



THE CITY OF
**HAMILTON PLAN
2001**



DEPARTMENT OF PLANNING





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CONTENTS

| | |
|--|-------|
| INTRODUCTION | 1 |
| A SUSTAINABLE FUTURE | 2 |
| STRUCTURE OF THE PLAN | 3 |
| SUMMARY OF GOALS, OBJECTIVES, POLICIES & GENERAL PROVISIONS | 4-7 |
| | |
| SECTION 1. A REVITALISED CITY | |
| i. DEVELOPING THE CITY | 8-12 |
| ii. LIVING IN THE CITY | 13-18 |
| iii. BUSINESS IN THE CITY | 19-21 |
| iv. VISITING THE CITY | 22-23 |
| v. SERVICING THE CITY | 24 |
| | |
| SECTION 2. AN ACCESSIBLE CITY | |
| i. TACKLING THE TRAFFIC | 25-26 |
| ii. EASING TRAFFIC FLOW | 27-28 |
| iii. PRIORITISING PARKING | 29-36 |
| iv. RECLAIMING THE PEDESTRIAN ENVIRONMENT | 37-39 |
| | |
| SECTION 3. A WELL DESIGNED CITY | |
| i. PROTECTING AND ENHANCING THE CITY'S HERITAGE | 40-42 |
| ii. ENSURING HIGH QUALITY DESIGN | 43-54 |
| | |
| SECTION 4. GENERAL PROVISIONS | 55-68 |



CITY OF HAMILTON PLAN

INTRODUCTION

The City of Hamilton Plan 2001 has been prepared under the provisions of Part III of the Development and Planning Act 1974 (s1983) and supersedes the City of Hamilton Plan 1984.

Since the preparation of the 1984 Plan, the City has undergone significant changes. Over the last two decades the amount of commercial office space in the City has more than doubled, the resident population has continued to fall and traffic congestion in the City has significantly worsened. These trends reflect social and economic changes in Bermuda and provide convincing evidence of the need to have an up-to-date Plan which can guide the development of the Island's capital City into the 21st century.

The City of Hamilton Plan 2001 has been prepared by the Department of Planning in partnership with the Corporation of Hamilton. The Department of Planning is responsible for preparing plans and policies for the use and development of land in Bermuda and for advising the Development Applications Board, which makes decisions on all development and subdivision applications throughout the Island, including the City. The Corporation of Hamilton provides services necessary for the smooth operation of the City, including the provision of public parking, garbage collection, sewage disposal and parks and highways maintenance. As the provision of these services and the planning function are inter-related a united approach is important.

In producing the Plan, the Department and the Corporation have consulted widely to ensure that all stakeholders have had an opportunity to shape the direction of the Plan. This consultation process has included discussions with business groups, environmental interest groups and professional bodies, as well as general public meetings and forums with people who live in the City. Opinion surveys of residents and visitors were also undertaken.

Many of these opinions were incorporated into a Background and Issues document produced in August 1997 entitled "Towards a Shared Vision". This background paper contains a wealth of material describing changes within the City over the last 15 to 20 years and identifies the key issues for the new Plan to address. Undoubtedly one of the most significant issues is traffic congestion in the City. Seeking ways to resolve this problem necessitated undertaking the first major study of City traffic conditions in 25 years. The study's findings provided the basis for the City of Hamilton Transport Strategy which was published by the Department and the Corporation in early 1999. The Transport Strategy provides a core component of the new Plan.

The City of Hamilton Plan 2001 provides guidance on the future development of the City and incorporates major initiatives that are intended to bring real benefits to people who live and work in the City and who are visiting Hamilton. The Department and the Corporation believe that the Plan provides a framework for revitalising the City without sacrificing the essential qualities that distinguish Hamilton as a distinctive place.



HAMILTON IN THE 21ST CENTURY

Sustainable development

A SUSTAINABLE FUTURE

The principal concept which underlies the policies contained in this Plan is that of sustainable development.

Sustainable development recognises the need to strike a balance between economic growth and the conservation of land and natural resources. It emphasises the importance of relating development to identified needs and to considering the long term implications of our decisions and actions. The concept of sustainable development provides the direction for planning policy in the future development of the City as well as the Island as a whole.

Vision

The vision for the future development of the City is to strive towards a more sustainable city environment and for the City to develop as a place which:-

- serves the best interests and needs of the community who live and work there and who visit it for shopping and leisure purposes;
- provides a range of opportunities for development and employment;
- provides a mix of residential and commercial uses;
- creates compact development and controls urban sprawl;
- encourages people to walk and cycle and is easily accessible by public transport;
- respects its historical past and promotes high quality new development; and
- provides interest, activity and enjoyment in a safe and comfortable environment.





STRUCTURE OF THE PLAN

The Plan sets out detailed regulations, in the form of policies, which provide the framework for new development in the City. The Plan also provides guidance for developers to create high quality development that makes a positive contribution to the vitality, comfort and attractiveness of the City.

The Plan is divided into three main sections:- "A Revitalised City", "An Accessible City" and "A Well Designed City". Each section begins with the statement of a goal. The sections are then divided into sub-sections, each sub-section having a specific objective (or objectives) which relates to the overall goal of that section. There is a brief discussion of the relevant issues that are addressed by the objective(s) and a description of the intent and rationale for the policies which follow thereafter. The policies are intended to regulate development in the City in a manner which will meet the objectives and thereby contribute to the realisation of the Plan's goals.

Whilst the three sections each follow the same format, the policies contained within each vary in their level of detail. The first of the sections, "A Revitalised City," contains guidance and policies that support Hamilton's role as the main centre for new development and investment, and identifies the range of land uses permitted in the City. The policies contained in this section therefore tend to be general in nature. The second section, entitled "An Accessible City," focuses on vehicular and pedestrian movement in the City. The policies contained in this section are more detailed and relate to specific access and parking issues. The third section, "A Well-Designed City," contains guidance and policies that relate to the design and appearance of new development and the need to protect and enhance Hamilton's distinctive character. The policies contained in this section are detailed and relate to specific design regulations. A summary of each section, showing the relationship of the policies to the goals and objectives and where each policy may be found in the document follows.

The final section of the Plan sets out the general provisions for the Plan including guidance to the Development Applications Board, information required to be submitted with planning applications and definitions of terms used in the Plan.

For the avoidance of doubt, every policy within the Plan, unless expressly stated to the contrary, requires that a development proposal complies with all other relevant policies in the Plan.

A REVITALISED CITY

GOAL I: To develop Hamilton as a vibrant, dynamic and livable capital city.

| OBJECTIVES | POLICIES | PAGE No. | FIG No. | TABLE No. |
|---|--|---|------------|-----------------------|
| <p>i. Developing the City</p> <p>1(a) To ensure that land in the City of Hamilton is used efficiently</p> <p>1(b) To support development that adds interest and vitality to the City</p> <p>1(c) To achieve the development and amenity potential of Hamilton's waterfront</p> | <p>1.1 Broad range/mix of uses</p> <p>1.2 Subdivision of land</p> <p>1.3 Undersize lots</p> <p>1.4 Waterfront development</p> <p>1.5 Development briefs</p> | <p>11</p> <p>11</p> <p>11</p> <p>12</p> <p>12</p> | <p>1.1</p> | |
| <p>ii. Living in the City</p> <p>1(d) To encourage residential development in the City and enhance existing residential areas</p> <p>1(e) To achieve the economic and social regeneration and environmental improvement of North-East Hamilton</p> | <p>1.6 Conversion of existing residential uses</p> <p>1.7 Residential development</p> <p>1.8 Protect existing residential property</p> <p>1.9 Minimum dwelling unit size</p> <p>1.10 Private outdoor living space</p> <p>1.11 Private outdoor living space</p> <p>1.12 Communal space</p> <p>1.13 Other residential development standards</p> <p>1.14 Group housing</p> <p>1.15 Group housing</p> <p>1.16 Residential bonus</p> <p>1.17 Adaptive re-use of existing buildings in North-East Hamilton</p> | <p>14</p> <p>14</p> <p>14</p> <p>14</p> <p>15</p> <p>15</p> <p>15</p> <p>16</p> <p>16</p> <p>17</p> <p>17</p> <p>18</p> | | <p>1.1</p> <p>1.2</p> |
| <p>iii. Business in the City</p> <p>1(f) To support Hamilton's role as a main centre for commerce and shopping</p> | <p>1.18 Office development</p> <p>1.19 Retail development</p> <p>1.20 Principal shopping area</p> <p>1.21 Outdoor markets</p> <p>1.22 Industrial development</p> <p>1.23 Light industrial development</p> | <p>19</p> <p>20</p> <p>20</p> <p>20</p> <p>21</p> <p>21</p> | <p>1.1</p> | |
| <p>iv. Visiting the City</p> <p>1(g) To encourage the development of a range of top quality tourism, cultural and entertainment facilities</p> | <p>1.24 Tourism development</p> <p>1.25 Art/cultural facilities</p> <p>1.26 Restaurants</p> <p>1.27 Outdoor dining facilities</p> | <p>22</p> <p>23</p> <p>23</p> <p>23</p> | | |
| <p>v. Servicing the City</p> <p>1(h) To ensure the satisfactory provision of utilities and other infrastructure in the City</p> | <p>1.28 New infrastructure development</p> <p>1.29 Services in new developments</p> <p>1.30 Storm water management</p> | <p>24</p> <p>24</p> <p>24</p> | <p>1.2</p> | |

GENERAL PROVISIONS

| PROVISION | POLICIES | PAGE No. | FIG .No. |
|--|--|-----------------|-----------------|
| General Direction to the Board | 4.1 Compliance with goals and objectives, policies, maps and diagrams, the Transport Strategy and development briefs | 55 | |
| Matters for the Board to consider | 4.2 Matters for the Board to consider | 55 | |
| Planning permission granted or applied for before commencement day | 4.3 Reserved matters 4.4 Applications not determined | 56 56 | |
| Land subject to an objection to the Plan | 4.5 Board may consider an application | 56 | |
| Specialist advice to the Board | 4.6 Historic Buildings Advisory Committee 4.7 Advisory Architectural Panel | 56 57 | |
| Matters on which the Plan is silent | 4.8 Discretion to grant planning permission | 58 | |
| Lots that lie partly outside the City boundary | 4.9 Consideration of other Plans and planning guidance | 58 | |
| Grounds in support of an application | 4.10 Grounds in support of an application | 58 | |
| Information required to be submitted with an application | 4.11 Information required to be submitted with all applications 4.12 Information required to be submitted for larger developments and developments in prominent locations | 59 59 | |
| Environmental Impact Statement | 4.13 Development projects requiring an E.I.S. 4.14 Composition of an E.I.S. | 60 60 | |
| Material change of use | 4.15 Applications proposing a material change of use | 61 | |
| Definitions | 4.16 Meanings of specific terms used in the Plan | 61-68 | |



SECTION I

A REVITALISED CITY

GOAL I

To develop Hamilton as a vibrant, dynamic and livable capital city.



- i. DEVELOPING THE CITY
- ii. LIVING IN THE CITY
- iii. BUSINESS IN THE CITY
- iv. VISITING THE CITY
- v. SERVICING THE CITY

**A REVITALISED
CITY****i. Developing the City****OBJECTIVES**

- I(a) To ensure that land in the City of Hamilton is used efficiently.
- I(b) To support development that adds interest and vitality to the City.
- I(c) To achieve the development and amenity potential of Hamilton's waterfront.

One of the main aims of the new City of Hamilton Plan is to provide the framework for a revitalised City. This can be accomplished in a number of ways but one of the most effective means is by ensuring that there is a varied mix of uses particularly at street level. Areas dominated by single uses, particularly office uses, can produce a sterile environment outside office hours. Conversely, cities that bring together a mix of uses are likely to provide added interest for city visitors. There already exists a broad mix of uses across the City. This can be further encouraged by providing greater flexibility in the location of different uses. There will, however, need to be safeguards to ensure that new uses do not conflict with the intent of other Plan policies such as those relating to traffic and housing.

