls and fencing. In all cases the height of walls and fencing shall be kept to a practical minimum and should not normally exceed 4 feet in height. The following criteria will also be applicable:

- a)** preference will be given to the use of Bermuda stone, cut coursed stone or stone cladding to achieve a natural stone finish;
- b)** concrete block walls should be rendered, plastered and painted (or cement washed or cladded to achieve a natural appearance); and
- c)** the use of chain link or mesh fencing shall be discouraged and, where chain link fencing is permitted, it must be plastic coated in an appropriate colour, preferably green and provided in combination with landscaping works where publically visible.

Where a wall is proposed within an area which is publicly visible, the use of appropriately designed murals and/or soft landscaping will be required.

Landscaping

Policy DSN.6

Development proposals will normally be required to be accompanied by a landscaping scheme, which may be provided on and/or within proximity to the application site.

The requirement for a landscaping scheme can be waived at the discretion of the Board provided that the Board is satisfied that the proposal would pose no material impact on visual or residential amenity.

8 Historic Environment

As the Island's capital, the City of Hamilton is host to some of Bermuda's best examples of architecture, including the Cathedral, the Cabinet Office and City Hall. The rich architectural heritage that survives in the City reflects the Island's evolution from a small colonial settlement to a global financial centre. We recognise the value of the City's historic environment, which has been shaped by Bermuda's people responding to their surroundings and their need for developmental progress to sustain a thriving community. Within the City this is particularly evident with varying architectural styles, forms and uses of the built environment. The preservation of the historic environment is also important from a sustainability perspective and aligns with the placemaking principles set out within Policy STR.1.

The Plan will seek to provide an appropriate balance between ensuring that the built heritage of the City and its key landmarks are protected and preserved, whilst acknowledging the need to embrace contemporary forms of quality architecture which meet the needs of modern businesses and residents. The Department's position is that these issues are not mutually exclusive and that the City can successfully achieve a blend of architectural styles from different eras, which add to the overall interest of the City's environment.

8.1 Listed Buildings

Under Section 30 of the Act, the Minister is required to compile lists of buildings of special architectural or historical interest. There are a total of nine listed buildings within the City, as shown in Figure 8-1. The Plan supports the protection of listed buildings and their setting from inappropriate forms of development. In some instances, development proposals may be required to be accompanied by sufficient information to demonstrate how the proposal would contribute to the conservation of these heritage assets. The Plan also supports the conversion, rehabilitation and adaptive reuse of listed buildings within the City. Additional guidance on appropriate design for the historic environment can be found within the Listed Building Restoration Guidance Note.

The Plan specifically recognises the historical and cultural importance of the Cathedral, its long-standing status as the prominent feature of the City skyline and Bermuda's first listed building. We believe that it is appropriate to continue to protect the setting of the Cathedral, specifically in recognition of its architectural merit. The ridge of the building is 138 feet above ordnance datum, which provides a logical and ready-made cue for limiting building heights within the City. As noted within Appendix 3, building heights should generally not exceed the ridge of the Cathedral and at all times careful consideration must be afforded to the setting of the Cathedral and impacts upon the skyline of the City. The prominence of the Cathedral is particularly evident in views of the City from Harbour Road. Development proposals may therefore be required to consider impacts upon the setting of the Cathedral from key locations outside of the City.

8.2 Local Listing

The Department has recently embarked upon a comprehensive and fundamental review of listed buildings in Bermuda in an effort to ensure that the list is focussed on protecting Bermuda's best cultural and architectural assets. As part of this process, we have explored the prospect of creating a "Local List", comprised of non-designated heritage assets. The Local List will contain buildings of unique architectural or cultural character that

may not have an official designation, but still merit recognition.

A local listing will not impose any additional planning controls or permission requirements, however it will act as an educational tool for owners and developers to understand the historical, architectural and cultural significance of their properties. This knowledge will prove to be useful when developing design statements and submitting development applications for these buildings and it is anticipated that this will encourage and facilitate more sensitive design.

8.3 Historic Areas

The Plan will seek to preserve not only individual buildings, but areas of special historic, architectural and/or cultural character. These areas are considered representative of the historic evolution of the City and are indicative of Bermuda's rich architectural heritage. These areas are classified as Historic Areas, protected under Section 31 of the Development and Planning Act 1974.

Development proposals within Historic Areas should reflect an understanding of the character of the area and its defining features. Whilst there may be instances where pastiche design solutions are appropriate, contemporary interpretations of traditional features and characteristics can also be supported. The critical factor in determining the acceptability of a proposal will be the overall design quality, including a demonstrable understanding of site context.

There are five designated Historic Areas (Figure 8-1) within the City Plan area and each of these areas has its own unique characteristics and defining features. The following information provides an overview of each of the Historic Areas, including the uses taking place and the key architectural features which future development proposals must be mindful of.

Front Street

Front Street is the most vibrant area of the City, containing a variety of retail stores, bars and restaurants. It accommodates a significant volume of traffic, being one of the main vehicular routes within the City. It also has a number of bus stops and taxi stands and is the location of the City's public ferry terminal. This Historic Area contains a variety of architectural styles from different time periods which have combined to provide one of the most enduring and characteristic images of Bermuda. The area contains some notable consistent features such as the use of verandas at street level, decorative upper storey facades and balconies which take advantage of the views offered over Hamilton Harbour. Any future development should be sensitive to the established scale, form, defining features and characteristics of this Historic Area.

In reviewing this Historic Area it was identified that the boundaries of the Historic Area partially covered some buildings and that on occasion, this has caused confusion. Proposed amendments to the boundaries of this Historic Area have been included within the Plan to address this issue, ensuring that it captures entire buildings.

Queen Street

This Historic Area is within the Retail Core with a variety of shops, fast food outlets and other services. The area contains 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 characteristics of this Historic Area.

