

LANGEBAAAN MUNICIPALITY

CONTENTS

SCHEME REGULATIONS IN TERMS
OF SECTION 7 OF LAND USE
PLANNING ORDINANCE, 1985
(ORDINANCE 15 OF 1985)

IMPROVED IN TERMS OF SECTION 9(2)

OF THE LAND USE PLANNING

ORDINANCE 1985 (15 OF 1985)

ON 23 APRIL 1980

FEBRUARY 1990

	PAGE
1. DEFINITIONS	1
2. LAND USE	12
2.1 Area of zoning scheme	12
2.2 Zoning according to utilisation	12
2.3 Components of the zoning scheme	12
2.4 Zoning of land in specified use zones	13
2.5 Erection of building and use of land in specified use zones	13
Table A	14
Table B	15
3. PLANNING CONTROL	15
3.1 Agricultural zone	15
3.2 Residential zone I	18
3.3 Residential zone II	18
3.4 Residential zone III	19
3.5 Residential zone IV	21
3.6 Residential zone V	22
3.6.A Residential zone VI	23
3.7 Business zone I	24

	PAGE		PAGE
3.8	27	4.6	38
3.9	28	4.7	38
3.9.A	30	application for consent use	38
3.10	31	4.8	39
3.11	32	4.9	39
3.12	33	4.10	40
3.13	33	4.11	41
3.14	34	4.12	41
3.15	34	4.13	41
3.16	34	4.14	42
3.17	35	4.15	43
3.18	35	4.16	43
3.19	35	4.17	43
3.20	36	in terms of the Townships Ordinance, 1934	43
3.21	36	4.18	43
4.	37	5.	44
GENERAL		APPROVAL OF DEPARTURES AND	
4.1	37	SUBDIVISIONS BY COUNCIL	44
4.2	37	5.1	44
4.3	37	5.2	44
4.4	37	5.3	47
4.5	38	Departures	
		Subdivisions	
		Removal of restrictions	

	PAGE
6. PROCEDURE FOR THE SUBMISSION TO AN APPEAL COMMITTEE	48
7. REGISTER	51

ANNEXURE A : SPECIAL ZONES

1. DEFINITIONS

Unless the context otherwise indicates, the under mentioned words shall have the following meanings :

A. **Additional dwelling units** means dwelling units that may be erected with the consent of the Council on a land unit in the agricultural zone or residential zone I and II; provided that the units shall remain on the same cadastral unit as the primary unit; provided further that in residential zone I and II the unit shall be smaller than the primary unit and that in the agricultural zone one additional unit in all cases and further units with a density of one unit per 10 ha up to a maximum of five additional units per land unit may be allowed, and that no such unit shall be erected within 1 km of the high-water mark of the sea.

Advertise has the meaning assigned thereto in the Ordinance.

Agriculture means the cultivation of land for crops and plants or the breeding of animals, or the operation of a game farm on an extensive basis on the natural veld or land; it includes only such activities and buildings which are

reasonably connected with the main farming activity of the farm.

Architectural manual means the architectural manual drawn up in terms of the conditions of approval and incorporated in the constitution of the home owners association concerned, by means of which aesthetic control is regulated.

Authority usage means a use which is practised by a public authority and of which the locality factors are such that it cannot be classified or defined under other uses in these regulations, and includes uses practised by -

- (a) the State, such as military training centres and installations, telecommunication facilities, police stations and jails;
- (b) the province such as road camps and road stations; and
- (c) a local authority, such as fire services, sewage farms, dumping grounds, reservoirs and water purification plants.

B. **Basement** means that portion of a building, the finished floor level of which is at least 2 m below, or the ceiling of which is at most 1 m above, a level halfway between the highest and

lowest natural ground levels immediately contiguous to the building.

Boat stores means structures designed to be normally used for the parking of boats and for the storage of related equipment.

Bottle-store means a shop in which mainly alcoholic beverages are sold in the retail trade, and includes an off-sales facility which is under the same management as a licensed hotel.

Building means, in addition to the meaning assigned thereto in paragraphs (a) and (b) of section 2 (viii) of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), any structure or erection whatsoever irrespective of its nature or size.

Building line means the line delimiting the area measured from the boundary of a land unit, or from a setback, if any, within which no building or other structure except a boundary fence may be erected.