Mixed use developments, typically combining office, retail, restaurant and residential uses, are likely to be interesting developments that attract people and businesses and add vitality to the City. Such developments will be encouraged within the City, particularly on larger sites.

The activities that take place in the City will normally attract a range of support services that enable the business and residential communities to function more efficiently. These services can include nursery schools, medical practices and places of worship. The Plan recognises that these services are a necessary adjunct of City life and are considered appropriate uses provided they are compatible with residential uses and will not impede traffic flow.

A major issue identified in the Background and Issues Report was the unequal distribution of development in and around the City. There has been a demand for major office development to locate on the western side of the City and to spread further west along Pitts Bay Road. This has exacerbated the problem of through-traffic and resulted in unused development potential and vacant sites on the eastern side of the City. Planning policy should seek to address this imbalance. Outside the City, the 1992 Bermuda Plan regulations can be used to prevent the further spread of commercial development outside those areas already zoned for such purposes. Preferably such development should be located within the City where the development potential and existing services can accommodate the expansion. Development will be particularly encouraged on the eastern side of the City. Development in this area would make much more efficient use of the land that is available within the City, contribute towards the regeneration of eastern Hamilton and avoid the traffic problems associated with development to the west of the City.



Over the life of the 1984 Plan there has been very little subdivision of property within the City. The tendency in fact has been towards lot amalgamation rather than subdivision in order to assemble land parcels that can be developed more efficiently. There may be occasions, however, when subdivision is proposed. Such applications will be considered on their merits and may be approved provided the proposed lot (or lots) does not impede the orderly and efficient development of land in the City and can meet relevant Plan requirements with regard to the provision of amenities and vehicle access and servicing.

Opportunities for Development and Enhancement

The Corporation of Hamilton and the Bermuda Government own a number of significant sites in the City. The development or redevelopment of these sites will play an important role in the revitalisation of Hamilton by encouraging uses and forms of development that bring added value to the City. These might include, but are not limited to, such uses as public open space, arts and cultural facilities, residential development and hotels. The principal sites, for which development briefs will be prepared to provide supplementary planning guidance, are shown on Figure 1.1 and are:

The Waterfront

Stretching from Barr's Bay Park in the west and including the whole of the container dock in the east, Hamilton's waterfront amounts to about 14 acres of property, most of which is owned by the Corporation of Hamilton. This waterfront, affording excellent views across the harbour, is one of the City's prime assets. However, full advantage is not being taken of the opportunities that the waterfront presents in terms of providing new open space and creative development. Public access to the harbour is restricted and waterfront property is used for car parking, outdated cruise ship facilities and industrial uses. In contrast, many cities around the world are capitalising on their urban waterfront assets to develop major amenities that attract new visitors and that are also commercially successful places, helping to boost the local economy. Hamilton, too, is well placed to participate in this trend. The catalyst for action may be provided by the need to construct new berthing facilities for cruise ships. This would present an opportunity to open up the waterfront for other uses and amenity space.

In the longer term, if the existing container dock is relocated, a substantial amount of land could be released for redevelopment which could have a galvanising effect on the eastern half of the City. To ensure that these opportunities are not missed, it is important that there is a shared vision for the future development of the waterfront. The preparation of a comprehensive plan for the waterfront will be reliant on major decisions being taken with regard to the container dock, the cruise ship terminals and other existing uses.



Consequently, such a plan will be a longer term project. In the interim, a policy is included in the City of Hamilton Plan 2001 to guide development on the waterfront to ensure opportunities for public access are not lost or other development objectives compromised.

Par-la-Ville Car Park

This site, owned by the Corporation of Hamilton, is approximately 2 acres in area and is located in the south-western quarter of the City. The site which overlooks Par-la-ville park is within the City's commercial core with the principal shopping area lying to the east and the main office area to the north and west. The land is currently used by the public as a surface level car and motorcycle parking area. Whilst allowing the continued provision of parking facilities on the site, the 1984 Plan also foresaw the provision of cultural facilities within a park setting as an appropriate alternative use. Whilst parking is likely to continue to be a significant use on the site, this important site also has substantial potential for new, exciting mixed use development.

City Hall Car Park

This site, also owned by the Corporation of Hamilton, is approximately two acres in area. City Hall is an important civic building but the car park detracts from its setting. The 1984 Plan envisaged the site being used as a public square while retaining the parking underground. This key site provides an opportunity for development that contributes to the vitality of the area and enhances it as a civic focal point.

Victoria Street Clinic

This large, Government-owned site extends from Victoria Street through to Dundonald Street. Its location on the east side of the City means that the development of this site should have a pivotal role to play in regenerating North-East Hamilton. It may be possible to retain the clinic within a more comprehensive scheme that brings much needed new investment to this part of the City.



Policy

1.1 A broad range and mix of uses will be permitted across the City. In determining whether a proposed development is acceptable the Board shall be satisfied that:-

- a) the proposal will not detract from the amenity or environment of neighbouring residential property;
- b) the traffic generated by the proposed development will not result in vehicle congestion, parking or road safety problems; and
- c) the proposal complies with other relevant policies in this Plan.

Policy

1.2 The subdivision of land in the City shall be at the discretion of the Board. In exercising that discretion the Board shall have regard to Section 35C(2) of the Act and shall ensure that:-

- a) the minimum lot size of any lot so created is not less than 7,500 square feet;
- b) the proposed subdivision does not prejudice the efficient use and orderly development of land in the City; and
- c) the proposed subdivision complies with other relevant policies in this Plan.

Policy

1.3 Notwithstanding Policy 1.2(a) above, the Board shall have the discretion to approve a subdivision proposing an undersize lot or lots provided the Board is satisfied that, in addition to the matters referred to in Policies 1.2(b) and 1.2(c):-

- a) each lot to be created accommodates a building which was in existence or was approved prior to commencement day; and
- b) the grounds in support of the application as submitted by the applicant justify the exercise of the Board's discretion.



Policy

I.4 New uses and development on the waterfront may be permitted at the discretion of the Board. In exercising that discretion the Board shall be satisfied that:-

- a) any proposed development is designed to a high standard and will enhance the appearance of the waterfront;
- b) the proposal makes adequate provision for public open space;
- c) public access is provided along the edge of the waterfront;
- d) the proposed use or development will not prejudice the implementation of a comprehensive scheme for the enhancement and development of the waterfront; and
- e) the proposal complies with other relevant policies in this Plan.

Policy

I.5 The Department of Planning will prepare development briefs for key Government and Corporation owned land within the City as shown in Figure I.1. New development on these sites shall be in broad compliance with the development brief.

**A REVITALISED
CITY****ii. Living in the City****OBJECTIVES**

- I(d) To encourage residential development in the City and enhance existing residential areas.
- I(e) To achieve the economic and social regeneration and environmental improvement of North-East Hamilton.

One of the best ways to revitalise Hamilton is to encourage more people to live in the City. The City can be a convenient and attractive place in which to live with ready access to work, shops and other amenities. Furthermore, an increase in the number of people living in the City would create more life and activity on city streets, particularly during the evening. This increased activity would help to boost the City's economy, as more people are available to take advantage of city services such as shops and restaurants. An increased residential population would also raise the level of natural surveillance within the City and help to alleviate some of the concerns relating to safety and security in Hamilton.

Exploiting the potential that exists in the City for higher density living would make a valuable contribution to meeting housing demand for the island as a whole. It would help to alleviate the pressure for residential development on green field sites around the Island thereby conserving valuable land resources. Apartment house development in the City would be a much more efficient use of land for supplying housing. It would also provide an opportunity for people to live closer to their places of employment and thus reduce the need to commute.

The Plan encourages an increase in the residential population of Hamilton in two ways. It safeguards and improves the amenities of existing residential properties and it seeks to attract new residential development in the City.

Existing Housing

While the Plan will seek to inject new life and uses throughout the City, primary consideration in determining the acceptability of a new development will be the need to ensure that it does not detract from the amenities of existing housing. The majority of the City's population lives in North-East Hamilton. The need to improve conditions in this area was identified as a priority issue in the Background and Issues Report to this Plan. While North-East Hamilton has a strong sense of community and is culturally and architecturally distinct, it has a negative public image and is in need of economic regeneration. The Corporation of Hamilton and the Department of Planning propose to continue working with the local community to formulate an Action Plan that can lead to tangible improvements in the quality of life for the people living in the area.



Policy

1.6 The Board will normally refuse proposals which will result in the conversion of existing land or buildings from residential use to other uses. Planning applications involving the conversion of existing land or buildings from residential use to other uses must be accompanied by written grounds in support of the application to justify the exercise of the Board's discretion in this matter.

Policy

1.7 Residential development will be permitted throughout the City. In determining whether a proposal for such development is acceptable, the Board shall be satisfied that:-

- a) traffic generated by the proposed development will not result in vehicle congestion, parking or road safety problems; and
- b) the proposal complies with other relevant policies in this Plan.

Policy

1.8 In determining applications for development in the City, the Board shall ensure that proposals do not detract from the amenity of existing residential property.

Residential Development Standards

The Plan recognises that, in contrast to the suburban forms of residential development appropriate elsewhere on the Island, a different set of residential development standards should be applied to urban living whilst still ensuring basic provision of amenities such as private outdoor living space and communal space.

Policy

1.9 New residential development shall comply with the standards for minimum gross floor area per dwelling unit as set out in Table I.1.

Table I.1

| Size of Unit | Minimum Gross Floor Area |
|----------------------------------|---------------------------------|
| <i>Studio</i> | <i>275 square feet</i> |
| <i>One Bedroom</i> | <i>425 square feet</i> |
| <i>Two Bedrooms</i> | <i>600 square feet</i> |
| <i>Three Bedrooms</i> | <i>800 square feet</i> |
| <i>Four Bedrooms or more</i> | <i>1,100 square feet</i> |



Policy

- I.10** Private outdoor living space shall be provided for each dwelling unit in any residential development and the minimum area to be provided shall be as set out in Table 1.2.

Table 1.2

| Size of Unit | At grade* | Above grade** |
|---------------------------|-----------------|-----------------|
| Studio | 100 square feet | 60 square feet |
| One Bedroom | 100 square feet | 60 square feet |
| Two Bedrooms | 150 square feet | 100 square feet |
| Three Bedrooms or more | 300 square feet | 130 square feet |

*The "at grade" standards shall apply to private outdoor living space provided entirely at grade or in any combination which provides space at grade and above grade;

**The "above grade" standards shall apply to private outdoor living space provided entirely above grade;

Policy

- I.11** In addition to the minimum areas to be provided, private outdoor living space shall:-

- a) consist of a private garden, courtyard, terrace, patio, balcony or similar; or any combination of these;
- b) be immediately adjacent to and directly accessible to the unit it serves;
- c) be of a regular configuration and provide useable open space;
- d) be designed to reserve the space for the unit it serves and to function as a natural extension of the indoor living space; and
- e) be designed, landscaped and screened to provide privacy.

Policy

- I.12** Adequate communal space shall be provided at or above grade in any development accommodating 10 or more dwelling units. Communal space shall be of a minimum size equal to 5% of the lot but not less than 800 square feet in area.



Policy

1.13 All other residential development standards shall be at the discretion of the Board except that in exercising that discretion the Board shall ensure the provision of:-

- a) a good quality residential environment having regard to the density, scale, layout, design and landscaping of the development;
- b) an acceptable standard of living accommodation having regard to natural lighting, ventilation and privacy to all habitable rooms; and
- c) adequate enclosed facilities for the storage of garbage and communal garbage storage areas which are well designed and screened.

Group Housing

Opportunities will be available to provide a range of housing types within the City to meet a variety of housing needs. It is recognised that the urban environment is well suited to accommodate forms of group housing such as hostels, boarding houses, staff accommodation and purpose-designed accommodation for the elderly or for persons with special needs. Applications for group housing will be assessed on their individual merit as each of the different types of housing for multiple occupants will generate different requirements with respect to facilities, outdoor spaces and parking areas. However, they will normally be required to comply with the Residential Development Standards.

