

BERMUDA STATUTORY INSTRUMENT

SR&O 42/1975

DEVELOPMENT AND PLANNING (USE CLASSES) ORDER 1975

*[made under section 15 of the Development and Planning Act 1974 [title 20
item 1] and brought into operation on 1 May 1975]*

ARRANGEMENT OF SECTIONS

- 1 Interpretation
- 2 Use classes
- 3 Planning approval required if construction involved
- 4 City of Hamilton excluded
- 5 Commencement [*omitted*]

Interpretation

- 1 In this Order, unless the context otherwise requires—
 - "building" includes land occupied therewith and used for the same purpose;
 - "general industrial use" means industrial use other than light industrial use;
 - "industrial use" means use for the purpose of carrying on of 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; or
 - (b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or break up, or demolition of any article; or

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(c) without prejudice to the foregoing paragraphs, the winning, dressing or treating of minerals,

being a process carried on in the course of trade or business other than agriculture;

"light industrial use" means Industrial use in which the processes carried on or the machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, ash, dust or grit, undue traffic generation, or unsightliness;

"office" includes a bank and doctor's and dentist's consulting room or surgery but does not include a post office;

"quarry" means any site used for the winning, excavation, cutting or processing of stone, sand, clay, or any other rock product for use as a raw, semi-processed or processed material;

"shop" means a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods by retail, and includes a building used for the purposes of hairdressing, a funeral parlour, a ticket agency, a betting shop or for the reception of goods to be washed, cleaned or repaired but does not include a garage, a petrol filling station, a cycle livery, a marine filling station, or a laundry.

Use classes

2 (1) Where a building or other land is used for a purpose of any class specified in the Schedule, the use of such building or other land for any other purpose of the same class shall not be deemed for the purposes of the Development and Planning Act 1974 [*title 20 item 1*] to involve development of the land:

Provided that nothing in this sub-paragraph shall have the effect of dispensing with the necessity of obtaining planning permission for a change in the use of any building or land if such change involves an intensification of user amounting to a material change in the use.

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

Planning approval required if construction involved

3 Nothing in this Order shall authorize the undertaking of any building or engineering operations.

City of Hamilton excluded

4 Nothing in this Order affects buildings or other land within the boundaries of the City of Hamilton.

Commencement

5 [omitted]

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SCHEDULE

Class I:

Use as a shop for any purpose, except as—

- (a) a shop for the sale of or hire of motor vehicles, or boats of any description;
- (b) a cafe or restaurant or shop for the sale of take-out food; or
- (c) a supermarket.

Class II:

Use as an office for any purpose except as a veterinary surgeon's office.

Class III:

Use as a wholesale warehouse or repository (except as a wholesale warehouse or repository included in Class IV).

Class IV:

Use as a wholesale warehouse or repository for the storage of food, whether or not refrigerated.

Class V:

Light industrial use except use for the storage of fill, rubble, quarried waste, garbage, and metallic waste.

Class VI:

General industrial use except such use in association with the operation of a quarry.

Class VII:

Use for a water purification or distillation plant.

Class VIII:

Use as a building for public worship or religious instruction or for the social or recreational activities of the religious body using the building.

Class IX:

Use as an art gallery (other than for business purposes), a museum, a public library or a reading room.

Class X:

Use as a public hall, a concert hall or exhibition hall, a social centre, a community centre or a nonresidential club.

[Amended by
BR 66/1984]