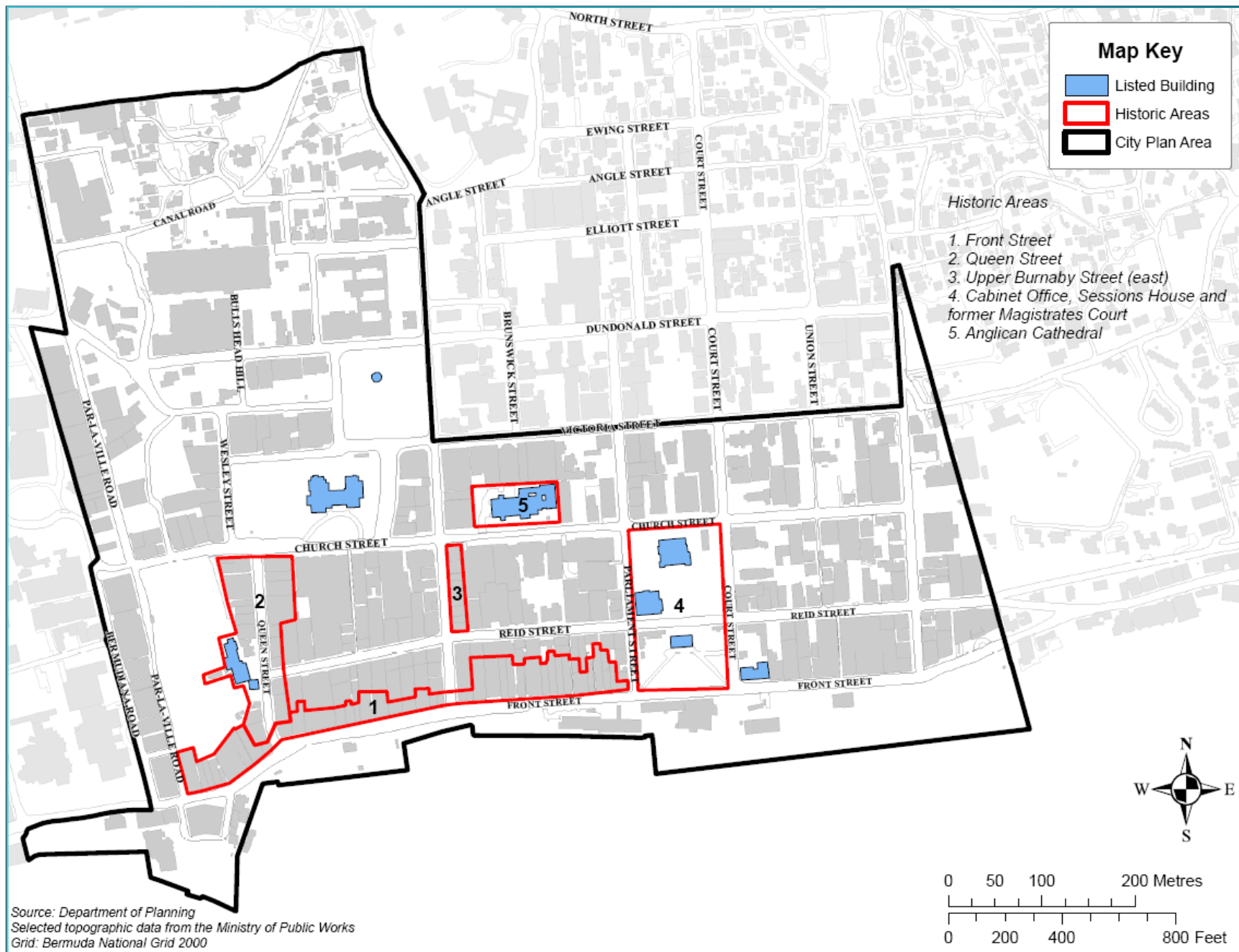


Figure 8-1: Historic Areas and Listed Buildings

In reviewing this Historic Area, the Department has given careful consideration to the current inclusion of the full extent of Queen Elizabeth Park. Following our research, we believe that there is no justifiable reason for the identification of the full extent of the Park within the Historic Area using the criteria set out within the Act and that, similar to other green spaces within the City, the continued protection of this area in recognition of its public open space value, rather than for any perceived historic, architectural or cultural merits, would be more meaningful and relevant. Accordingly, we have suggested an amendment to the boundary, ensuring that there is a sufficient buffer between buildings to be retained within the Historic Area.

Upper Burnaby Street

Between Reid Street and Church Street, this Historic Area holds a diverse and eclectic collection of traditional style multi-storey buildings. It is a unique stretch that has changed very little over time.

The Cabinet Office and Sessions House

Alongside the former Magistrates' Court Building, The Cabinet Office and Sessions House form a cluster of civic listed buildings that collectively create an attractive landscaped setting and provide a green enclave in this part of the City. Although the Former Magistrates' Court Building falls outside of the Historic Area, collectively these buildings are of significant cultural, historical and architectural significance to the Island as a whole. Both the Cabinet Office and Sessions House are rare examples of listed buildings within the City which have retained an attractive immediate setting, although this has been somewhat compromised in a wider context by the presence of the container port. Within this Historic Area it will be critical to ensure that these buildings and their settings are retained and respected.



Anglican Cathedral

The Anglican Cathedral is the iconic feature of the City's skyline and is clearly visible from a number of locations both within and outside of the City. The prominence of this building, which is the Island's first listed building, is particularly evident from sections of Harbour Road. It is unusual to have a single building covered by a Historic Area designation, however, this signifies the architectural, historical and cultural importance of the building. Furthermore, within the context of a densely developed City the Historic Area designation, which covers the grounds of the property, ensures that to some extent, the immediate setting of the structure is protected. Consideration shall be afforded to the impacts of all development within the City upon the setting of this building and its distinctive contribution to the City skyline.

Development within these areas will be considered carefully according to its historical, architectural and cultural significance. Within a Historic Area, the design of any new buildings, as well as renovations to existing buildings, should be sympathetic to and in harmony with the area's character, appearance and setting.

Listed Buildings

Policy HE.1

There will be support for the sensitive restoration, maintenance and reuse of listed buildings. 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 architectural details of development preserve and enhance the quality and character of the building and its setting.

Historic Areas

Policy HE.2

All development proposals shall be sympathetic to the historic, architectural and cultural character of Historic Areas and their settings. Development should seek to enhance the architectural and historic qualities of Historic Areas, having regard to appearance, layout, scale, design, materials and architectural details.

9 Residential in the City

The Plan will continue to support residential development within the City to reduce the need to travel to access goods, services and places of employment. Increasing the residential population of the City also assists in boosting the City economy as there is an increase in the number of people living within walking distance of City businesses, including those principally aimed at the evening economy. We recognise that there is a balance to strike between facilitating an increase in the residential population of the City whilst ensuring that the City maintains its identity as the Island's premier destination for retailing and other forms of commercial activity. There is no threat in this regard at present, however, one way of safeguarding this, is to require appropriate ground floor uses and the inclusion of active frontages.

This section addresses the impacts of development upon residential amenity and ensuring that new residential developments are designed to an appropriate standard. The Plan ascribes a high level of importance towards the provision of private open space within residential developments, but offers a different approach to communal open space than has previously been applied within the City. This change of approach has been driven by a number of factors, including the quality of the communal spaces which have been provided in the past, anecdotal evidence that these areas are underutilised, and a desire to adopt a more inclusive approach to the provision of quality open space throughout the City.

Residential Development

Policy RS.1

The Board will support proposals for new residential development in upper floors throughout the City.

Residential Amenity

Policy RS.2

All development proposals must ensure that there will be no unacceptable detrimental impacts upon the amenity of existing or future residents by ensuring that:

- a)** adequate levels of privacy, natural lighting and ventilation are retained to all habitable rooms of neighbouring buildings;
- b)** there is no overbearing impact upon residential properties; and
- c)** the proposed use would not be injurious to the environment of nearby residential properties by reason of noise, vibration, disturbance, smell, fumes, ash, dust or other noxious condition.

Canal District

As noted within Section 5, the Canal District is unique within the City as it contains a number of more traditional small scale, single storey Bermudian residences. Within this area, amenity impacts will be particularly important and it will be essential to ensure an appropriate scale and form of development. Given the characteristics of this area, the Department considers that there is merit in employing definitive setbacks where a proposed development site adjoins a residential lot. This not only ensures minimum separation distances between the existing traditional Bermudian properties in the area but it also mandates neighbour acknowledgement requirements where the minimum setback is not met.

Policy RS.3

Within the Canal District the minimum setback from a lot line shall normally be 10 feet where the lot line is shared with a residential lot.

The Board may vary the lot line setback requirement provided that it is satisfied that the proposal adheres to Policy RS.2 and:

- a)** there is no alternative location or design solution which would pose a lesser impact;
- b)** the proposal would not unduly compromise the development potential of an adjacent lot; and
- c)** a neighbour acknowledgement letter from the owner of the affected adjoining residential property has been provided.

The Board may waive the requirement for a neighbour acknowledgement letter provided that the applicant can demonstrate to the satisfaction of the Board that the appropriate action and necessary steps were taken to contact and obtain an acknowledgement from the affected neighbour.

Minimum Unit Sizes

Where a development proposes the adaptive reuse of an existing building, it is recognised that there may be space constraints which severely limit the ability to achieve the minimum space standards set out under Policy RS.4. In alignment with the Department's support for the adaptive reuse of existing buildings, the Board will have scope to reduce these minimum space standards. However, in all instances, it will be essential to ensure that the requirements of the Bermuda Building Code are met.

Policy RS.4

All new residential development, including the adaptive reuse of existing buildings, shall comply with the following minimum standards:

Dwelling Unit Type	Minimum Gross Floor Area
Studio	275 square feet
One bedroom	425 square feet
Two bedroom	600 square feet
Three bedroom	800 square feet
Four or more bedrooms	1,100 square feet

Group Housing	Minimum Gross Floor Area
Bedroom	70 square feet
Shared living room / kitchen	150 square feet
Separate shared kitchen	50 square feet

In consideration of proposals for the adaptive reuse of an existing building, the Board has discretion to reduce these minimum standards.

Private Outdoor Space

In conducting our research it became apparent that there are differing opinions on the existing requirements for both private and communal space within the City. At the outset of this process, we wanted to determine if the existing approach remains relevant and if it is reflective of demand. Outside of North East Hamilton and the Canal District, residential development in the City is almost entirely in the form of apartment house style developments, and therefore, this is what this section of the Plan is principally targeted at.

Prior to the pandemic, it was evident that there was an undercurrent of opinion that private outdoor space within the City should not be required because it is underutilised. Some of the main reasons for this which were informally conveyed to the Department were that these areas didn't offer sufficient privacy, were not shaded or covered and are often too small to make them enjoyable, usable spaces. It is evident that these issues could be addressed through intelligent design and ensuring that the provision of outdoor space forms an integral part of the design process from the outset. There are a number of examples of where balconies have been added to apartment buildings as an apparent afterthought rather than as an intrinsic design feature of the building. Treating the requirement for outdoor space in this way will likely result in the ensuing spaces being undervalued and underutilised.