Policy

1.14 Group housing may be approved at the discretion of the Board. To approve an application for group housing the Board shall be satisfied that:-

- a) the density and scale of development are appropriate for the site taking into consideration the location, size and physical characteristics of the site and the means of access and parking;
- b) a high standard of living accommodation is provided;
- c) the development provides proper and safe facilities and any outdoor spaces as are necessary for the health, welfare and enjoyment of the persons to be accommodated; and
- d) the development will not be detrimental to the amenity and environment of neighbouring properties.

**Policy**

- 1.15** Group housing shall normally comply with all the Residential Development Standards. Any proposal that varies from these standards shall be accompanied by grounds in support, submitted by the applicant to justify the exercise of the Board's discretion.

Residential Bonus

In order to encourage residential development in the City, the Plan provides a development bonus for schemes that incorporate a significant amount of residential floorspace. This bonus permits an additional storey of a permitted use to be added to the maximum permitted number of storeys providing that at least 50% of the total floorspace of the development is for residential use. To ensure that the additional floorspace created by this development bonus remains in residential use, an application that seeks to change this residential floorspace to any other use will normally be refused.

Policy

- 1.16** In considering an application for a development that includes residential accommodation, an additional storey of development may be permitted at the discretion of the Board, but only if the Board is satisfied that:-
- a) 50% or more of the total floorspace of the building, including the additional storey, is exclusively for residential use;
 - b) the design of the proposed building incorporating the additional floor is of a high quality and is appropriate to its location; and
 - c) the design of the proposed development has been reviewed by the Advisory Architectural Panel.



Adaptive Re-Use of Existing Buildings in North-East Hamilton

In North-East Hamilton there will be many situations when adaptive re-use of existing buildings will be necessary to ensure the revitalization of this part of the City. The area contains many underutilised buildings that have the potential to be converted into or further divided for residential use. Many of these buildings are small-scale and of older construction and it may not be possible for a design to conform to the Residential Development Standards for new residential development as required in Policy 1.9 or outdoor living space as required in Policies 1.10, 1.11 or 1.12. Given the special character of this area and the desire to encourage a general improvement in the living environment in North-East Hamilton, it is considered appropriate to provide some discretion in the application of Residential Development Standards in this part of the City.

Policy

1.17 In considering proposals for the conversion or rehabilitation of existing buildings in North-East Hamilton into residential dwelling units, the Board shall have the discretion to vary the Residential Development Standards specified in Policies 1.9, 1.10, 1.11 and 1.12 provided that:-

- a) the proposed dwelling unit(s) meet the minimum standards for room sizes as specified in the Bermuda Building Code 1998;
- b) adequate provision, given the constraints of the site, is made for private outdoor living space and communal space;
- c) the Board is satisfied that the proposal will result in a satisfactory living environment; and
- d) the grounds in support of the application, as submitted by the applicant, are sufficient to justify the exercise of the Board's discretion.

A REVITALISED
CITY**iii. Business in the City****OBJECTIVE**

- I (f) To support Hamilton's role as a main centre for commerce and shopping.

Office development

The Plan recognises the need to provide opportunities for the expansion of the City's and Bermuda's economy. The City is likely to remain the focal point of the financial services industry on the Island. Although it may be possible to attract some of these firms to other parts of Bermuda, most firms see significant benefits in locating in close proximity to each other in a central location with easy access to other businesses, hotels and financial institutions. The Plan, therefore, provides opportunities for high quality, major office development in appropriate locations in the City to meet the needs of this sector of the economy. Office development is permitted in many locations throughout the City to meet the varying needs of different users of office space whether these are large international companies, the Bermuda Government or one-person professional practices. The scale of development permitted will be determined by urban design considerations and the development's potential impact on neighbouring uses and traffic flow.

Policy

I.18 Office development will be permitted throughout the City. In determining whether a proposal for office development is acceptable, the Board shall be satisfied that:-

- a) the proposal will not detract from the amenity or environment of neighbouring property; and
- b) the traffic generated by the proposed development will not result in vehicle congestion, parking or road safety problems.

Retail development

Shopping is a core City function that complements the office uses and attractiveness of Hamilton to visitors. The Background and Issues Report for this Plan observed that efforts needed to be made to upgrade the shopping experience in Hamilton. The policies in this Plan will facilitate this transition. Retail uses will generally be permitted throughout the City so that the ability exists to meet a local need or to develop different forms of shopping in appropriate locations e.g. bulkier goods near to parking facilities in the north-west of the City. The Plan also recognises the importance of the principal shopping area. In order to maintain the vitality of this area, non-retail uses that would detract from the retail environment will be resisted. The attractiveness of the main shopping areas in Hamilton can also be enhanced by improving the pedestrian environment.



Policy

1.19 Retail uses will be permitted throughout the City. In determining whether a proposal for retail development is acceptable, the Board shall be satisfied that:-

- a) the proposal will not detract from the amenity or environment of neighbouring property; and
- b) the traffic generated by the proposed development will not result in vehicle congestion, parking or road safety problems.

Policy

1.20 On the ground floors of properties fronting onto any street within the principal shopping area (as shown on Figure 1.1) only retail uses, restaurants and cafés or other similar uses that, in the opinion of the Board, contribute to the vitality and interest of the area will be permitted.

Policy

1.21 The Board may grant approval for the establishment of outdoor markets in appropriate locations in the City. In determining whether a proposal for an outdoor market is acceptable, the Board shall be satisfied that:-

- a) the proposal will not detract from the amenity or environment of neighbouring property;
- b) the traffic generated by the proposed development will not result in vehicle congestion, parking or road safety problems; and
- c) the design, layout and appearance of the proposal are of a high standard.

Industrial development

The focus of business activity in Hamilton is increasingly concentrated on commerce, particularly financial services and international business, retail and tourism. Major industrial development is not considered to be compatible with these uses or with the objective of making the City a more attractive place in which to live. Consequently, new major industrial development will not be permitted in the City although minor extensions to existing facilities may be acceptable depending on their potential impacts. Smaller scale light industrial and storage activities that provide a local service may be acceptable in appropriate locations provided they do not detract from the quality of the City environment or impede traffic flow.



Policy

I.22 The establishment of new industrial developments in the City will not be permitted. The Board may approve minor extensions to existing industrial premises. In determining whether a proposal for an extension to existing industrial premises is acceptable the Board shall be satisfied that:-

- a) the proposal will not result in or exacerbate any adverse effects on the occupiers of neighbouring properties;
- b) the additional traffic generated by the proposed extension will not result in vehicle congestion, parking or road safety problems;
- c) the design, layout and appearance of the proposal are of a high standard; and
- d) the grounds in support of the proposal justify the exercise of the Board's discretion.

Policy

I.23 Light industrial development may be approved at the discretion of the Board, provided that:-

- a) the site area of the proposed development does not exceed 5,000 square feet and the gross floor area of all proposed buildings does not exceed 3,000 square feet;
- b) the proposal would not detract from the residential amenity or the quality of the commercial environment in the City;
- c) the development provides safe access to the site and adequate on-site facilities for parking, loading, unloading and turning of vehicles;
- d) the design, layout and appearance of the proposal are of a high standard; and
- e) the grounds in support of the proposal justify the exercise of the Board's discretion.

**A REVITALISED
CITY****iv. Visiting the City****OBJECTIVE**

- I(g) To encourage the development of a range of top quality tourism, cultural and entertainment facilities.

Hamilton has an important role to play in the Island's tourism economy by virtue of the fact that it is Bermuda's capital city, the main centre for shopping on the Island and an important cruise ship destination. The Plan seeks to support and enhance this tourism role. An important boost for tourism, not just in Hamilton but island-wide, would be provided by the construction of a new hotel. There is demand in or near the City for tourist accommodation for visiting business people. The Plan provides the scope for tourist accommodation throughout the City.

Visitors, whether they are tourists or residents of Bermuda, will expect to find a range of cultural and entertainment facilities that befits the Island's capital City and business centre. The Plan provides the potential for new facilities to be provided where these would not conflict with other objectives of the Plan. There is also the potential within Hamilton to provide a greater variety of experiences for visitors. In particular there is an opportunity to capitalise on the cultural diversity of North-East Hamilton and to expand the range of tourism development. This would not only provide areas of additional interest for tourists but would also boost the economy of this part of the City.

Policy

1.24 Tourist accommodation will be permitted in the City. In determining whether a proposal for tourism development is acceptable, the Board shall be satisfied that:-

- a) the proposal will not detract from the amenity or environment of neighbouring property;
- b) the traffic generated by the proposed development will not result in vehicle congestion, parking or road safety problems; and
- c) the proposal complies with other relevant policies in this Plan.



Policy

1.25 The provision of arts and cultural facilities will be permitted in the City. In determining whether a proposal for such development is acceptable, the Board shall be satisfied that:-

- a) the proposal will not detract from the amenity or environment of neighbouring property;
- b) the traffic generated by the proposed development will not result in vehicle congestion, parking or road safety problems; and
- c) the proposal complies with other relevant policies in this Plan.

Policy

1.26 The establishment of restaurants, cafés, bars and other entertainment facilities will be permitted in the City. In determining whether a proposal for such development is acceptable, the Board shall be satisfied that:-

- a) the proposal will not detract from the amenity or environment of neighbouring property;
- b) the traffic generated by the proposed development will not result in vehicle congestion, parking or road safety problems; and
- c) the proposal complies with other relevant policies in this Plan.

To further assist in the process of the City's revitalisation, outdoor dining facilities will be encouraged in Hamilton. Outdoor dining is popular in many other parts of the world and can provide added vitality to the street scene as well as additional business for restaurateurs. The repeal of outdated legislation and changes in attitude have encouraged the process of establishing outdoor dining areas. The proposals for improvements to the pedestrian environment (see Section 2(iv)) will also facilitate the provision of al fresco dining areas.

Policy

1.27 The Board may grant approval to proposals for the provision of outdoor dining facilities in the City provided that:-

- a) the location is suitable and the proposal will not detract from the amenity or environment of neighbouring property;
- b) the development would not impede the flow of traffic or pedestrians; and
- c) the design and appearance of the seating area is of a high standard and contributes to an attractive street scene.



A REVITALISED CITY

v. Servicing the City

OBJECTIVE

1(h) To ensure the satisfactory provision of utilities and other infrastructure in the City.

The Plan will facilitate infrastructure developments that are required to improve City services. The pace of development in the City can sometimes pose problems for service providers such as the Bermuda Electric Light Company Limited (BELCo). To ensure that such infrastructure problems are taken fully into account, major new developments in the City will be required to incorporate vault accommodation facilities for BELCo. Similarly, to minimise difficulties in mail deliveries to larger office buildings in multiple occupation, new or refurbished office buildings will be encouraged to install a central facility for receiving mail. Such facilities may also be required in new residential developments.

Flooding caused by inadequate storm water control measures is a significant problem in the low-lying areas of the City. These areas, shown in Figure 1.1, are defined by the 2 metre contour lines on the Ordnance Survey map. Within these areas, applicants will be required to incorporate storm water management schemes into their proposals.

Policy

1.28 Buildings and accessory structures to facilitate improvements to and new facilities for telecommunications, electricity supply, water supply and sewage disposal will be permitted in the City. In determining whether a proposal for such development is acceptable, the Board shall be satisfied that:-

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

Policy

1.29 New developments in the City will be required to provide facilities for power supply, mail delivery and such other services as may be determined to be necessary by the Board and in accordance with the requirements of service providers.

Policy

1.30 All development proposals within the Storm Water Management Areas shown in Figure 1.1 will be required to demonstrate to the satisfaction of the Board, that the control and disposal of all storm water runoff will take place within the boundaries of the application site.



SECTION 2

AN ACCESSIBLE CITY

GOAL 2

To facilitate the efficient and safe movement of people and traffic in the City and to provide a more attractive pedestrian environment.



