



BERMUDA

DEVELOPMENT AND PLANNING (USE CLASSES) ORDER 2022

BR 142 / 2022

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

Citation

1 This Order may be cited as the Development and Planning (Use Classes) Order 2022.

Interpretation

2 In this Order—

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

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

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

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

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Use classes

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

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

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

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SCHEDULE

Use Classes

CLASS	DESCRIPTION
Class 1— Retail	the sale of goods or services, other than motor vehicles and hot food prepared on the premises, to visiting members of the public including, but not limited to, shops, barbers, hairdressers and shoe and watch repair
Class 2— Financial, Medical and Professional Services	for the provision of the following kinds of services principally, to visiting members of the public: (i) financial services including, but not limited to, banks and insurance agencies; (ii) medical services including, but not limited to, clinics and dental offices; (iii) professional services including, but not limited to, real estate, employment and travel agencies
Class 3— Restaurants and Cafes	the sale of food or drink for consumption mostly on the premises
Class 4— Business	(a) offices which would not normally be visited by members of the public; (b) research and development of products or processes which does not involve manufacturing or any industrial process
Class 5— Storage, Distribution and Light Industry	for the storage, distribution or industrial processes which could be carried out in any residential area without causing undue detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or traffic
Class 6— General Industry	for the carrying on of an industrial process other than one falling within Class 5
Class 7— Tourist Accommodation	for short-term accommodation such as, but not limited to, hotels, vacation rentals, bed and breakfasts and guest houses where no medical care is provided
Class 8— Residential Institutions	for long-term residential accommodation such as group housing or nursing homes for more than five persons and residential schools
Class 9— Temporary Accommodation	that is supervised, short-term accommodation such as halfway houses and homeless shelters

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

SINGULAR CLASSES (including but not limited to)—

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

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Theatres

Venues for Live Music Performance

Veterinary Clinics, Pet Day Care Facilities and Premises for the Boarding of Animals

Waste Disposal (storage or treatment)

The singular classes each constitute a separate singular use

Made this 22nd day of December 2022

Minister of Home Affairs

[Operative Date: 22 December 2022]