We believe that the pandemic has highlighted the value of private outdoor spaces. Around the world people turned to these spaces as a way of

continuing to connect with the outside world which had, and continues to have, documented mental health benefits. Whilst the effects of the pandemic are dissipating, it is clear that many people re-evaluated their living environments with a view to spending more time at home.

We therefore believe that private outdoor space standards are of continuing importance and will therefore be required as part of new residential developments. However, we also believe that greater thought is required in terms of how to incorporate these spaces, starting from the perspective of viewing them as an integral part of the overall design and development process. Key issues which must be addressed include orientation, shelter (from all elements), privacy and relationship with the indoors.

As stated, the most common form of residential development within the City is apartment house developments. There are very few examples of where private outdoor space has been provided at grade within apartment developments as this would most likely have a significant impact upon the viability of a project due to space requirements. We therefore understand and support the provision of private outdoor spaces above grade, as not only does this make sense to the overall viability of a development, it is also more practical for users to be able to directly access these spaces from indoor living areas.

Policy RS.5

Private outdoor space shall be provided for each dwelling unit in a residential development in accordance with the following minimum standards:

Size of Unit	Minimum Area
Studio	60 square feet
One bedroom	60 square feet
Two bedroom	100 square feet
Three or more bedroom	130 square feet

Private outdoor space shall form an integral part of the overall development. Accordingly, development proposals will be required to demonstrate that the following issues have been fully considered and integrated into the design:

- a) orientation of the space, ensuring that the design has been informed by an understanding of solar paths and prevailing winds;
- b) shelter from the sun, wind and rain;
- c) achieving a reasonable standard of privacy from both public areas and nearby residential properties, including those within the same building;
- d) connectivity between outdoor and indoor space, allowing outdoor areas to function as a natural extension of indoor spaces;
- e) incorporating landscaping works to soften the visual impact of the development and enhance the natural attributes of the space;
- f) ensuring that the outdoor space is immediately adjacent to and directly accessible from the associated dwelling unit; and
- g) the proportions of the proposed space ensure that it is usable, with the width being no less than 5 feet.

In consideration of proposals for the adaptive re-use of existing buildings, the Board may require a contribution towards a community benefit in lieu of part or all of the private outdoor living space requirements if it can be demonstrated that they cannot be achieved.

Communal Open Space

Given our renewed focus and commitment to achieving high quality, meaningful areas of private outdoor space within new residential developments, we believe that there should be scope to remove previous requirements for communal areas of open space. Instead, we believe that resources could be more beneficially directed towards upgrading existing, or creating new areas of public open space within the City. Removing the requirement for onsite communal open space would potentially have dual benefits for developers in that it could increase the development potential of a site and it would mean that finances don't have to be directed towards providing these areas within the development envelope. Consequently, we believe that the removal of this requirement would enable a contribution towards public areas of open space. This contribution could either be in the form of undertaking agreed improvement works, or as a financial contribution, which would be used to undertake projects agreed to by the Board and the Corporation of Hamilton. Further details of the overall community benefit scheme will be contained within a forthcoming guidance note.

Notwithstanding, there will be general support for the inclusion of communal open space within developments, particularly in the form of rooftop gardens, as these areas are often underutilised within the City. Such spaces, if well executed, can not only offer all of the normal benefits that come with having access to open space, but they can facilitate greater levels of social interaction between residents, assisting in creating a sense of community, as well as enhancing the marketability of a site. For confirmation, the inclusion of communal open space within a development proposals will not negate the requirement to satisfy the terms of Policy RS.6.

Policy RS.6

All development proposals for the creation of residential units will be required to provide:

- a)** an improvement to an area of public open space within the City, with the agreement of the Corporation of Hamilton and the Board; or
- b)** a financial contribution to the Community Benefit Fund in line with the Community Benefit Guidance Note, to be used to upgrade an existing area of public open space or contribute towards the creation of a new one.

Where option "(a)" is selected, the scale and cost of the improvement works will be commensurate with the scale of the development and in broad alignment with the financial contribution which would otherwise be sought under provision "(b)".

Home Occupations

In recognition of the importance of affording flexibility to residents and entrepreneurs, this Plan supports the limited occupational use of residential properties. The carrying out of a business from home does not require an application for planning permission where no material change of use would take place, as assessed on a case-by-case basis. Where the operation of a business would amount to a material change of use, the carrying out of a business from home may be permitted by the Board subject to specific considerations, as set out within Policy RS.7.

Commercial uses, in general, should take place within established commercial areas, adding to and protecting the viability of those areas. However, home occupations provide an opportunity for small-scale, limited commercial operations to take place within a residential setting. The key determinants in considering the acceptability of such operations will be ensuring that the commercial use remains ancillary to the residential function of the property and ensuring that there are no adverse impacts upon the residential amenity of the surrounding area. Any application for a

home occupation will therefore be required to provide details of how the business will function, including, inter alia, the frequency and volume of customers visiting the premises, the frequency of any deliveries to and from the premises and the hours of operation. The business will be required to operate in accordance with the information provided as part of the planning application.

Policy RS.7

Home occupations are permitted within the City provided that the home occupation:

- a)** employs no more than two persons on the premises, of which at least one person shall be a bona fide resident of the dwelling;
- b)** is strictly accessory to and compatible with the residential use of a property;
- c)** maintains the residential appearance and character of the building and land; and
- d)** is not injurious to the amenity of the residential area by reason of noise, vibration, odour, smoke, dust or the generation of traffic.

10 Traffic and Parking

The City of Hamilton experiences significant volumes of traffic, particularly during rush hour. In addition to commuter traffic, there are regular vehicular movements associated with schools, commercial activities and large container haulage vehicles travelling to and from the container port. Traffic congestion and pollution has been a concern within the City for a number of years and there have been various technical studies which have looked at addressing these issues.

It is important to acknowledge that traffic and public parking issues generally fall within the remit of the Corporation of Hamilton and therefore, this Plan can only have a limited influence over these issues. However, the Plan does have control over the traffic and parking implications of new development, including specifying parking standards. Traffic implications are generally managed on a case-by-case basis as they are dictated by the location of the proposed development, the surrounding environment and the proposed use.

The Department has conducted extensive research on the topic of parking to ensure that the policies of the Plan are based upon an understanding of the relevant issues (as set out within the City Survey Report 2023). We have also analysed whether there may be unintended consequences of existing and previous parking standards. It is clear that there is an abundance of parking within the City, including on-street, private and public parking facilities, in addition to the vast number of motorbike parking bays. This creates the feeling of a City which is principally designed for the movement of vehicles. Whilst we fully appreciate the importance of having parking options within the City, the current volume and spread of parking facilities is to the detriment of the pedestrian environment and we believe that a better balance could be achieved.

Parking is a multi-layered and complex topic as there are numerous shifting dynamics which make it difficult to gain a comprehensive and up-to-date understanding of the issues. However, the Department has gathered data from a number of different sources, and we believe that the policies set out within this section offer a sensible and reasonable way forward.

The starting point for addressing the traffic and parking issues of the City is to encourage a greater uptake of sustainable modes of transport, including ferries, buses, pedal cycling and walking. Where possible, we will continue to encourage and facilitate the use of these modes of transportation.

Traffic and parking issues cannot be considered in isolation as the implications of these issues are far reaching and fundamentally impact upon the functionality and appeal of the City. Over 12.5% of land within the City is dedicated to parking facilities of various forms. This not only facilitates high volumes of traffic entering the City, but it also discourages development of lots being used for parking and detracts from the aesthetic appearance of the City as parking facilities are generally unattractive and can be large, dead spaces at certain times of the day. Furthermore, there is a significant volume of parking at the Waterfront which is not only visually intrusive in a highly visible part of the City, but also a missed opportunity to capitalise upon one of the City's best assets. Accordingly, this Plan favours the consolidation of public parking facilities across the City in order to release land in key, strategic locations for alternative uses which would increase the vibrancy of the City.

Another concerning trend which has been observed within the City is the demolition of vacant buildings and the subsequent use of these sites for parking lots. This Plan aims to prevent this from occurring as, not only are many parking lots a blight on the

streetscape, a concentration of such uses contributes little to the vitality of the City.

Electric Vehicle Charging

The Government supports the transition to 'Zero Emission' vehicles, as evidenced by the recent replacement of the public bus fleet with electric buses. Over the forthcoming years, efforts to support this transition will be intensified, with the ultimate long-term goal being for all private and public vehicles to be electric. We have to consider how we can support this initiative from a planning perspective and what the implications will be. Accordingly, we have researched this issue and consulted with the Department of Energy, Transport Control Department and the Corporation of Hamilton. It is clear that electric vehicle charging will normally take place at home and in existing residential developments people will have to adapt to this. However, going forward we believe that all new residential parking spaces should be provided with the necessary infrastructure to conveniently charge vehicles, even if this won't be an immediate benefit for some people. In practice, this will mean that the necessary cabling must be installed within parking areas as part of the 'roughing-in' phase of the development.