- i. TACKLING THE TRAFFIC
- ii. EASING TRAFFIC FLOW
- iii. PRIORITISING PARKING
- iv. RECLAIMING THE PEDESTRIAN ENVIRONMENT



AN ACCESSIBLE CITY

i. Tackling the Traffic

OBJECTIVE

- 2(a) To reduce the amount of vehicular traffic entering the City, in particular commuter car traffic.

Traffic problems in Bermuda are most pronounced in and around the City of Hamilton which, as the hub of the Island's commercial and leisure activities, is a major traffic generator. Over the last two decades, the growth in car ownership on the island as a whole and the increased use of the car as a means of travelling to and from the City for work have aggravated traffic congestion. Traffic congestion is at its worst in and around the City in the morning and evening rush hours and during school term time.

In 1997, the Department of Planning, in collaboration with the Corporation of Hamilton and the Ministry of Works and Engineering, commissioned traffic consultants to conduct a traffic study of the City's traffic circulation patterns and traffic management system. The results and recommendations of this study were incorporated into a discussion paper entitled the "City of Hamilton Transport Strategy" which proposed a number of planning, infrastructural and management measures that could be implemented to secure the necessary improvements to the City's network of roads, parking areas and pedestrian spaces. This Transport Strategy has been formally adopted by the Corporation of Hamilton and the Department of Planning and forms the basis of this Plan's transport policies.

The City of Hamilton Plan attempts to tackle the City's traffic problems by establishing policies which aim to reduce car travel and to encourage the use of alternative, more sustainable modes of transport. The Plan allows for a greater mix of land uses in the City, particularly more residential development (see Section I(ii)), as a means of reducing the number and length of vehicular trips. Applicants are required to submit a 'traffic impact study' as part of all major development proposals so that an assessment can be made of how trips to and from the development affect the safety and efficiency of the existing road network and/or public transport facilities. The Plan also requires that major development proposals include provision in the scheme for public transport users, pedestrians and/or pedal cyclists (for example by means of a bus stop/layby, sidewalks, pedal cycle parking and shower facilities) so that potential users of that development may be encouraged to use alternative means of transport to the car.



AN ACCESSIBLE CITY

Policy

2.1

A traffic impact study shall be submitted with any application proposing a development scheme which comprises a gross floor area of 50,000 sq. ft. or more. The Board may require the submission of a traffic impact study in other instances where the characteristics of the site or the particulars of the proposal justify the Board carrying out a careful examination of the potential traffic impacts of the development prior to the determination of the application.

The traffic impact study should include an assessment of:-

- a) baseline traffic levels (vehicular and pedestrian) at the development site and surrounding area;
- b) projected traffic flows to and from the development at key junctions around the City (by vehicle type, daily/weekly movements, at construction and operational stages);
- c) potential traffic impacts (volume/capacity, noise, pollution, safety, visual intrusion);
- d) provisions for new access roads, parking, public transport users, pedestrians, pedal cyclists and disabled persons where appropriate; and
- e) the measures to be implemented to avoid, reduce or remedy any adverse effects.



AN ACCESSIBLE CITY

ii. Easing Traffic Flow

OBJECTIVE

- 2(b) To provide for the most efficient management and circulation of traffic in and around the City and to minimise non-essential traffic in the City's central area.

Traffic circulation problems in the City of Hamilton stem from the fact that most traffic entering the City does so from East Broadway and Cavendish Road and much of this traffic is bound for the major car parks, office developments and schools on the opposite side of the City. This creates a situation whereby traffic is channeled through the City's commercial centre which causes congestion and reduces pedestrian amenity in this area.

The Plan seeks to improve the co-ordination of traffic movements in the City with the establishment of a road hierarchy system as illustrated in Figure 2.1. The road hierarchy system will be used to establish the priority given to pedestrian movement, parking, vehicular access to properties, and commercial vehicular movement along the City's main roads.

The road hierarchy system categorises the City's roads as distributor roads, access roads, residential streets, pedestrian streets or pedestrian priority areas. The 'distributor roads' are those which generally carry the heaviest traffic and are intended to be used as the main vehicular routes through the City. 'Access roads' provide vehicular access to most blocks in the City for servicing and delivery purposes as well as general vehicular movement. 'Residential streets' are those located in the City's main residential area in North-East Hamilton. They give priority to residential vehicular traffic and may incorporate traffic calming measures for residential safety and amenity purposes.

One of the main goals of the Plan is to improve the attractiveness of the pedestrian environment. A key factor in achieving this is to minimise the amount of general traffic which travels through the City's principal shopping area. The road hierarchy system attempts to meet this goal through its designation of 'pedestrian streets', 'pedestrian links' and a 'pedestrian priority area'. 'Pedestrian streets' are those which accommodate heavy pedestrian flows and should provide safe and easy pedestrian movement along wide sidewalks and via pedestrian crossings. The proposed 'pedestrian priority area' is the stretch of Reid Street between Burnaby and Queen Streets which is located within the City's principal shopping area and accommodates the heaviest pedestrian flows. It has been selected as a special area where vehicular access should be limited and where pedestrian movement should have clear priority over vehicular movement.

In order to alleviate traffic congestion and to provide a higher quality pedestrian environment, proposals for new access points will be assessed in the context of the City road hierarchy. The Plan restricts the number of access points on streets where they would impact negatively on traffic flow and/or the pedestrian environment.



Policy

2.2 The point of access from any land to a road shall be assessed in the context of the City's road hierarchy system as outlined in Figure 2.1 and shall be designed to:-

- a) provide for the safe movement of traffic and pedestrians;
- b) minimise unacceptable vehicle congestion;
- c) provide ease of access and movement for emergency vehicles;
- d) avoid road safety problems; and
- e) minimise negative impacts on the pedestrian environment.



iii. Prioritising Parking

OBJECTIVE

- 2(c) To reduce traffic congestion and to encourage the use of alternative, more sustainable modes of transport to the car, by limiting the supply of new private parking.

Public parking

The Corporation of Hamilton will continue to control the supply and cost of public parking by providing on-street car and bike parking, off-street car parking for shoppers and visitors in short stay car parks, and off-street car parking for commuters in long stay car parks.

The Corporation of Hamilton also intends to carry out a number of the proposals which are specified in the "City of Hamilton Transport Strategy" including a review of the public parking charges, the provision of more motorcycle parking and parking for disabled people, parking for City residents and new loading bay and service parking arrangements.

Private parking

Whilst planning policy should seek to meet the needs of the City's residents, businesses, shoppers, visitors and commuters by ensuring the adequate provision of parking, it should also seek to alleviate the problems of traffic congestion in the City. The Plan aims to do this by controlling the supply of private parking and by establishing a parking strategy which seeks to prioritise private parking provision according to the level of need of different City users. A higher priority is therefore given to the parking needs of disabled people, City residents and the operational needs of businesses, and a lower priority is given to commuters who require long stay parking.

The Plan's parking restrictions and standards are based on the location of the development and its proximity to alternative public parking facilities as well as the amount of proposed floorspace and use of the development. Figure 2.2 delineates areas of 'restricted', 'reduced' and 'standard' on-site parking provision. The Plan does not permit on-site parking within the City's main commercial core (an area of 'restricted' parking provision), the purpose of this being to reduce vehicular traffic in this area and to give greater priority to pedestrian movement.

The Plan limits on-site parking for non-residential developments in the north-western quadrant of the City and along the waterfront (an area of 'reduced' parking provision) to that which meets the minimum operational requirements of a site. This is parking for those vehicles which are regularly and necessarily involved in the operation of a particular site and must park or wait precisely on-site. The intention is to restrict from individual sites non-operational car parking for vehicles that do not necessarily have to park or wait precisely on-site, and to direct commuters to park in the long stay public car parks and shoppers to park in the short term public car parks. The potential benefits of reducing the level of parking associated with new development to the operational minimum include a reduction



AN ACCESSIBLE CITY

in the amount of vehicular traffic and an improvement in traffic flow in these areas of the City.

In the remaining areas of the City which do not fall within the boundaries of 'restricted' parking provision and 'reduced' parking provision, and where parking is not already the principal use, on-site parking is permitted in accordance with the maximum parking standard as determined by the development's proposed use and amount of floorspace.

Preference is given to pedal cycles and motorcycles over cars in the provision of private parking, as these are considered to be more sustainable modes of transport and cause less traffic congestion.

Parking which serves the City as a whole rather than individual developments is encouraged and the Plan makes provision for shared parking facilities where these are thought to be appropriate, as a means of ensuring the most efficient use of land.

Where parking is permitted, it will normally be expected to be provided underground as a means of reducing its visual impact and, in cases where surface parking is permitted, screen planting will be required. The Plan restricts the use of vacant sites for parking lots as a means of encouraging the redevelopment of these sites. Figure 2.3 delineates areas of 'restricted' and 'reduced' parking lot provision. In addition, the Plan requires that loading facilities be provided on-site wherever possible in order to alleviate traffic congestion and to provide a higher quality pedestrian environment.



Policy

2.3 The Board shall apply the parking restrictions and standards for private parking specified in Table 2.1.

Table 2.1: On-site Parking Provisions

(Note: This table is to be read in conjunction with Figure 2.2)

| | |
|----------------------------------|--|
| <i>Restricted provision area</i> | On-site parking shall not be permitted. |
| <i>Reduced provision area</i> | <p>On-site parking will be limited to an operational minimum except for residential developments and on sites where parking is the existing principal use.</p> <p>On-site parking for residential developments will be permitted in accordance with the Plan's parking standards as specified in Policy 2.4 and Table 2.2.</p> <p>The operational minimum number of parking spaces must not exceed the maximum parking standard permitted for the development's use and amount of floorspace as specified in Policy 2.4 and Table 2.2.</p> |
| <i>Standard provision area</i> | On-site parking will be permitted in accordance with the Plan's parking standards as specified in Policy 2.4 and Table 2.2 except on sites where parking is the existing principal use. |



Policy

- 2.4** The maximum number of on-site parking spaces to be provided for different forms of development shall comply with Table 2.2.

Table 2.2: Parking Standards

| Form of development | Maximum Number of parking spaces |
|--------------------------------|---|
| Residential | 1 car/light truck per dwelling unit |
| Shop | 1 car/light truck and 1 motorcycle per 500 sq. ft. |
| Office | 1 car/light truck and 1 motorcycle per 500 sq. ft. |
| Industry or warehousing | 1 car/light truck and 1 motorcycle per 2,500 sq. ft. |
| Restaurant or bar | 1 car/light truck and 1 motorcycle per 10 seats |
| Religious | 1 car/light truck and 1 motorcycle per 10 seats |
| Educational | 1 car/light truck and 1 motorcycle per 4 staff and 1 motorcycle per 5 students aged 16+ |
| Any other | At the discretion of the Board |

Policy

- 2.5** The Board may approve the substitution of any number of car/light truck parking spaces permitted (as specified by the parking standards in Policy 2.4) with up to twice the number of motorcycle or pedal cycle spaces.

Policy

- 2.6** The Board may allow the provision of more parking than is specified in Policy 2.4 in cases where the Board is satisfied that the proposed use and capacity of the building will generate a particularly high level of visitor or customer traffic but preference will be given to the provision of additional parking for motorcycles and/or pedal cycles rather than cars.



Policy

2.7 The Board may require the provision of shared facilities for parking, servicing and access in order to achieve any of the following purposes:-

- a) to make the best use of land and to secure a more orderly layout of development;
- b) to reduce the number of access points to a public road;
- c) to provide a more efficient arrangement for parking in a centralised and accessible location; or
- d) to improve existing unsatisfactory conditions and eliminate traffic conflicts.

Policy

2.8 The Board shall apply the minimum number of car parking spaces to be provided for disabled persons in accordance with Table 2.3. These parking spaces shall be provided in a convenient location and designated and reserved specifically for use by disabled persons.

Table 2.3: Parking for Disabled Persons

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



Policy

2.9 The Board shall restrict the use of sites for private parking lots, in accordance with Table 2.4 (see also Figure 2.3).

