

S. R. & O. No. 17 – 1959

**THE BUILDING AND LAND DEVELOPMENT (CONTROL)
RULES 1948.**

ZONING ORDER

**made by the Building Authority under the authority of Rule 28
of the Rules**

The Clay Estate, Hamilton Parish, Zoning Order, 1959

Citation.

1. This Order may be cited as The Clay Estate, Hamilton Parish, Zoning Order, 1959.

Interpretation.

2. In this Order –

- (a) the expression “the Building Rules” means the Building and Land Development (Control) Rules, 1948;
- (b) the expression “the Clay Estate, Hamilton Parish” means the lot of land situated in Hamilton Parish described in the Schedule to this Order and delineated on the plan which accompanied the Governor’s message to the House of Assembly No. 141 of the present session;
- (c) the expression “original building lot” means any of the building lots into which the Clay Estates, Hamilton Parish, was originally subdivided, the situation and area of the various building lots being delineated on the plan referred to in sub-paragraph (b) of this article;
- (d) the expressions “building lot,” “building operation,” “dwelling house,” “purpose involving human occupation” and “trade or business premises” have the meanings respectively assigned to these expressions in the Building Rules.

Building lots for building operation.

3. No building lot comprising any lot of land forming part of the Clay Estates, Hamilton Parish, shall be used for any building operation:

- (a) unless that building lot consists of one or more complete original building lots; or
- (b) unless that building lot is a lot of land forming part of one or more original building lots:
 - (i) which is itself of an area not less than Decimal point two four nine (0.249) of an acre; and
 - (ii) which does not reduce, by reason of its division from any original building lot, the area of that part of the original building lot form which it is divided to an area of less than .249 of an acre and which is a lot of land approved for the purpose, both as to area and as to situation, by the Building Authority or by the Appeal Tribunal in the circumstances set out in paragraph (2) of the next following article; or
- (c) Unless that building lot comprises:
 - (i) two or more complete original building lots; or
 - (ii) an original building lot together with a building lot approved by the Building Authority under the last foregoing paragraph or, as the case may be, by the Appeal Tribunal upon appeal from a decision of the Building Authority under the next following article.

Applications:

4. An application to the Building Authority for the approval of a lot of land under paragraph (b) (ii) of the last foregoing article shall be accompanied by a plan in duplicate, drawn to a scale of not less than one inch to every two hundred feet showing clearly –

- (a) the lot of land in respect of which the application is made and its area;
- (b) the position and area of the original or, as the case may be, the other, lots of land adjoining the lot of land in respect of which the application is made;
- (c) the designation and position of any buildings on such adjoining lots of land;

- (d) the position and line of the public road adjoining the lot of land in respect of which the application is made or, (if there is no public road adjoining that lot) then any communicating road or proposed communicating road; and
- (e) the proposed means of access to the lot of land in respect of which the application is made from such public or communicating road,

together with a statement of the intended use of the lot of land in respect of which the application is made.

Any person who is aggrieved by a refusal of the Building Authority to approve a lot of land as aforesaid may, within fourteen days of the date of his receiving a notice of refusal, appeal to the Appeal Tribunal established under the Building Rules and the provisions of those Rules shall apply accordingly.

Types of Buildings.

5. (1) No building other than a building intended to be used as a dwelling house shall be constructed on any lot of land forming part of the Clay Estate, Hamilton Parish.

Provided that nothing in this paragraph shall be construed so as to prevent the construction of buildings (including outhouses and private garages) appurtenant to any such building intended to be used as a dwelling house as aforesaid where those buildings are not intended to be used for a purpose involving human occupation.

(2) Not more than one building intended to be used as a dwelling house shall be constructed on any building lot forming part of the Clay Estate, Hamilton Parish.

Roofs of Buildings.

6. The roof of every building constructed on the Clay Estate, Hamilton Parish, shall be a pitched and lapped slated roof of Bermuda Stone.

Alterations.

7. No dwelling house or other building constructed on the Clay Estates, Hamilton Parish, shall be used or altered (within the meaning of sub-paragraph (d) of paragraph (2) of Rule 4 of the Building Rules) so that it may be used, as trade or business premises.

SCHEDULE

All that lot of land situated in Hamilton Parish known as the "The Clay Estates" containing about 25.350 acres, and bounded NORTHERLY partly by the North Shore Public Road and partly by land of the heirs or devisees of Thaddeus Hiram Hastings Outerbridge or his or their assigns. EASTERLY by land of the said heirs or devisees of Thaddeus Hiram Hastings Outerbridge or his or their assigns. SOUTHERLY partly by land of Henry Bernard Logier Wilkinson partly by land of Prudence Guest partly by land of Rosalie I.P. Astwood partly by other land of the said Henry Bernard Logier Wilkinson and partly by land of the heirs or devisees of Charles Alexander Hodgson deceased or his or their assigns and WESTERLY partly by the said land of the said Prudence Guest partly by the said land of the said Rosalie I.P. Astwood and partly by land of Josaphine Diana Gould.

H.J. CAMPBELL,
Building Control Officer
For Building Authority