During our research, we have discovered that 'range anxiety' for electric vehicles is generally not an issue in Bermuda as people can comfortably generate sufficient charge at their accommodation to make the journeys they need to make. Consultation comments confirmed that this means that there will be limited demand for electric charging stations outside of people's home environments. We therefore believe that there is no need to mandate electric charging infrastructure for any new non-residential private parking areas. We will encourage the installation of electric charging stations within any new, or extension or renovation of existing public parking lots. In time, payment for such facilities is likely to be commonplace and therefore, there will be an economic incentive to install the infrastructure, which will naturally result in this occurring.

Notwithstanding, it is acknowledged that tourists regularly utilise electric vehicles and will therefore require charging facilities at their accommodations. Many owners offering tourist accommodation outside the City have recognised this demand and installed such facilities onsite, making them more appealing to tourists who intend to utilise this form of transportation. Demand for charging facilities is likely to be increasingly market driven and therefore commonplace. As such we will continue to support the installation of such infrastructure, particularly in association within any proposed hotels or guest house accommodation within the City.

The Department will continue to work with the Corporation of Hamilton to address the traffic and parking issues within the City, where possible. As such we will continue to support the installation of such infrastructure, particularly in association with any proposed tourist accommodation within the City.

Traffic Management

Policy TP.1

All development proposals will be required to prioritise the movement of pedestrians over vehicular movements.

Servicing/Drop-off

Policy TP.2

- 1)** Where a vehicular access is proposed over a sidewalk for servicing and/or drop-off purposes, applicants will be required to demonstrate that:
 - a)** the associated use fundamentally requires the provision of a vehicular crossing in order to support the nature of operations taking place; and
 - b)** there are no reasonable alternatives.
- 2)** Where provision (1) is met:
 - a)** proposals will be required to provide for the safe movement of traffic to and from the application site; and
 - b)** only one vehicular crossing per site, not exceeding 16 feet in width, shall be permitted over a sidewalk.
- 3)** No new vehicular crossings over the sidewalk will be permitted within the Retail Core.

Parking

There are two distinct types of parking which need to be addressed within the Plan: standalone commercial parking lots, and onsite private parking associated with a specific development. As a general point, the Department's research provides a strong indication that there is an over provision of car parking options within the City and we therefore believe that we should be deterring proposals for additional parking facilities, with the exception of those provided in association with new residential developments.

However, we also understand that there are some circumstances where there is a fundamental need for onsite parking in association with a proposed use and therefore, outside of the Retail Core, there will be limited circumstances under which a minimal amount of onsite parking could be supported. The onus will be on the applicant to demonstrate the operational need for parking facilities in such circumstances, taking into account a range of factors, including the established parking capacity within the surrounding area. A parking study may be required to assess the quantity of publicly available parking spaces available within a 5 minute walk of the application site. This equates to 1,300 feet as there is a general consensus in research studies that 3 miles per hour is a reasonable average walking speed.

A study in the US estimates that zoning codes with minimum off-street parking requirements costs renter households approximately 17% of rents. The impacts of this are particularly burdensome to carless renters.

Standalone parking lots

Policy TP.3

No new parking lot, or the extension of an existing parking lot shall be permitted within the Retail Core.

Outside of the Retail Core, there will be a presumption against the creation of new or expansion of existing parking lots, unless it can be demonstrated to the full satisfaction of the Board that the proposal has been informed by a City-wide parking strategy.

Onsite parking

Policy TP.4

No onsite parking or the extension of existing onsite parking facilities shall be permitted within the Retail Core.

Outside of the Retail Core, there will be a presumption against the creation of new or expansion of existing onsite parking facilities unless it can be demonstrated to the full satisfaction of the Board that:

- a)** the proposed parking facility is directly associated with a new development;
- b)** there is an evidenced under provision of public parking facilities within 1,300 feet of the application site, informed by a parking study;
- c)** the proposed use fundamentally requires the provision of onsite parking in order to support the nature of operations taking place; and
- d)** the number of spaces proposed and extent of the area dedicated towards parking is kept to practical minimum.

Design of parking areas

Policy TP.5

- a)** New parking facilities shall be provided underground or above street level unless demonstrated to be technically unfeasible.
- b)** Applications for new, and additions to existing parking facilities, shall not undermine the pedestrian environment and may be refused on the basis that they would create an overprovision of sidewalk crossings within the area.
- c)** Any new parking facility shall be designed as an integral part of the associated development, incorporating landscaping works throughout, including suitable screening from public areas.

Parking in association with residential development

Part of the Department's rationale in encouraging an increase in the residential population of the City is to reduce the number of car journeys. City residents have the benefit of being within proximity of a wide range of services and amenities, which reduces the need for vehicular travel. However, it is also recognised that a significant proportion of City residents will wish to own a car and therefore need a place to park. The Department must carefully balance these competing considerations to ensure that it does not unreasonably deter City living.

Taking the foregoing into account, the Department believes that a maximum of one car parking space per residential unit could be permitted. However, in all instances, efforts must be made to minimise onsite parking. This issue is further complicated by the fact that even if a residential unit does not have an allotted car parking space, the owner could still be issued with an assessment number which entitles them to own a car. In turn, this places pressure upon the Corporation of Hamilton to issue residential parking permits for on-street parking, removing spaces from the City's parking inventory. This can have notable implications within some locales. For this reason, any unit which does not have a dedicated car parking space must be confirmed as a "cycle only" unit, removing the ability to own a car in association with the residential unit. In those cases, provision shall be made for onsite cycle parking.

Policy TP.6

Within new residential developments a maximum of one car parking space per dwelling unit may be permitted. For those units which are not designated a car parking space onsite, they shall be deemed as 'residential restricted unit / apartment (cycle only)' units and shall be required to provide one cycle parking space per unit onsite.

In the case of special needs housing and group housing, there may be an exception to these requirements, as assessed on a case-by-case basis due to the specific nature and function of these forms of residential accommodation. In all instances, proposals will only be permitted to include the operational minimum number of parking spaces, which must be demonstrated.

Parking for disabled persons

Policy TP.7

In any parking area spaces for disabled persons shall be provided in a convenient location, designated and reserved specifically for use by disabled persons. The number of spaces shall comply with the following standards:

Total number of car parking spaces	Minimum number of car parking spaces required for disabled persons
5 - 25	1
26 - 50	2
51 - 75	3
76+	4

Electric Vehicle Charging

Policy TP.8

In all new residential parking areas, every car parking space shall be provided with an electric power supply, which can be utilised to charge electric vehicles. For the avoidance of doubt, this includes parking facilities associated with buildings which have been converted to residential use.

Within any other new parking areas, the provision of infrastructure to support electric vehicle charging stations will be supported.

Parking space standards

Policy TP.9

All car and motorbike parking spaces must be independently accessible and comply with the following criteria:

- a)** a car parking space shall be not less than 16 feet in clear length, 8 feet 6 inches in clear width and 7 feet 6 inches in clear height;
- b)** a cycle parking space shall be not less than 6 feet in clear length, 3 feet in clear width and 7 feet 6 inches 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 6 inches in clear height.

Onsite loading

Policy TP.10

Onsite loading facilities shall generally not be permitted within the Retail Core.

Where onsite loading is to be provided, the following requirements shall apply:

- a)** the loading space shall be not less than 20 feet in clear length, 9 feet in clear width and 16 feet in clear height; and
- b)** the entire loading space and adequate space for turning vehicles shall be provided wholly within the application site.

11 Utilities, Drainage and Telecommunications

A modern, efficient and effective infrastructure network is a critical component of any thriving urban centre. The Corporation of Hamilton provides and maintains the City's utilities infrastructure, including wastewater (sewage) collection, treatment and disposal, storm water management and refuse collection, as well as the City's road networks. The Corporation works with other utility providers to facilitate the provision of water and energy supply, telecommunications systems and port facilities.

The Corporation has recently committed to the upgrading of the City's wastewater infrastructure through the installation of fine-mesh screening machines, designed to reduce the volume of solid waste which is discharged via the South Shore outfall. This Plan supports the continual review and upgrading of the City's infrastructure by the Corporation in order to ensure that the systems which support the functionality of the City remain fit for purpose.