Table 2.4: Private Parking Lot Provisions

(Note: This table should be read in conjunction with Figure 2.3)

| | |
|----------------------------------|---|
| <i>Restricted provision area</i> | Parking lots will not be permitted. |
| <i>Reduced provision area</i> | <p>Parking lots may be permitted at the discretion of the Board and only where access to and from the site would not negatively impact on traffic flow and/or the pedestrian environment.</p> <p>Planning permission may be granted for a limited period of two years and the parking lots shall be designed in accordance with the provisions specified in Policy 2.11 (a), (c) (d) and (e).</p> |

Policy

2.10 All loading facilities shall be provided on-site except where the development is in the area designated 'restricted provision' as marked on Figure 2.2 or where the grounds in support of the application as submitted by the applicant justify the exercise of the Board's discretion.

Policy

2.11 Where on-site parking is to be provided, the following requirements shall apply:-

- a) only one vehicular crossing, not exceeding 16 feet in width, shall be permitted over a sidewalk on any one road;
- b) parking will normally be required to be provided underground;
- c) where surface parking is permitted, it shall not be visible from the City street onto which the lot fronts;
- d) large areas of hard-surfaced parking shall incorporate planting bays and screen planting to soften the visual impact; and
- e) the parking surface shall be graded and drained such that surface water is disposed of within the curtilage of the site.



Policy

2.12 Parking space provision shall meet the following requirements:-

- a) a car/light truck parking space shall not be less than 15 feet in clear length, 8 feet in clear width and 7 feet in clear height;
- b) a motorcycle parking space shall not be less than 6 feet in clear length, 3 feet in clear width and 7 feet in clear height;
- c) a car parking space for a disabled person shall not be less than 15 feet in clear length, 12 feet in clear width and 7 feet in clear height; and
- d) pedal cycle parking should be provided in the form of a recognised pedal cycle rack or cycle shed.

Policy

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

- a) only one vehicular crossing, not exceeding 16 feet in width, shall be permitted over a sidewalk on any one road;
- b) the loading space shall be not less than 9 feet wide and not more than 12 feet wide and shall have a height clearance of not less than 16 feet;
- c) the entire loading space and adequate space for turning vehicles shall be provided within the curtilage of the site; and
- d) the loading space shall be graded and drained in such a way that surface water is disposed of within the curtilage of the site.

Policy

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



Policy

- 2.15** Where a ramp is required for parking, the provisions shall apply as specified in Table 2.5.

Table 2.5: Ramp Provisions

Straight Ramps

| Length | Entrance Transition | | Internal Transition | | Ramp Slope |
|-------------------------|---------------------|-------------|---------------------|------------|------------|
| | Length | Max. Slope | Length | Max. Slope | |
| <i>Less than 65'</i> | <i>12'</i> | <i>2.5%</i> | <i>10'</i> | <i>8%</i> | <i>16%</i> |
| <i>Greater than 65'</i> | <i>12'</i> | <i>2.5%</i> | <i>8'</i> | <i>6%</i> | <i>12%</i> |

Helical Ramps

| Entrance Transition | | Turning Radius | Max. Slope | Width |
|---------------------|-------------|----------------|------------|-------------------|
| Length | Max. Slope | | | |
| <i>12'</i> | <i>2.5%</i> | <i>17'</i> | <i>12%</i> | <i>15' to 20'</i> |



AN ACCESSIBLE CITY

iv. Reclaiming the Pedestrian Environment

OBJECTIVE

- 2(d) To improve the pedestrian environment and enhance key pedestrian spaces around the City, taking into particular account the access needs of the less mobile.

Pedestrian streets, networks and linkages

Aside from a few pedestrian alleyways and parks, there is currently little space in the City where pedestrians can walk freely, and there is no street in the City along which pedestrian movement is given priority over vehicular movement. Many of the City's sidewalks are narrow and cluttered with street furniture allowing little space for pedestrians to walk unobstructed.

The City lacks pedestrian networks and linkages which provide easy and safe pedestrian access to the City's main attractions, and a number of the City's existing pedestrian routes are in urgent need of physical enhancement to make them more attractive and safe for pedestrians. In addition, some routes in the City where the pedestrian flow is significant, require pedestrian crossings to help pedestrians cross the road safely. The Corporation of Hamilton has made attempts to improve pedestrian safety on some roads by installing pedestrian crossing speed bumps to slow approaching traffic and 'footway buildouts' to increase pedestrian visibility.

A high level of pedestrian activity in the City's streets and public spaces is key to achieving a lively and dynamic city environment. Whilst progress has been made towards creating pedestrian networks through shops and arcades, there are further opportunities throughout the City to improve accessibility, safety and comfort for pedestrians, particularly for people with mobility constraints. The Plan therefore aims to improve the attractiveness of the pedestrian environment by giving pedestrians a greater degree of priority than exists at present and by improving the level of safety and comfort experienced by pedestrians.

The Plan identifies in Figure 2.1, the 'pedestrian priority area', 'pedestrian streets' and 'pedestrian links' and requires that any new development along these streets and lanes contributes to the enhancement of the pedestrian environment and provides for the enjoyment, comfort and safety of pedestrians.

Lower Reid Street is identified as a potential 'pedestrian priority area' (see Figure 2.1). Lower Reid Street is within the principal shopping area and accommodates the heaviest pedestrian flows in the City. This area has the potential to become a focal point for the City where pedestrians could walk freely in a street environment with few vehicles, relax in informal seating areas, or sit outside and dine in alfresco dining areas. The Plan strongly supports and encourages the implementation of a pedestrian enhancement scheme along lower Reid Street which gives pedestrian movement clear priority over vehicular movement.

The 'pedestrian streets' and 'pedestrian links' identified are those streets and lanes along which pedestrian flows are already high and where improvements are required to make them more attractive, safe and comfortable for pedestrians. Along the 'pedestrian streets', this can be achieved through the provision of wider sidewalks, improvements to pedestrian crossing facilities, a reduction or repositioning of street furniture, and additional landscaping to offer shade and shelter.



There are also opportunities to capitalize on existing restaurant activity along these streets to facilitate al fresco dining. Along the 'pedestrian links', enhancements could include covered walkways, directional signs, lighting and planting.

The Plan seeks to enhance pedestrian links in the City's main pedestrian areas by requiring that major new developments should provide a pedestrian link at ground floor level through the site to connect the site's principal streets. The Plan also seeks to improve pedestrian access by requiring new developments to provide level access for pedestrians from the sidewalk to the development's principal ground floor entrance. The principal entrance to all buildings will be expected to be at or close to street level. Particular care will be required to successfully integrate a building's elevation and its entrance(s) into the street scene where there is a change in level along the street frontage.

Policy

2.16 The Board shall ensure that any new development fronting onto a 'pedestrian priority area', 'pedestrian street' or a 'pedestrian link', as shown in Figure 2.1, is designed in a manner which enhances the pedestrian environment and provides for the enjoyment, comfort and safety of pedestrians.

Policy

2.17 The Board shall ensure that all new developments which:-

- are located on the 'pedestrian priority street', a 'pedestrian street' or a 'pedestrian link' (as identified in Figure 2.1) and
- combine three city lots or more or have a site area over 20,000 sq.ft. and
- have frontages onto two or more city streets

shall provide a pedestrian link at ground floor level through the site to connect the site's principal streets or other public spaces. The Board may exercise its discretion and relax this requirement provided it is satisfied that the grounds in support of the application as submitted by the applicant justify the use of such discretion.

Policy

2.18 The principal ground floor entrance of all new buildings shall be required to provide level access for pedestrians from the sidewalk. Entrances below grade level will be discouraged.



Access for the less mobile

The lack of accessibility to and within many of the City's public spaces and buildings for less mobile people has been a public concern for some time. The Plan therefore requires, in accordance with the Bermuda Commercial Building Code 1998, that all new buildings and alterations to existing buildings shall be accessible to persons with physical disabilities. The Plan also supports and encourages the Corporation of Hamilton in its aim to provide an improved standard of access throughout the City which ensures that the pedestrian environment is sensitively designed to meet the needs of people with mobility constraints. The "City of Hamilton Transport Strategy" outlines proposals for achieving this.

Policy

-
- 2.19** All new buildings and alterations to existing buildings shall be accessible to persons with physical disabilities, in accordance with the requirements of the Bermuda Commercial Building Code 1998 (Chapter 11) or any subsequent revisions.



SECTION 3

A WELL DESIGNED CITY

GOAL 3

To protect and enhance Hamilton's distinctive character and to achieve a high standard of design in all new development.



- i. PROTECTING AND ENHANCING THE CITY'S HERITAGE
- ii. ENSURING HIGH QUALITY DESIGN



A WELL DESIGNED CITY

i. **Protecting and Enhancing the City's Heritage**

OBJECTIVE

- 3(a) To protect and enhance buildings of special architectural or historical interest and Historic Areas from unsympathetic development.

The protection and enhancement of the City's cultural identity is an important component of a sustainable city. As such, the Plan identifies a number of key Historic Areas and buildings that are important to the character and culture of the City, and these are to be protected from unsympathetic development.

Listed Buildings

The City has a rich architectural heritage and many individual buildings that contribute to the special character of the City. Under Section 30 of the Act, the Minister shall compile a list (or lists) which identifies buildings of special architectural or historical interest. These buildings have been identified by the Minister's Historic Buildings Advisory Committee (HBAC).

The buildings include a number of well-known landmarks in the City such as the Anglican Cathedral, the Cabinet Office, the House of Assembly, the Perot Post Office and City Hall. Also included are a number of less well known but important buildings such as Wantley on Princess Street, the Masonic Hall on Reid Street and Belvoir on Ewing Street. Every building identified has special architectural or historical interest and as such, it is the intention to have each one formally listed.



Policy

- 3.1** In determining an application that affects a building of special architectural or historical interest or its setting, the Board shall ensure that the appearance, scale, design, materials and the details of the development preserve or enhance the quality and character of the building or its setting.

Historic Areas

Although the protection of individual buildings is important for the retention of the City's heritage, Historic Areas and neighbourhoods are just as important. Under Section 31 of the Act, a development plan may appoint special areas called Historic Areas which shall protect the historic, architectural or cultural character or importance of those areas. As such, key areas have been identified as Historic Areas for their contribution to the City's character. These are listed below and identified in Figure 3.1. The design of new buildings in Historic Areas will be encouraged to reflect the character and appearance of the area and Bermuda's architectural traditions.

Front Street

The buildings on Front Street represent one of the most enduring and characteristic images of Bermuda. Previous Plans have allowed new development on Front Street without sacrificing the area's special character. This Plan reinforces this goal. Verandahs are a particularly important characteristic of Front Street and therefore, they should be incorporated into new development on the street. The design and appearance of new development will be expected to reflect the character of traditional individual or double lot development as is characteristic of the area.

Par-La-Ville Park

Par-La-Ville Park and the buildings along Queen Street form an attractive and distinctive area in the busy centre of the City. The buildings, trees and public spaces in this area create a unique place and new development will be expected to preserve or enhance the character of the area.

Princess Street

Although the City is the focus for commercial activity on the Island, it retains a number of distinctive residential neighbourhoods. Perhaps the best preserved and most impressive example of this is to be found at Princess Street in north Hamilton. The wide street and attractive buildings contribute to the area's unique character and are reminiscent of an era long past. Therefore any new development must protect and enhance this special character.



The Cabinet Office and the House of Assembly

The Cabinet Office and the House of Assembly create an attractive and historic civic setting and provide a green enclave in central Hamilton. Retaining the character of these important buildings is vital. However, some modest redevelopment of existing outbuildings might be supported providing that the character of the area is preserved or enhanced.

- Policy** **3.2** In considering an application within an Historic Area, the Board shall ensure that the proposal does not cause detriment to the established historic, architectural or cultural character or appearance of the area.
- Policy** **3.3** Traditional Bermuda roofs will normally be required in the Historic Areas. Dormer windows will not normally be permitted in the main street elevation, but may be permitted in other elevations at the discretion of the Board.
- Policy** **3.4** Verandahs will be required within the areas shown in Figure 3.1 and should provide an attractive and convenient pedestrian link at street level. Along Front Street, verandahs shall cover the full frontage of the building and the entire setback to the edge of the sidewalk.

**A WELL DESIGNED
CITY****ii. Ensuring High Quality Design****OBJECTIVE**

- 3(b) To secure a high quality of development and landscaping that is appropriate in scale, massing, height, style and design to its location.

High Quality Design

The Plan seeks to encourage high quality new development in all locations. Innovative design will be welcomed where this is appropriate to the context of the area. A significant degree of flexibility is offered by the Plan to the applicant in order to encourage a variety of massing options and to add to the visual interest of the City. The emphasis of the design regulations is on retaining the human scale of City buildings. The City also needs to retain its pedestrian friendly scale and although there are some locations in the City where tall buildings are allowed, there remains an emphasis on creating a comfortable, attractive and safe pedestrian environment. This will be achieved by:-

- requiring all buildings to provide easy pedestrian access for all users;
- encouraging shade and shelter in the pedestrian environment;
- requiring setbacks for taller buildings, including upper storey setbacks in order that streets remain light and airy; and
- enabling diversity and visual interest in the design of the street appearance of new buildings.

The development potential of each site in the City is described in the Plan by a combination of design regulations which ensure that the scale and massing of development are appropriate for the site and its context. The design terms used throughout this section are illustrated in Figure 3.2



Building Height

The Anglican Cathedral on Church Street is a well-known and prominent landmark and its visual dominance on the City skyline should be preserved. The pinnacles at the top of the tower are just over 200 feet O.D. whilst the ridge of the roof is 138 feet O.D. The building height of a development will be assessed according to its proximity and positioning relative to the Cathedral, as established by view corridors.

The view corridors identify key locations in the City where development might impact on the prominence of the Cathedral as viewed from the north and south, and from its immediate vicinity (as shown in Figure 3.3). In order to retain these views of the Cathedral, development proposals on sites located wholly or partially within these view corridors will be carefully assessed to determine their impact on the Cathedral.

The height of new development in the City will be controlled by three factors. Firstly, development will not normally be permitted to exceed the O.D. height of the ridge of the Cathedral (138 feet O.D). Secondly, the height of new development will be controlled by restricting the maximum number of storeys for each site and thirdly by restricting the height of storeys.

In assessing the height limit of a proposed development, priority shall be given to the maximum number of storeys permitted. There may be instances when the maximum number of storeys permitted will exceed the overall height limit of 138 feet O.D. In these instances the lesser height shall take priority. In instances where a development proposes to exceed the 138 feet O.D. height limit, such as when proposing the residential floor bonus or a rooftop feature, the applicant will be required to submit grounds in support of the proposal.

There may also be instances where the maximum number of storeys permitted may be exceeded, such as when proposing the residential floor bonus or development through a City block.

The storey height is normally restricted to a maximum of 14 feet for the ground floor of any development and a maximum of 12 feet for any subsequent floor. However, it is recognized that certain uses, such as industrial and educational uses, may have different storey height requirements compared to residential and commercial uses. As such, the storey heights of these types of developments may be permitted to exceed the maximum storey heights set out in the Plan.

The taller the building the greater the risk of interference with the microclimate of the pedestrian environment. Without careful attention to minimise the negative effects of a building, the sidewalk can become an unpleasantly windy environment. Applicants are therefore required to ensure that their proposals do not create an unpleasant or uncomfortable pedestrian environment.



Policy **3.5** Where a development is proposed on a site located wholly or partially within the View Corridors as shown in Figure 3.3, applicants will be required to submit grounds in support of the application to demonstrate that the development will not have a detrimental impact on the Cathedral. In addition, all developments proposed within the view corridors will be subject to review by the Advisory Architectural Panel.

Policy **3.6** In order to retain the Cathedral's visual dominance, the Board shall ensure that development does not normally exceed 138 feet O.D. in height (being the height of the ridge level of the Cathedral) as illustrated in Figure 4.1.

Policy **3.7** The maximum number of storeys of development permitted for each location in the City shall be determined in accordance with Figure 3.4. The Board has the discretion to permit development in excess of the limits set out in Figure 3.4 where:-

- a) the proposal includes the residential floor bonus, as set out in Policy 1.16; and
- b) the proposal extends a storey(s) through a City block as set out in Policy 3.10.

Policy **3.8** Storey heights shall not normally exceed 14 feet for the first storey of a building and 12 feet for all other storeys, unless the grounds in support of the application as submitted by the applicant, justify the exercise of the Board's discretion to increase these heights.

Policy **3.9** In exceptional cases, such as proposals which include the residential floor bonus or rooftop features, the Board may approve a development which exceeds the maximum overall height limit set out in Policy 3.6, provided the Board is satisfied that the development:-

- a) does not prevent the enjoyment of an established view of the Cathedral (in the View Corridors identified in Figure 3.3);
- b) creates an attractive addition to the City skyline;
- c) by virtue of its scale and height, does not create an overly dominant feature on the City skyline;
- d) by virtue of its scale and height, does not create an unpleasant environment for pedestrians;



- e) has been reviewed by the Advisory Architectural Panel; and
- f) the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion to increase these heights.

Policy **3.10** Where development is proposed through a City block from one road to another, the upper storey(s) of the building at the higher grade may be extended through the site. The extended storey(s) shall not project beyond a line drawn at 30 degrees from the height of the proposed building on the road frontage at the lower grade, as shown in Figure 3.5.

Policy **3.11** The Board shall apply the maximum number of storeys permitted at street level to each location in the City as shown in Figure 3.6.

Street Level Setbacks

Ensuring the provision of a high quality pedestrian environment is one of the Plan's key objectives. One way in which it seeks to achieve this is through the use of setbacks. Setbacks are important because they help to maintain an appropriate urban scale and therefore help to create pedestrian friendly streets through for example the provision of sidewalks. Generally, the best way to reduce the impact that the height of a building may have is to increase the building's setback from the street.

In addition, by increasing setbacks from the street, a greater variety of building form occurs along the street frontage. This variety adds to the quality of building design and visual interest, and enhances the pedestrian environment.

Policy **3.12** The required street level setbacks for each site in the City are shown in Figure 3.7. With the exception of those properties located on Front Street, the Board may exercise its discretion in granting a relaxation of this minimum setback provided it is satisfied that the grounds in support of the application, as submitted by the applicant, justify the use of such discretion.

**Policy**

- 3.13** In addition to the required street level setback, any building having a maximum number of storeys above 4 will require an additional setback of 40% of the building front, except for buildings on Front Street. This setback increases with each additional storey of development and applies to all storeys of the development. The additional street level setback requirements are set out in Table 3.1 and illustrated in Figures 3.8 and 3.9. The Board must be satisfied that the distribution of this setback contributes to a high quality of building design and enhances the pedestrian environment.

Table 3.1: Additional Street Level Setbacks for Buildings having a Maximum Number of Storeys above Four

| Building Height | Required additional Setback |
|------------------------|------------------------------------|
| 5 Storeys | 5 feet |
| 6 Storeys | 10 feet |
| 7 Storeys | 15 feet |
| 8 Storeys | 20 feet |

Policy

- 3.14** To ensure that adequate natural light enters into a building, a natural light setback will normally be required. The setback shall be the equivalent of a 10 foot setback along the rear lot line (as shown in the design options in Figure 3.10) and the setback shall apply to all storeys of the development. The natural light setback shall not apply to lots that are 3,000 square feet or less in size and may, at the discretion of the Board, be varied or rescinded for any lot. The Board must be satisfied that adequate natural light is provided and the grounds in support of the application, as submitted by the applicant, justify the exercise of the Board's discretion.

Upper Storey Setbacks

The impact of a building's height can be reduced by setting back the upper storeys of the building. In this way, upper storey setbacks help to achieve an appropriate street scale and attractive pedestrian environment.

Policy

3.15 The upper storey of a building will be required to be set back from the building front by a minimum of 10 feet. Where there are two upper storeys, the setback will be increased to 15 feet for both floors. In situations where the additional floor for residential use results in three upper storeys, this setback will be increased to 20 feet as set out in Figure 3.11. The Board may vary this setback requirement having taken into consideration:-

- a) the height, scale, siting and massing of the proposed development;
- b) the impact of the development as viewed from the street;
- c) the impact of the development on the privacy of neighbouring residential properties;
- d) the written grounds in support of the proposal; and
- e) the comments of the Advisory Architectural Panel.

Policy

3.16 On Front Street, the first upper storey shall be set back 25 feet as set out in Figure 3.12. Further upper storeys must be set back by an additional 15 feet.

Public Art - Alternative to Upper Storey Setbacks

To make the Plan as flexible as possible and to provide a variety of design options, as an alternative to part of the required upper storey setbacks, the applicant may provide a work(s) of public art (see page 51).

Policy

3.17 The requirement for upper storey setbacks as set out in Policy 3.15 may, at the discretion of the Board, be substituted in part for a significant external work(s) of public art. Any development proposal that seeks this substitution will be subject to review by the Advisory Architectural Panel.

Corner Lots & Street Frontage Emphasis

The Plan offers opportunities for applicants to create diversity and visual interest on corner lots and street frontages. This is achieved by allowing a trade-off between increased floorspace at the upper level of a proposed building and a greater setback on the remainder of the street frontage. Policies 3.18 and 3.19 for corner lots and street frontages do not create a significant amount of additional floorspace for the building as a whole but allow the permitted floorspace to be distributed in a greater number of ways.



Policy

3.18 The Board may permit an additional upper storey of floorspace development on any site in the City in accordance with the street frontage and corner lot development regulations (see Figures 3.13 and 3.14). The Board shall ensure that the development satisfies the following criteria:-

- a) the additional floorspace cannot apply to contiguous frontages and any development can only benefit from either the street frontage or the corner lot development regulations, not both;
- b) the additional floorspace will be restricted in width to a maximum of 40% of the shortest frontage or 30 feet (whichever is less);
- c) the development will enhance the visual quality of the streetscape and relate well to its context;
- d) the development will enhance the visual quality of the roofline of the street or the skyline of the City; and
- e) the proposed development has been reviewed by the Advisory Architectural Panel.

Policy

3.19 For corner lot developments, the Board shall ensure that the development satisfies the following criteria:-

- a) the additional floorspace will be allowed to extend to the building front and to the maximum height of the building at the corner only; and
- b) where the permitted storey heights at street level are different, the additional floorspace will be permitted to be at the higher level as set out in Figure 3.15.

Policy

3.20 For any building having a maximum number of storeys above 4, which takes advantage of Policy 3.18, the applicant will be required to set back 40% or 30 feet of the building front (whichever is less) by an additional 2 feet for each storey as shown in Table 3.2



Table 3.2: Additional Street Level Setbacks for Buildings having a Maximum Number of Storeys above Four

| Building Height | Required additional Setback (see Policy 3.13) | Setback Increase for Policy 3.20 | Total Setback for Policy 3.20 |
|-----------------|---|----------------------------------|-------------------------------|
| 5 Storeys | 5 feet | 2 feet | 7 feet |
| 6 Storeys | 10 feet | 2 feet | 12 feet |
| 7 Storeys | 15 feet | 2 feet | 17 feet |
| 8 Storeys | 20 feet | 2 feet | 22 feet |

Appearance

The Bermuda Image is not as readily defined for commercial buildings as it is for residential properties. However, Hamilton as the capital City should reflect Bermuda’s architectural heritage and culture. It will be easier to reflect this cultural heritage in areas where the Plan permits only relatively low-rise buildings. In areas where larger buildings are permitted, applicants are encouraged to carefully consider how the design of the building responds to Bermuda’s architectural style and traditions.