The Department is also supportive of the Corporation of Hamilton's fats, oils and grease (FOG) policy, which in part requires the installation of grease interceptors. Since the policy was introduced in 2014 it has resulted in a significant reduction in the volume of grease entering the Front Street Wastewater Treatment Plant.

Policy UDT.1

Where practicable, utilities and associated infrastructure should be provided underground. Where this is not feasible, proposals shall be designed and sited so as to mitigate any environmental, visual and/or amenity impacts.

Water Supply

In support of the overarching sustainability goals of the Plan, efforts should be made to collect and store both potable water and greywater onsite. In terms of potable water, a roof catchment and associated water tank storage will ordinarily be required through the building permit process and therefore it is strongly recommended that prospective applicants determine what the requirements will be in this regard prior to the submission of a planning application. Efforts should also be made to collect and store greywater onsite for flushing and landscaping, ensuring that as much as possible, developments can employ water conservation methods and be self-sufficient.

Policy UDT.2

Development proposals should ensure that an adequate water supply is made available for each unit for both drinking and flushing purposes. This will normally require a roof catchment and associated water tank storage for potable water needs.

Sewage and Waste Disposal

Priority should be given to disposal via the City sewer system and connections to this system may be required in some cases, as per the provisions of the Hamilton Sewerage Act 1917.

In addition, this Plan designates areas in proximity to the Island's main water resources as Water Resource Protection Areas, where the protection of Bermuda's ground water resources shall be of paramount importance, having particular regard to methods of sewage disposal within this area. Within the City, the Water Resource Protection Area includes all areas which are at an elevation of 13 feet or less above sea level.

Policy UDT.3

All development must be designed to dispose of sewage and other effluent in an environmentally satisfactory manner and the protection of the Island's water resources shall take precedence over all other planning considerations. To this end, the Board shall give careful consideration to the disposal of waste water in association with developments within a Water Resources Protection Area (see Figure 11-1).

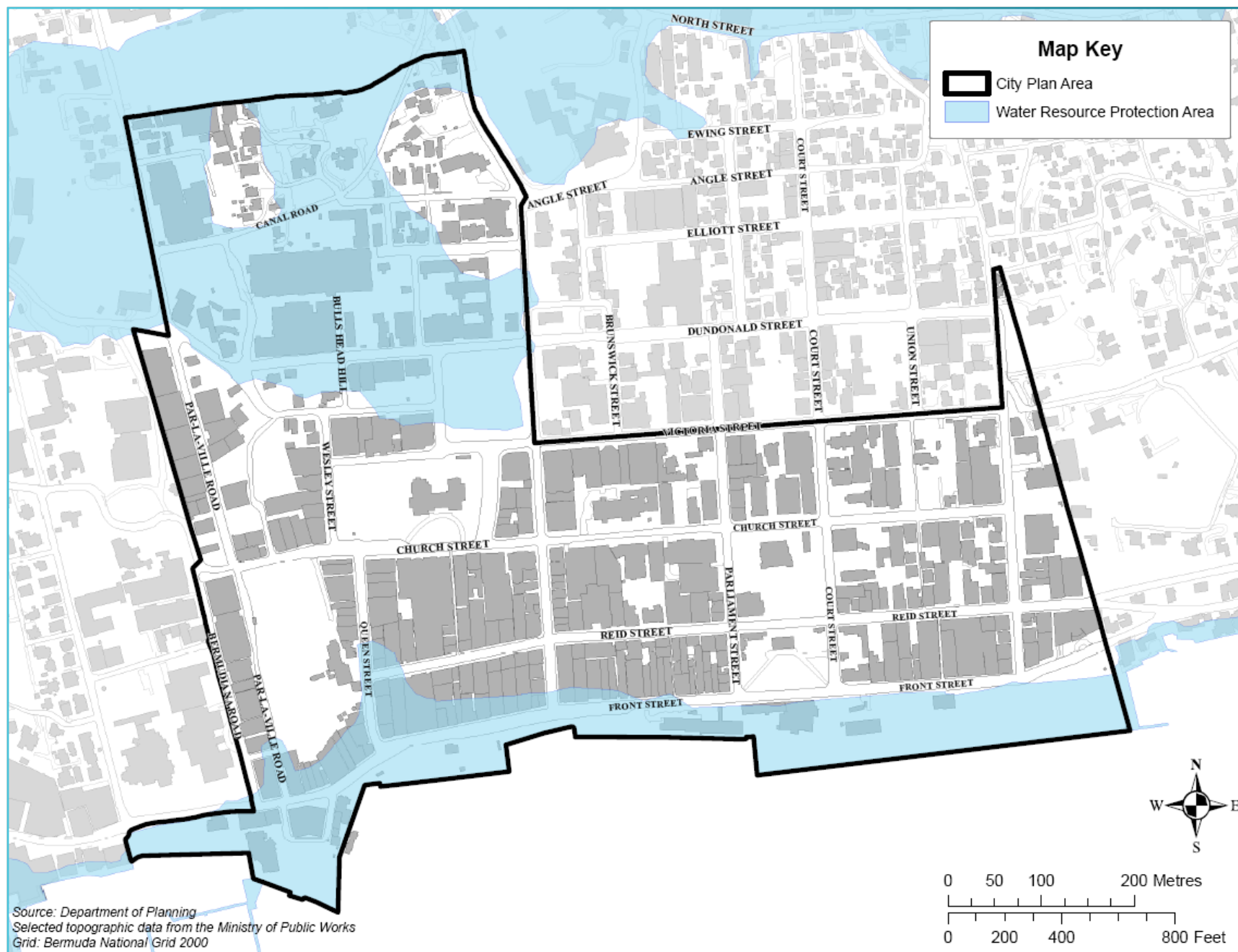


Figure 11-1: Water Resource Protection Area

Storm Water Management

The City of Hamilton has two watershed areas (see Figure 11-2) which show the areas of the City from which storm water either drains north towards the Pembroke Canal or south towards Hamilton Harbour. Both the Pembroke Canal and Front Street have been the subject of increasingly frequent flooding events as Bermuda has experienced more periods of intense rainfall over short durations. Land which is at or below 13 feet above sea level is particularly vulnerable to flood risk and these areas are identified by the Water Resource Protection Area (Figure 11-1). As a consequence of this flood risk, it is critical to ensure that all development proposals provide appropriate storm water drainage and disposal methods within the boundaries of the application site, ensuring that the capacity of the City's storm drain system is not unduly affected. Proposals will also be required to satisfy the requirements of the Pembroke Marsh Canal Act 1969, where applicable. There may be occasions where it is determined that a borehole is required to manage storm water and in those instances consultation with the Environmental Authority will be required to obtain confirmation that a borehole can be supported at the chosen location and that the Environmental Authority is willing to issue a Water Right Certificate.

Policy UDT.4

All development must demonstrate that the control and disposal of all storm water runoff will take place within the boundaries of the application site. There will be a strong presumption in favour of sustainable drainage systems, where feasible. The use of impermeable surfaces must be kept to a practical minimum and may only be accepted where it is demonstrated to the satisfaction of the Board that permeable or porous paving is not appropriate.

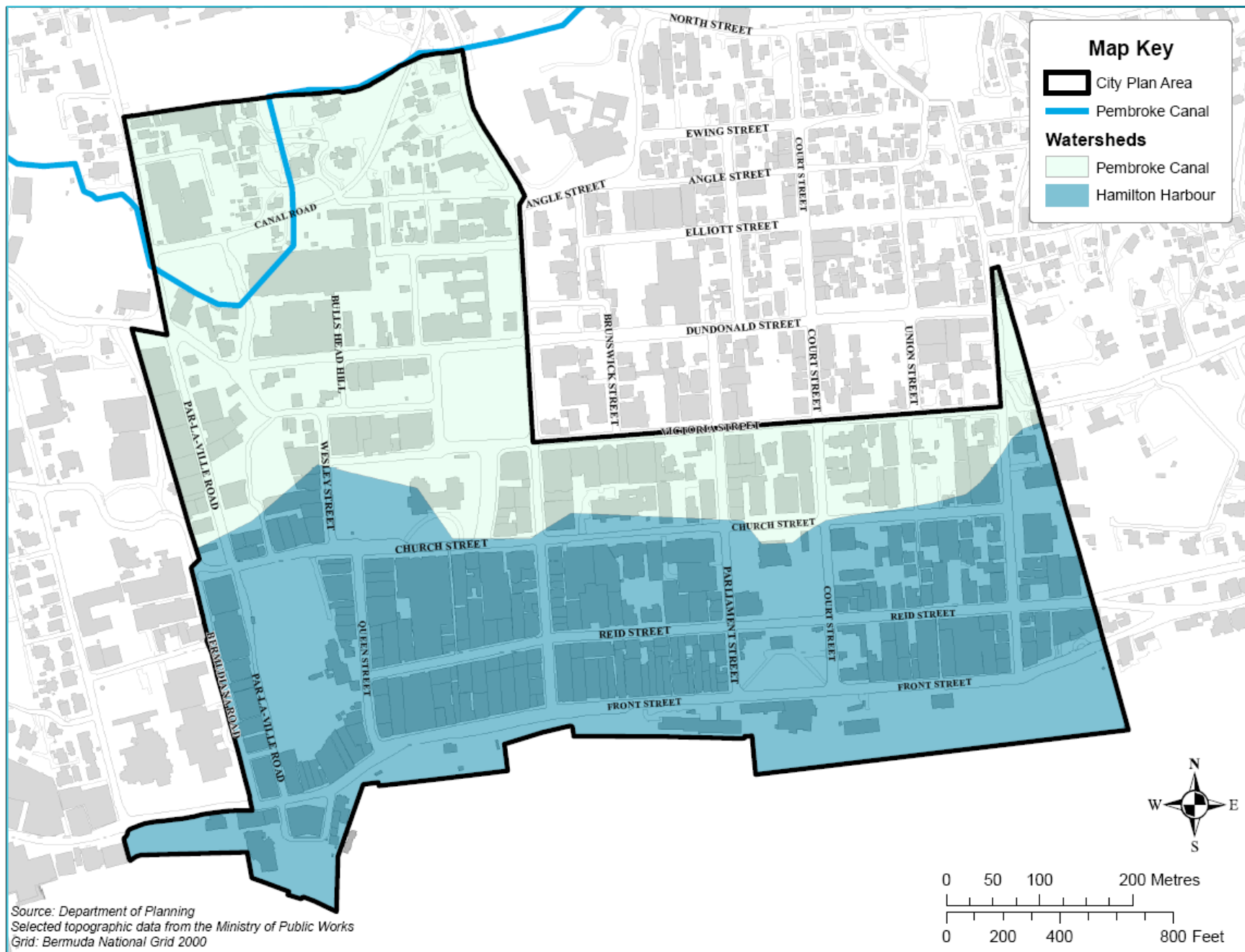


Figure 11-2: Watershed Areas

Telecommunications

In addition to the visual and residential impact considerations, the Board must also consider the potential health impacts of telecommunication developments, for which the advice of the Department of Health and the Regulatory Authority will be sought. This Plan promotes sharing of towers amongst telecommunication operators in order to limit the number of towers needed for signal coverage. To this end, it will be necessary for the applicant to demonstrate that proper consideration has been given to sharing a tower in the first instance.

Policy UTD.5

In assessing applications for the installation of a new support structure or the replacement of an existing support structure, the Board must be satisfied that:

- a)** the proposal would not have a demonstrable detrimental impact on the health and safety of the surrounding area;
- b)** the applicant has demonstrated that every effort has been made to utilise or share an existing support structure or, where not practicable, the proposed structure is capable of being shared with multiple operators;
- c)** the proposal has been appropriately sited to minimise its impact on visual and residential amenity; and
- d)** appropriate arrangements are in place for the decommissioning and removal of any apparatus that are no longer required.

Appendix 1: Definitions

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

Active Frontage – ground floor street facing elevations containing windows and doors which provide an active visual engagement between the street and the inside of buildings

Active Travel – making a journey in a physically active way, including walking and cycling

Amenity – an element or elements that contribute to the overall character or enjoyment of an area and the living conditions of residents

Blue Spaces – areas containing waterbodies or watercourses

Building line – a line parallel to the facade of an existing structure drawn from the outermost wall or surface of that structure

City Centre Uses – uses falling within classes 1, 2, 3, 4, 7, 8, 9, 10, 11, 12 and 13 of the Development and Planning (Use Classes) Order 2022

Commencement Day – _____, the day on which the City of Hamilton Plan 2023 became operative as a plan in accordance with Section 10 of the Act

Community Benefit – as defined by Policy STR.3

Compatible – 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

Development – 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, subject to the exceptions as set out by Section 14 of the Act

Dwelling Unit – a self-contained residential unit capable of human habitation having its own bathroom, permanent cooking facilities, living space, private outdoor living space and access and where the accommodation is intended for related persons or no more than five unrelated persons

Façade – the principal elevation(s) of a building

Grade – ground floor level

Gross Floor Area – 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

Group Housing – 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

Habitable Room – any room in a building meeting the requirements of the Building Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, storage spaces, pantries, bath or toilet rooms, laundries, hallways, utility rooms and other similar areas

Hard Surfacing – any surface not occurring naturally on the land, and being any form of hard paving made up of such materials as concrete, asphalt, stone or wood, and for the avoidance of doubt the site coverage of any building or structure including swimming pools shall be considered as hard surfacing

Height – in relation to a structure, the vertical distance from the grade to the highest point of the structure

Home Occupation – a business, profession, occupation or trade conducted entirely within a residential building

Industrial – development for the purpose of carrying on any process for, or incidental to, any of the following:

- (a) the making of any article or part of any article, including a ship or boat;
- (b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing, or adapting for sale, break-up or demolition, of any article; and
- (c) the storing, warehousing and wholesaling of merchandise and including, but not limited to, the sale, rental and repair of cycles, motor vehicles and boats and building supply establishments

Landscaping Scheme – a landscape plan or plans illustrating high quality hard and soft landscaping proposals and specifically detailing:

- (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;
- (e) measures for achieving site protection of soil and vegetation to be retained or reused; and
- (f) details of implementation and future maintenance

Light Industrial – industrial development which is not detrimental to the amenity of a surrounding area, particularly any residential area, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or excessive traffic generation

Listed building - 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

Loading – a space provided for the temporary parking of motor vehicles, taking on board or discharging of materials in connection with a use operating on the site

Lot – 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

Lot Size – 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 other lots

Massing – the overall size, bulk and form of buildings, and the overall appearance and visual impact thereof resulting from the juxtaposition of buildings

Passive Design – passive design measures are those issues which have been incorporated into the overall design of a project to reduce energy demand. This includes, but is not limited to, consideration of building orientation, air sealing, continuous insulation, windows and daylighting, shading, and taking advantage of natural ventilation opportunities.

Private Outdoor Living Space – an open area provided specifically for the enjoyment of the residents of a dwelling unit including, but not limited to, a private garden, courtyard, terrace, patio or balcony

Public Art – installations which would be clearly visible to the public, typically be located outdoors, which may include, but not limited to, murals, sculptures and water features

Public Open Space – areas identified by Figure 5-1 or otherwise created during the operation of this Plan

Renewable Energy – those energy flows that occur naturally and repeatedly in the environment from the wind, the fall of water, the movement of the oceans, the sun and from biomass

Residential – the use of land or buildings for the provision of a dwelling unit in a detached house, an attached house, an apartment house, special needs or group housing

Residential, restricted unit / apartment (cycle only) – a residential unit which is assigned an ‘Apartment (cycle only)’ assessment number by the Department of Land Valuation and to which the Transport Control Department will not allow a car to be registered

Road – the carriageway and related verges and/or sidewalks of a public or private road but not including a driveway

Scale – 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

Setback – the distance, measured perpendicular to a lot line or estate road boundary, within which no building, wall or structure over 4 feet in height, including a swimming pool, may be constructed without the approval of the Board

Servicing – activities such as garbage collection, deliveries, building maintenance, loading and unloading items

Special Needs Housing – 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

Street Level – the floor level within a building which is at-grade with the adjoining street or sidewalk

Storey – that portion of a building between the surface of a floor and the upper surface of the floor or roof above with one or more windows which provide a sufficient amount of natural light to a space to render it capable of being a habitable room, notwithstanding that the room may not be used for habitable purposes

Structure – a combination of materials which form a permanent or semi-permanent construction including but not limited to buildings, platforms, swimming pools, radio towers, satellite dish receivers, aerial masts, water tanks, piers, docks, wharves, sheds, walls and fences

Subdivision – as defined by Section 35A of the Development and Planning Act 1974

Sustainable Drainage Systems – methods of drainage designed to manage stormwater locally (as close to its source as possible), to mimic natural drainage and encourage its infiltration, attenuation and passive treatment

The Board – the Development Applications Board, a body of persons appointed by the Minister to determine planning applications as well as set out procedures and guidance on the planning process

Tourist Accommodation – short term accommodation such as, but not limited to, hotels, vacation rentals, bed and breakfasts and guest houses where no medical care is provided

Utility – provisions for energy and water supplies, the treatment of sewage and wastewater disposal, the storage of refuse, the management of storm water, telecommunication systems, public roads and transportation facilities

Waste – sewage, waste water, materials and liquids which, if dumped, mishandled or improperly stored, may cause a detrimental impact to water resources, natural features and/or public health

Water Resources – ground water and bodies of water including marshes, ponds, lakes, bays, coastal waters and the Pembroke Canal

Appendix 2

Development and Planning (Use Classes) Order 2022

Please note that this Order has been included for information purposes only and is not the subject of this public consultation.