All developments will be expected to contribute to an attractive and safe pedestrian environment. Therefore, large areas of blank wall that can make streets feel inhospitable and reflective glazing which can be a potential hazard to pedestrians will be discouraged at street level. Whilst roller shutters may contribute to the security of buildings, the visual impact of the shutter housing should be minimized.

Policy

3.21 The Board shall ensure that the external appearance of all development satisfies the following criteria:-

- a) the development will enhance the visual quality of the streetscape and relate well to its context;
- b) the development will enhance the visual quality of the roofline of the street and/or the skyline of the City;
- c) wherever possible plant and machinery should be housed within the building and where this is not possible, they should be attractive features on the City skyline and be integrated into the overall design scheme for the development;
- d) roller-shutters and grilles that are visible on the street elevation shall be designed as an integral part of the building, thereby minimising their visual impact;
- e) there are no large areas of blank wall on the visible side and/or rear elevations, and windows are provided on these elevations until such time as they become obscured from public view by future development;



- f) large areas of building wall at street level without windows or other visual interest are avoided; and
- g) large areas of reflective glazing will not be permitted at street level.

Policy

3.22 Projections into the required setbacks may be approved at the discretion of the Board, provided that:-

- a) the projection is a canopy, verandah or other street level feature which enhances the comfort and environment for pedestrians or the projection is a balcony providing outdoor space on the upper floor of a building;
- b) the proposed feature is of an attractive design and appearance and relates well to both the building and the pedestrian environment; and
- c) the grounds in support of the proposal justify the exercise of the Board's discretion.

Public art

Public art can play an important part in the vitality of urban areas, especially by enlivening public spaces and creating visual interest. At the street level, art and craftwork can be readily appreciated by passers-by, particularly if this takes the form of decoration to the fabric of a building. Examples of public art projects in other towns and cities include carved and decorative stonework, paving, sculpture, street furniture, glazing, railings, signs, light fixtures, lighting, and water features. The Plan encourages the integration of public art in all developments and requires it in major developments. At the Board's discretion, an applicant may be able to provide a work(s) of public art as an alternative for part of the setback requirement set out in Policy 3.15 (see also Policy 3.17).

Policy

3.23 The integration of public art into all new development will be encouraged and will be required in all developments having a gross floor area of 50,000 sq. ft. or more. The artwork must be visible from the street and preferably external to the building. In considering the appropriateness of any proposed artwork, the Board may seek the views of the Bermuda Arts Council or other such relevant body.



Energy Efficient Buildings

The development of energy efficient buildings will be encouraged provided that the appearance of the building constitutes an attractive addition to the City. The Board will carefully assess the visual impact of any scheme that incorporates energy efficient design features.

Policy

- 3.24** New development should be designed in a manner that is energy efficient. Where energy saving measures affect the external appearance of a building they should be designed so as to be an integral part of the proposed building and take account of other design policies in the Plan.

Landscaping

Applicants will be expected to pay particular attention to the detail of hard and soft landscaping at the street level of the building. In an urban context, applicants are encouraged to keep details simple and not to clutter the pedestrian environment. Hard landscaping and street trees may often be an appropriate starting point for schemes in the City.

Policy

- 3.25** High quality hard and soft landscaping will be required in all new development and shall be designed to enhance pedestrian movement and comfort. A landscape scheme must accompany all development applications and shall comprise a plan or plans at an appropriate scale and drawn, coloured and annotated in sufficient detail to accurately show, where necessary, the following information:-

- a) the contours of the site taken from an accurate topographical survey;
- b) existing vegetation noting species, height, spread, condition and whether the vegetation is to be retained, relocated or removed;
- c) other physical features such as rock cuts, walls and existing buildings;
- d) the extent of the proposed development including areas of hard surfacing; and
- e) the location of all proposed planting noting species and size.



Street Trees

Many streets in the City benefit from the shade and shelter provided by the Corporation of Hamilton's street tree planting programme. The trees also enhance the appearance of many streets and give streets a distinctive character. The Plan supports the Corporation in further street tree planting initiatives and proposes that tree planting and landscaping form an integral part of any future pedestrian enhancement scheme for the City. Street trees make an important contribution to the quality of the pedestrian environment and applicants should take particular care to protect existing trees when carrying out building work. If a tree is damaged or destroyed by the effect of building work, the applicant will have to provide a replacement.

Policy

3.26 Existing street trees should be retained as part of any redevelopment scheme. Where a street tree is damaged or removed by the applicant, the applicant will be required to replace it in such a location as determined by the Board. The replacement tree(s) should be, as far as possible, a similar size, shape and maturity to the one(s) damaged or destroyed.

Parks and Open Spaces

The City has a number of attractive and popular public parks which are owned and operated by the Corporation of Hamilton and provide opportunities for active and passive forms of recreation. The Corporation aims to carry out improvements to these parks to make them more accessible and enjoyable. The Plan seeks to preserve the quality of the City's parks by restricting new development within them to that which is compatible with their character and function.

Whilst the parks that exist are high quality, they are primarily concentrated in the south-west quadrant of the City. In time the new Pembroke Park, located just north of the city boundary will provide a significant area of public parkland that will be accessible to the community of North-East Hamilton. In addition to this, however, the Corporation is keen to establish new public open spaces to provide the residential communities of the City with easy access to a local park facility. There are also opportunities to establish new parks and open spaces in other parts of the City such as the waterfront and the City Hall car park site. The Plan has identified these two sites as development brief sites (see Section 1(i)) which will require that any new development proposal must incorporate a significant component of open space.

The Plan also aims to improve the contribution that new buildings make to the comfort and attractiveness of the pedestrian environment. Therefore, applicants are encouraged to incorporate public and private open spaces in their developments, such as arcades, verandahs, canopies, roof gardens, courtyards and other features that can provide activity and interest on the street as well as shade, shelter and amenity space.



Policy

3.27 Within an existing park, no development shall be permitted which is incompatible with the character and function of the park. Accessory structures may be permitted but only if the Board is satisfied that:-

- a) the structure is directly associated with the principal use as a park; and
- b) the proposal enhances the appearance and enjoyment of the park for its users.

Policy

3.28 In the interests of amenity, the creation of public and private open spaces shall be encouraged as part of any new development.



SECTION 4

GENERAL PROVISIONS



GENERAL PROVISIONS

Policy

General direction to the Board

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

- a) the goals and objectives of the Plan;
- b) the policies and figures of the Plan;
- c) the City of Hamilton Transport Strategy; and
- d) any development briefs or other supplementary planning guidance produced by the Department of Planning in respect of any site in the City of Hamilton.

Matters for the Board to consider

Policy

4.2 In determining the appropriateness of a proposal for a site and its surrounding area, the Board shall consider the following aspects of the proposal:-

- a) use(s);
- b) scale of operation;
- c) siting and layout;
- d) site coverage;
- e) provision made for vehicular access, loading, servicing and parking;
- f) arrangements made for pedestrian access, circulation and amenity space;
- g) design including scale, massing, height, style, form, setbacks, building materials, and appearance;
- h) landscaping including planting, paving and hard-surfacing; and
- i) its contribution towards the enhancement of the surrounding area.

The matters set out above are relevant considerations for the Board in the determination of any planning application and, for the avoidance of doubt, an application may be refused if the Board is not satisfied with any of these matters.

GENERAL PROVISIONS

Policy

Planning permission granted or applied for before commencement day

4.3 Where, before commencement day, the Board granted in principle planning permission for development or approved a draft plan of subdivision, and in that decision the Board reserved a matter for the subsequent approval of the Board, any application submitted on or after commencement day for approval of that reserved matter shall be determined by the Board under The City of Hamilton Plan 1984.

Policy

4.4 Where, before commencement day, an application for planning permission was received by or on behalf of the Board but was not determined by the Board before that day, the application shall continue to be considered and dealt with under The City of Hamilton Plan 1984.

Land subject to an objection to the Plan

Policy

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

Historic Buildings Advisory Committee (HBAC)

Policy

4.6 The Historic Buildings Advisory Committee will provide comments and advice to the Board regarding any proposal submitted to it for review where:-

- a) the proposal affects a building of special architectural or historical interest or its setting; or
- b) the proposal affects an Historic Area; or
- c) the Board requests advice from the Committee.

GENERAL PROVISIONS

Policy

Advisory Architectural Panel (AAP)

4.7 The Advisory Architectural Panel will give advice to the Board regarding the design and appearance of any proposal submitted to it for review based on any of the following criteria:-

- a) the proposed development comprises a gross floor area of 50,000 sq. ft. or more;
- b) the proposal is for a development of 6 storeys or more;
- c) the development qualifies for an additional storey of development as set out in the residential bonus Policy 1.16;
- d) the proposed development would exceed the maximum overall height restriction as set out in Policy 3.6;
- e) the proposed development falls within the view corridors, as shown in Figure 3.3,
- f) the design of the proposed development incorporates an architectural feature(s) including, but not limited to a tower, dome or roof garden structure that would project above the upper storey as set out in Policy 3.9;
- g) the design of the proposed development incorporates an addition consistent with the Corner Lot Development Policies 3.18 and 3.19;
- h) the design of the proposed development incorporates an addition consistent with the Street Frontage Emphasis Policy 3.18;
- i) the proposed development is to provide a work(s) of public art in lieu of the additional setback requirement as set out in Policy 3.17;
- j) the design of the proposed development requires the Board to exercise its discretion with regard to setbacks as set out in Policies 3.15 and 3.17; and
- k) any other instance where the Board requests advice from the Panel.

GENERAL PROVISIONS

Policy

Matters on which the Plan is silent

- 4.8** Where application is made for planning permission for a form of development upon which this Plan is silent, or where an application concerns any other matter on which this Plan is silent, the Board shall have the discretion whether or not to grant planning permission provided that, in the exercise of that discretion, the Board is satisfied that:-
- a) the proposal does not conflict with the goals, objectives or policies of this Plan;
 - b) the proposal does not conflict with any relevant provision of the Bermuda Plan 1992 or any subsequent revision thereof; and
 - c) the grounds in support of the application as submitted by the applicant justify the exercise of the Board's discretion.

Lots that lie partly outside the City boundary

Policy

- 4.9** Where a lot lies partly within the City and partly outside, the policies of the Bermuda Plan 1992, or any subsequent revision thereof, shall take precedence. However, where a development brief or any other supplementary planning guidance is prepared, this shall take precedence.

Grounds in support of an application

Policy

- 4.10** In any instance where the Board is required to exercise some form of discretionary power in order to approve an application, the onus shall be on the applicant to submit a case to justify the exercise of the Board's discretion, and this case, which is referred to in the Plan as "grounds in support" shall:-
- a) be submitted in writing at the time the application is submitted;
 - b) be submitted whenever the Board is called upon to exercise its discretion, whether or not grounds in support are specifically called for by the provision which applies; and
 - c) include detailed and relevant information, submissions and reasoned arguments as are necessary to convince the Board that the proposal complies with those matters the Board must consider, and about which the Board must be satisfied, prior to exercising its discretion to approve an application.

**GENERAL
PROVISIONS****Policy****Information required to be submitted with an application**

4.11 The following information should be submitted with all applications:-

- a) plans and elevations that show the existing site conditions including site levels if necessary;
- b) plans, elevations and cross-sections that clearly describe the proposal;
- c) contextual drawings that clearly show the proposed development in relation to neighbouring properties; and
- d) a landscape scheme in accordance with Policy 3.25.

Policy

4.12 In addition to the above, the following information will be required for developments comprising a gross floor area of 50,000 sq.ft. or more and developments in prominent locations:-

- a) a written design statement outlining the design rationale for the proposal;
- b) images (such as photomontages, perspective drawings, computer generated pictures) of the proposed development that show how it will appear when viewed from key locations as determined by the Director of Planning; and
- c) at the discretion of the Board, a model at a scale to be agreed with the Director of Planning.