BERMUDA

DEVELOPMENT AND PLANNING (USE CLASSES) ORDER 2022

BR / 2022

The Minister responsible for planning, in exercise of the power conferred by section 14(2)(f) of the Development and Planning Act 1974, makes the following Order:

Interpretation

1 In this Order—

“amenity” means an element or elements that contribute to the overall character or enjoyment of an area and the living conditions of residents;

“dwelling unit” means a self-contained residential unit capable of human habitation having its own bathroom, permanent cooking facilities, living space, private outdoor living space and access and where the accommodation is intended for related persons or no more than five unrelated persons;

“industrial process” means the making of any article or part of any article, including a ship or boat, the altering, repairing, ornamenting, finishing, cleaning, packing, adapting for sale, break-up or demolition of any article, including motor vehicles, boats and construction equipment;

“singular class” means any use that is not included in Classes 1 to 13 as provided in the Schedule and includes a single unit containing a mix of uses within different Classes where there is no single principal use or uses would operate independently of one another.

Use classes

2 (1) Where a building or other land is used for a purpose of any class specified in the Schedule, the use of such building or other land for any other purpose of the same class shall not be deemed, for the purposes of the Development and Planning Act 1974, to involve development of the land.

(2) Nothing in subparagraph (1) shall effect obtaining planning permission for a change in the use of any building or other land if such change involves an intensification amounting to a material change in the use.

(3) A use which is ordinarily incidental to and included in any use specified in the Schedule is not excluded from that use as an incident thereto merely by reason of its specification in the Schedule as a separate use.

DEVELOPMENT AND PLANNING (USE CLASSES) ORDER 2022

SCHEDULE	
Use Classes	
CLASS	DESCRIPTION
Class 1— Retail	the sale of goods or services, other than motor vehicles and hot food prepared on the premises, to visiting members of the public including, but not limited to, shops, barbers, hairdressers and shoe and watch repair.
Class 2— Financial, Medical and Professional Services	for the provision of the following kinds of services principally, to visiting members of the public: <ul style="list-style-type: none"> (i) financial services including, but not limited to, banks and insurance agencies; (ii) medical services including, but not limited to, clinics and dental offices; (iii) professional services including, but not limited to, real estate, employment and travel agencies.
Class 3— Restaurants and Cafes	the sale of food or drink for consumption mostly on the premises.
Class 4— Business	<ul style="list-style-type: none"> (a) offices which would not normally be visited by members of the public; (b) research and development of products or processes which does not involve manufacturing or any industrial process.
Class 5— Storage, Distribution and Light Industry	for the storage, distribution or industrial processes which could be carried out in any residential area without causing undue detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or traffic.
Class 6— General Industry	for the carrying on of an industrial process other than one falling within Class 5.
Class 7— Tourist Accommodation	for short-term accommodation such as, but not limited to, hotels, vacation rentals, bed and breakfasts and guest houses where no medical care is provided.
Class 8— Residential Institutions	for long-term residential accommodation such as group housing or nursing homes for more than five persons and residential schools.
Class 9— Temporary Accommodation	that is supervised, short-term accommodation such as halfway houses and homeless shelters.

DEVELOPMENT AND PLANNING (USE CLASSES) ORDER 2022

Class 10— Dwellings	(a) dwelling units occupied by a person or people forming a single household; (b) not more than five residents living together as a single household where care may or may not be provided for residents.
Class 11— Non-Residential Institutions	schools and colleges, law courts, art galleries, museums, libraries, exhibition halls and places in connection with public worship or religious instruction.
Class 12— Assembly and Leisure	for sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public.
Class 13— Day Care Facilities and Nurseries	for providing day care and nursery care for children.

SINGULAR CLASSES (including but not limited to)—

Amusement Arcades
 Bars and Nightclubs
 Car Washes
 Casinos and Betting Offices
 Cinemas
 Concert Halls
 Crematoriums
 Fractional Units
 Funeral Homes
 Gas stations
 Hostels
 Hospitals
 Hot Food Takeaways (where food is prepared on the premises and mostly consumed off the premises)
 Hydroponic, Aquaponic and other Non-Conventional Farming
 Laundrettes and Dry Cleaners
 Massage Parlours
 Military Barracks
 Motor Vehicle Showrooms including Liveries
 Pawnbrokers and Pay Day Loan Shops
 Places for Motor Vehicle Recreation or Firearm Sports
 Prisons and Young Offenders Institutions
 Quarrying
 Scrapyards
 Spas
 Timeshare Units

DEVELOPMENT AND PLANNING (USE CLASSES) ORDER 2022

Theatres
Venues for Live Music Performance
Veterinary Clinics, Pet Day Care Facilities and Premises for the Boarding of Animals
Waste Disposal (storage or treatment)
The singular classes each constitutes a separate singular use

Appendix 3: Placemaking and Design Guidance

The information contained within this appendix is intended to complement the placemaking approach set out under Policy STR.1. Ordinarily, detailed information of this nature would be better suited to a guidance note and it is the Department's intention to prepare a design guidance note in the near future. However, in the absence of such guidance at present and to provide greater clarity on the application of placemaking principles, it is considered necessary to present this information within this consultative version of the Plan. Please note that the information presented within this Appendix may therefore not be included within the draft or final versions of the Plan, depending upon progress with the preparation of a design guidance note.

Distinctive

How people feel about an area and why they feel that way is very intuitive and unique to the individual. It can be difficult to articulate all of the complex inter-relationships which take place within a streetscape and how they combine to provide a place with a unique character and identity. However, through careful consideration and analysis the component parts of a streetscape can be broken down to provide greater insight into how they contribute to providing a place with its identity.



The design of this building has not recognised the topographical changes of the site and has instead reduced the size of a window to maintain a linear approach.

- It is important to appraise a site and its surroundings before commencing the design process. Quality design can be derived from understanding the context of a site and the key characteristics of the area. The key issues of a contextual analysis include the scale, height, footprint, massing, form, established building lines, roof design, natural features, linkages and materials used within the surrounding area and how these issues have combined to provide the area with its distinctiveness. Consciously responding to these key design components will assist in complementing and enhancing a sense of identity. Differing building heights can be appropriate in some circumstances but the buildings should relate well to each other and not be overbearing.

- The City has a very distinctive topography, rising steeply from south to north. Design should seek to work with the topographical changes across the City. Some of the more recently constructed buildings on Front Street are an example of this, where upper storeys have been set back to reinforce the topographical changes. Such an approach is particularly effective where there is a street facing side elevation and therefore, greater appreciation for

topographical changes. However, there will also be occasions where such an approach is not merited, particularly in other parts of the City. Contextual and site analysis will provide a clear indication of where this is appropriate.

- The City has a distinctive skyline, particularly when viewed from Harbour Road. The prominence of the Cathedral is a key element of the skyline and development proposals will be required to ensure that the Cathedral remains the focal feature of the City's skyline. In this regard, the height of buildings within the City should take their cue from the Cathedral, not exceeding the ridge line (138 feet AOD).

Safe and Pleasant

Creating safe, pleasant and welcoming places involves putting people at the centre of design considerations. If places do not feel safe then they are less likely to be used or valued.



An example of how natural surveillance, public art, lighting and considered landscaping works can make a place feel safe and pleasant.

- The presence of other people is a good way of making people feel safe. Having a mixture of uses is a good way of achieving this, however, it is also important within the City to ensure that ground floor properties have an active frontage to stimulate interest and pedestrian activity.
- Development should be designed to overlook streets, paths and areas of open space to provide passive surveillance. The City has a small number of established pedestrian linkages and where possible, development will be required to incorporate windows which overlook these routes and in some instances, to provide pedestrian access points.
- Ensuring that spaces benefit from considered lighting is another way of enhancing people's enjoyment of areas, particularly in the evening. Although street lighting is an issue which falls within the remit of the Corporation, there may be opportunities to incorporate sensitive feature lighting within buildings, which can add interest.
- Development should create places which are principally designed for pedestrian movement, making pedestrians feel safe and encouraging movement within and beyond the site.
- The inclusion of quality and considered landscaping works can soften the impact of development whilst enhancing the overall look and feel of an area.