GENERAL PROVISIONS

Policy

Environmental Impact Statement

4.13 Prior to the determination of the in principle application, the Board may require the submission of an environmental impact statement for development projects which, because of the characteristics of the site or particulars of the proposal, justify the Board carrying out a careful examination of the potential impacts of the proposed development. Such development projects may include but are not limited to:-

- large scale commercial and residential developments;
- major hotels;
- port or transport infrastructure developments;
- power plants and water supply systems;
- sewage treatment and disposal systems;
- solid waste disposal systems;
- reclamation projects; and
- marinas.

Policy

4.14 An environmental impact statement shall include the appropriate plans, information and data in sufficient detail to enable the Board to determine, examine and assess the potential environmental impacts of the proposal, including but not limited to:-

- a) the information specified in Policies 4.11 and 4.12;
- b) a description of the proposal from inception to the operational phase;
- c) the data necessary to identify and assess the main effects the development is likely to have on the environment;
- d) a description and quantification of the likely significant effects (direct and indirect) on the environment of the development, explained by reference to its potential impact on:
 - (i) humans;
 - (ii) flora and fauna;
 - (iii) soil;
 - (iv) water including the ocean, inshore waters and ground water;
 - (v) air;
 - (vi) climate;
 - (vii) landscape; and
 - (viii) cultural heritage.

GENERAL PROVISIONS

- e) a description of the measures to be implemented to avoid, reduce or remedy any adverse effects;
- f) the arrangements to be made for securing an adequate supply of water and the safe and efficient disposal of sewage; and
- g) a summary in non-technical language of the information specified above.

Material change of use

Policy

- 4.15** The Development and Planning (Use Classes) Order 1975 does not apply to the City of Hamilton and as a consequence all applications proposing a material change of use in the City of Hamilton shall require planning permission.

Definitions

Policy

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

- **"accessory"**
 - in relation to a building or use means a structure or use which is supplementary, subsidiary and incidental to the principal building or the principal use on the same site, and "ancillary" shall mean the same;
- **"the Act"**
 - means the Development and Planning Act 1974 (s.1983) and any subsequent amendments thereto;
- **"apartment house"**
 - means a residential development accommodating three or more dwelling units in one or more buildings on a single lot, and "apartment house development" shall be construed accordingly;
- **"basement"**
 - means any floor below grade;
- **"bedroom"**
 - means any private habitable room intended for sleeping purposes except that in applying the Residential Development Standards in this Plan, rooms referred to as, for instance, a study or den but capable of being used as a bedroom, shall be considered as such unless information provided by the applicant is sufficient to indicate that there are special circumstances which would negate the use of these rooms as bedrooms;
- **"Board"**
 - means the Development Applications Board;

GENERAL PROVISIONS

- **"building"**
 - means a combination of materials enclosing a space to form a roofed construction;
- **"commencement day"**
 - means 9th February 2001 as the day on which the Draft Plan became operative as a development plan in accordance with section 10 of the Act;
- **"commercial"**
 - means development for the provision of goods and services including but not limited to: shops; restaurants, cafes and bars; offices; services such as beauty parlours, laundromats, locksmiths and shoe repair shops; artists' studios and local craft shops; showrooms and rental outlets; and "commercial premises" and commercial use shall be construed accordingly;
- **"communal space"**
 - means areas comprising gardens, lawns, play areas, swimming pools, tennis courts or similar within the curtilage of a residential development, at or below grade, provided for the enjoyment and use of residents on a shared basis;
- **"the Corporation"**
 - means the Corporation of Hamilton;
- **"cultural"**
 - means use as a library, cinema, theatre, museum, art gallery, auditorium or studio of the performing arts;
- **"density"**
 - means the degree to which a lot or any area of land is occupied by development, housing units or persons, as the case may be;
- **"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;
- **"environmental impact statement"**
 - means a document or series of documents which present a quantitative analysis and qualitative assessment of a project's environmental effects and which present the results in a way which enables the Board to properly evaluate the impact of the predicted effects, and the scope for modifying or mitigating them;
- **"existing"**
 - means in existence immediately before commencement day;

GENERAL PROVISIONS

- **"façade"**
 - means any exterior surface of a building other than the roof;
- **"floor area, gross"**
 - means the total area of all enclosed parts of a building as measured from the exterior face of the exterior walls;
- **"front, building"**
 - means a plane determined by the forward most part of the building which fronts onto any street and extends vertically to the highest point of the building, as illustrated in Figures 3.2 and 3.8;
- **"frontage, street"**
 - means the total length of the building that faces onto any street, as illustrated in Figure 3.13;
- **"grade"**
 - means:
 - a) with reference to a proposed or existing structure, the average existing elevation of the ground adjoining the existing or proposed structure(s) on all sides; and
 - b) with reference to an excavation, the elevation of the ground at any point along the sides of the elevation;
- **"grounds in support"**
 - means a written submission from an applicant in accordance with Policy 4.10;
- **"group housing"**
 - means accommodation such as hostels, boarding houses, staff accommodation and purpose-designed accommodation for the elderly or for persons with special needs containing one or more rooming units;
- **"habitable"**
 - means suitable for human occupation;
- **"height"**
 - means, in relation to a structure, the vertical distance from the grade to the highest point of a coping on a flat roof or to the eaves of any other type of roof, and "maximum height" shall be construed accordingly;
- **"height, Cathedral eaves"**
 - has the meaning assigned to it in Figure 4.1;
- **"height, Cathedral ridge"**
 - has the meaning assigned to it in Figure 4.1;

GENERAL PROVISIONS

- **"industrial"**
 - means 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 canning, or adapting for sale, break-up or demolition, of any article; and
 - c) the storing, warehousing and wholesaling of merchandise; and includes but is not limited to the sale, rental and repair of cycles, motor vehicles and boats; and building supply establishments; and "industrial premises" and "industrial use" shall be construed accordingly;

- **"industrial, light"**
 - means industrial development which is not detrimental to the amenity of a surrounding area, particularly any residential area, by reason of noise, vibration, smell, fumes, dust or grit, excessive traffic generation or unsightliness, including but not limited to warehousing and storage, and "light industrial premises" and "light industrial use" shall be construed accordingly;

- **"landscape scheme"**
 - means a plan or plans illustrating the information described in Policy 3.25;

- **"layout"**
 - means, in relation to a development, the way in which the various components of the proposal are arranged on the site and the relationship between such components as buildings, structures, parking areas, means of access, private and communal open spaces and areas of hard surfacing;

- **"loading, on-site"**
 - means loading in a space provided on a site for the temporary parking of motor vehicles taking on board or discharging of materials in connection with a use exercised on the site;

- **"lot"**
 - means a parcel of land that, as the case may be, was lawfully on commencement day, or on or after that day is lawfully, or is capable of being lawfully alienated separately

GENERAL PROVISIONS

from another parcel of land, but in determining the lawfulness of an alienation for the purposes of this definition, any restriction on alienation other than a restriction having a statutory force (whether or not under Part VI of the Act) shall be disregarded;

- **"lot line"**
 - means the boundary line separating one lot from another or from a road or other space;
- **"lot line, rear"**
 - has the meaning assigned to it in Figure 4.2;
- **"lot size"**
 - means the area of a lot which is calculated by excluding any land used as a road and any land which is used as a right of way or easement for vehicular access to three lots or more, notwithstanding that the subject lot may not gain its access from that right-of-way or easement;
- **"massing"**
 - means, in relation to development, the overall size, bulk and dimensions of buildings and the overall appearance and visual impact thereof resulting from the juxtaposition of buildings;
- **"O.D." (Ordnance Datum)**
 - means the ground floor height above sea level;
- **"parking"**
 - means, in relation to a use, a purpose designed surface area or purpose built structure for the accommodation of vehicles;
- **"parking lot, private"**
 - means a privately owned site on which parking is the principal use;
- **"parking, non-operational"**
 - means parking provided for vehicles which do not necessarily have to park or wait at the premises (including but not limited to parking for employees, visitors, customers and the general public);
- **"parking, operational minimum"**
 - means the minimum number of parking spaces required for vehicles which are regularly and necessarily involved in the operation of the premises and which must have direct access to the premises for the purpose of its operation, including but not limited to commercial vehicles which service the building;

GENERAL PROVISIONS

- **“parking, on-site”**
- means a parking space located on the same site as the principal use of the site;
- **“parking spaces, maximum number of on-site”**
- means both operational and non-operational parking spaces which accommodate vehicles including private cars and light trucks but which do not accommodate vehicles used for loading and unloading;
- **“parking standard”**
- means the maximum number of parking spaces permitted, as determined by a development’s use and floorspace;
- **“premises”**
- means the land or the lot and all its buildings;
- **“principal use”**
- means the main purpose to which land, a building or a structure is put;
- **“private outdoor living space”**
- means an open area provided specifically for the enjoyment of the residents of a dwelling unit and designed in accordance with the provisions of Policy I.10
- **“public open space”**
- means usable open land provided for the enjoyment of the general public;
- **"residential"**
- means the use or development of land or a building(s) for the provision of a dwelling unit in a detached house, an attached house, an apartment house, group housing or housing for persons with special needs;
- **"restaurant"**
- means use as an establishment where food and drink are sold to the public for consumption on the premises within a provided seating area and which is licensed to serve alcoholic beverages;
- **"retail"**
- means the use of an establishment for any of the following purposes:-
 - a) the sale of goods, wares, merchandise or articles;
 - b) an eating establishment which is not licensed to serve alcoholic beverages, such as a sandwich bar, cafe or coffee shop;

GENERAL PROVISIONS

- c) banking halls, travel agents and airline ticket agencies that serve the public and generate customer activity; and
 - d) accessory storage of such goods, sufficient only to service the principal retail use and not exceeding 50% of the gross floor area and, if located on the ground floor, not within 30 feet of the ground floor frontage;
- **"road"**
 - means the carriageway and related verges and/or sidewalks of a public or private road but does not include a driveway;
 - **"rooftop features"**
 - means architectural features including, but not limited to towers, domes and roof garden structures which may be permitted to project above the roof of the upper storey;
 - **"scale"**
 - means, in relation to a building, the proportions of a building and the relationship of the building to its surroundings and to the physical characteristics of the site;
 - **"scale of operation"**
 - means the relative magnitude, extent and range of an activity as determined by such matters as the size and amount of building, the number of persons accommodated or employed, the level of customer activity, the amount of private and commercial traffic generated, and noise levels, and "scale of development" shall be construed accordingly;
 - **"setback, street level"**
 - means the minimum distance between a lot line or a site boundary and the front face of a building. (see Figure 3.2);
 - **"setback, upper storey"**
 - means the required setback between the permitted maximum number of storeys at street level and the building face of any storey above the maximum number of storeys permitted at street level (see Figure 3.2);
 - **"storey"**
 - means a habitable or rentable space, other than a basement, between two floors, or between any floor and the roof above;
 - **"storey, maximum number of storeys"**
 - has the meaning assigned to it in Figure 3.2;

GENERAL PROVISIONS

- **"storey, maximum number of storeys at street level"**
 - has the meaning assigned to it in Figure 3.2;
- **"storey, maximum number of storeys for corner lots"**
 - see calculation in Figure 4.3;
- **"storey, upper"**
 - means any storey above the maximum number of storeys permitted at street level;
- **"tourist accommodation"**
 - means buildings where sleeping accommodation is provided for paying guests including hotels, guest houses, and "tourist accommodation development" shall be construed accordingly;
- **"unit, studio"**
 - means an "efficiency" or "bedsitter" apartment. It consists of one large habitable room that serves as a combined bedroom, living room and dining room area. It also has a distinct kitchen area or a "kitchenette" and a separate bathroom;
- **"unit, one bedroom"**
 - means a dwelling unit with one separate bedroom area clearly defined by walls, a separate living room area, a separate kitchen area and a separate bathroom. It may or may not have a separate dining room area;
- **"unit, two bedroom"**
 - means a dwelling unit with 2 separate bedroom areas clearly separated by walls. Three or more bedroom units can be construed accordingly;
- **"unit, rooming"**
 - means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes; and
- **"verandah"**
 - means an open portico or gallery attached to a building with a roof supported by pillars or posts.