Connected, Easy to Move Around and Beyond

As part of the process of prioritising pedestrian movement within the City, we must ensure that we deliver places that are better connected, both internally and to their surroundings.



Example of a building which does not present its frontage to the street. The blocked up portion of the building on the left detracts from the streetscape and adds no vitality to the pedestrian environment.

Connecting a development into its surroundings

- There should be safe and convenient access to and from development sites, with particular focus on pedestrian movement. It is important that access points are located appropriately, taking account of the established infrastructure. Where there is a change of use, the existing entrance into a site or building may no longer be appropriate.
- Existing pedestrian routes within development sites.
- Larger developments should have a choice of access points, whilst ensuring that the principal elevation faces the street.

Movement to and through the site

- New development should be designed to consider the needs of pedestrians, cyclists and public transport ahead of private motorised vehicles.

- Development should capitalise upon any opportunities to create new or reaffirm existing pedestrian connections within the City.
- Development should be barrier free and usable to everyone regardless of physical ability.

Connections to nature

- Development should explore any opportunities to link to the natural assets of the City, including the parks and waterfront. One way of achieving this is through strategically locating access points to direct users towards these assets.

Infrastructure

- Provision should be made for safe and functional cycle parking and storage, where appropriate.
- Any paths should be accessible to all, well-lit and overlooked..

Welcoming

Successful places are consciously designed to be for and about people. This should be a consideration in all aspects of design. If places are to be successful they must be attractive, appealing and welcoming, otherwise they will be underutilised. All development should give careful consideration to how street facing elevations relate to the surrounding area in terms of both aesthetics and functionality.



Active frontages at ground floor level

- Buildings should have active frontages at the street level and avoid the use of reflective or tinted glass. Creating continuous active frontages involves having frequent doors and windows along a street, with minimal blank walls, incorporating bay windows and porches, which create a welcoming feeling and, on occasion, having intervisibility between the activities taking place within the ground floor of a building and the street.
- Principal elevations should face the street and provide interest for pedestrians.
- Where tall buildings are proposed, they should evidence a clear understanding of human scale at the street level through careful consideration of the height of the ground floor, materials and architectural detailing which can be used to engage pedestrians.
- Large buildings which do not relate well to the established built environment can be overbearing and unwelcoming. Achieving an appropriate scale of development is therefore a critical factor in creating welcoming places.

- Landscaping works can be used to soften the impact of development, screen views of service areas, provide shade and make an area more visually appealing. All development proposals should consider how soft landscaping works could be incorporated.

Adaptable

Providing buildings and spaces with scope to adapt to changing needs and uses will enhance their sustainability. This can be achieved in a range of different ways depending upon the nature of the proposal. Consideration should be afforded to building form and layout and allowing areas of open space to be multi-functional. Simplicity and minimising permanent obstacles can be beneficial in this regard.

- Development should be robust and designed for the long-term. This will include ensuring that the practical use of a building over the long-term forms part of the design process, including integrating requirements for waste recycling/storage.
- Developers should think about the long-term use of buildings, including unforeseen uses or requirements which may arise in the future. Buildings and spaces should therefore be designed to facilitate alterations or extensions and be adaptable to potential changes of use.

Resource Efficient

All development proposals, regardless of scale should consider ways in which the short and long term impacts of the development could be reduced and/or mitigated.



The usable space within this building is set back from the primary façade to reduce direct exposure to the sun and the need for mechanical cooling.

- Development should seek to make the most of existing resources on a site such as existing buildings or landscaping works. Utilising these resources is not only best practice from a sustainability perspective, but can also provide new development with a strong sense of place.

- Development proposals should respond appropriately to local climatic conditions including prevailing winds and opportunities to maximise solar gain.

- Development should maximise energy efficiency through incorporating water conservation measures, green building materials and the use of micro-renewables.

- Landscaping works, particularly street trees should be used to provide shade from the sun.

- Materials should be durable to Bermuda's climatic conditions.

- Sustainable drainage systems can be a highly effective way of managing flood risk whilst also enhancing biodiversity. These techniques provide a different approach to managing

runoff through not seeing the issue as a hindrance but as an opportunity to improve the amenity of an area and maximising the potential of the resource. Development should incorporate sustainable drainage techniques, where possible.

- High density areas make an efficient use of limited land resources, which is of particular relevance to Bermuda. Urban areas such as the City naturally lend themselves to be appropriate for high density development. Whilst the principle of high density development is supported within the City, it must be design-led, meaning that the high density is a consequence of a considered design process and is not the aspiration for a project from the outset.



View of the Hamilton Harbour

- In parts of the City which experience significant volumes of pedestrian movements, there is evidence of the preservation of a human scale within the streetscape, despite some larger buildings. This is particularly noticeable along Front Street where there is a long stretch of covered walkway and taller buildings have adopted a tiered approach, stepping back from the ground floor building line as they get higher. The articulation of human scale within building designs will be important in such circumstances. This can be achieved in a number of ways, including careful consideration of architectural detailing at ground floor level and ensuring that ground floor heights are responsive to human scale. The key consideration will be to think about how people (particularly pedestrians) will experience a development.

- Verandas are a common architectural feature of Front Street, which also have a practical function in that they offer shade. The use of verandas in this part of the City will generally be required.

- Views of Hamilton Harbour are evident from a number of locations within the City, including Front Street, Court Street, Parliament Street, Burnaby Street and Queen Street. Development proposals should be mindful of the distinctive role which the Harbour plays in creating a setting for the City and should fully consider the intervisibility of the water with public areas. For example, established viewing corridors such as that looking from Burnaby Street to the Harbour should be retained.



An example of a building responding to its location on a corner lot through using an additional storey to define the corner, a wrap-around veranda and a splayed corner.

- Corner lots can provide development opportunities for taller buildings, which can provide defining landmarks. Given their high visual prominence, buildings on corner lots should be designed to a high architectural standard, providing visual interest on both elevations fronting the public road.

- Development should respond appropriately to built heritage features and should ensure that the setting of such features is not compromised, capitalising upon any opportunities to enhance views to and from existing heritage assets. This will involve ensuring that surrounding buildings are of an appropriate scale in relation to heritage assets and ensuring that views to and from these buildings are respected.

- New buildings should enhance the quality of a place. Contemporary architecture will be supported where it responds appropriately to its context, particularly where it takes design cues from traditional Bermudian architectural features.

Appendix 4: Energy Statements

The information contained within this section is intended to act as a guide to prospective applicants in preparing energy statements. In all instances, it will be the responsibility of the applicant to determine the overall suitability of the design techniques, materials and technologies employed within the development.

a) Reduce Energy Consumption

Passive design concerned with employing intelligent design interventions to reduce or remove the need for mechanical heating and/or cooling. Some examples of the measures which can achieve this include:

- Optimising solar gains through consideration of building orientation and solar paths
- Maximising the hours of natural daylighting through consideration of window and door placement in relation to solar paths
- Orientating buildings to facilitate natural ventilation through consideration of the prevailing wind direction (southwest) and the location and size of windows
- Incorporating sun control and shading devices
- Utilising appropriate forms of glazing, with careful consideration the tint of the glass
- Air sealing
- Continuous insulation

In Bermuda, one of the key issues in successfully employing passive design techniques will be finding the correct balance between the measures which would benefit occupants during both the summer and winter months. For example, shading may be beneficial during hot summer months, but could also prevent optimising natural daylighting. However, through careful consideration of solar paths throughout the year, the optimal design solutions can be identified.

b) Using energy efficiently

In other jurisdictions energy efficiency measures are required to explore the potential for connecting to a heat network system. There are complexities with these types of systems which may make them cost prohibitive in Bermuda, however, they could be worth exploring in the long term. Other energy efficiency measures could include:

- Installing electrical appliances with high energy efficiency ratings
- Installing Smart Appliances
- Using heat pump water heaters
- Installing solar tubes

c) Incorporate renewable energy technologies

Energy statements shall explore the inclusion of renewable energy systems and demonstrate to what extent the system which has been selected would reduce CO2 emissions over conventional forms of energy supply. The most common forms of renewable energy generation in Bermuda are photovoltaic panels, heat pumps and solar water heaters. Inclusion of these technologies shall be considered at the outset of a project as some of these technologies may influence the design of a building.