Business premises means a site or building or structure on or in which business is done and includes shops, offices, financial institutions, restaurants or buildings, structures or premises for similar purposes, but does not include places of assembly or entertainment, institutions, service stations,

public garage, industries, noxious trades, bottle-stores, supermarkets, companion clubs or sex shops.

C. **Camping site** means a property or part thereof which can be utilised for the erection of tents or parking of caravans and includes ablution, braai, cooking and other facilities which together with the amenity of the site, serve as features of attraction.

Caravan means any vehicle permanently fitted out for use by people for living or sleeping purposes, whether or not such vehicle is a trailer.

Conservation usage means any use of a building or site or part thereof which in the opinion of the council, or, on appeal or objection, in the opinion of the Administrator, whose decision shall be final, is worthy of preservation.

Council means the municipal council of Langebaan.

Coverage means the total percentage area of a site that may be covered by buildings measured over the outside walls and covered by a roof or projection; provided that the area covered by the first metre (as measured from the outside of the exterior wall concerned) of an eave or other projection shall not be included in the calculation of the permissible coverage.

D. **Departure** has the meaning assigned thereto in the Ordinance.

Dwelling-house means a building containing only one dwelling unit.

Dwelling unit means a self-contained interleading group of rooms with not more than one kitchen, used only for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith.

Slab Residential Building.

E. **Existing use** means the use or uses which, in the opinion of the council, is or are practised lawfully and in practice on or in a property, structure or building or part thereof.

F. **Farm stall** means a building or structure which does not exceed 100 m² in floor space, including storage facilities, where a farmer sells products produced and processed on his farm (in other words not products which are purchased), whether to his employees or to the general public.

Farm store means a building or structure which does not exceed 100 m² in floor space, including storage facilities, where a farmer sells goods, whether to his own employees or to the general public.

Flats means a building containing three or more dwelling units for human habitation, together with such outbuildings as are ordinarily used therewith; provided that in those zones where flats are permissible, fewer than three dwelling units shall also be permissible, whether or not with the special consent of the council, as the case may be, in a building approved for other purposes than for flats.

Floor factor means the factor (expressed as a proportion of 1) which is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit; it is the maximum floor space as a proportion of the net erf area.

Floor space in relation to any building or structure means the area covered by a roof, slab or projection, excluding a projection not exceeding 1 m over an exterior wall or a similar support; provided that the area which is covered by a canopy or projection on the street side of a business premises in business zones I to III shall not be regarded as floor space. Floor space shall be measured from the outside surface of the exterior walls or similar supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of "maximum floor space" shall be

the sum of the floor space of all the storeys, including that of basements.

G. **Gross parking space** means an area or areas which incorporates or incorporate one parking bay plus circulation and landscaping space for one parking bay.

Ground floor means the lowest floor of a building which is not a basement.

Group house means a dwelling unit which forms part of a group housing scheme.

Group housing means a group of separate and/or linked dwelling units planned, designed and built as a harmonious architectural entity and arranged around or inside a communal open space in a varied and ordered way, of which every dwelling unit has a ground floor; such dwelling units may either be cadastrally subdivided.

Group housing site means one or more land units on which a group housing scheme has been or is to be erected.

Guest house means a ^{residential building} ~~dwelling unit~~ for the provision of bed and breakfast accommodation in guest rooms, which has as its primary source of business the supply of tourist and traveller accommodation and a breakfast for resident guests, provided that-

- (i) the individual guest rooms may be marketed by means of short-term renting only;
- (ii) the building may, in terms of the Liquor Act, 1989 (Act 27 of 1989), be licensed only for the purposes of on-consumption and subject to any conditions of restrictions which the council may impose;
- (iii) that guests have 24 hour access to the guest house;
- (iv) a motel and licensed hotel are not included in the definition; and
- (v) that the owner, manager or host resides on the property.

Guest room means a furnished room utilised by travellers or holiday makers by means of short-term hiring on a bed and breakfast basis, with the exception of those rooms occupied by the owner, manager or host.

H. **Holiday accommodation** means a harmoniously designed and built holiday development in a unique natural environment with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, whether in private or public ownership, which comprises a single enterprise and which shall only be marketed by means

of short-term renting or time sharing, but does not include a hotel or motel.

Holiday housing means a harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, and where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel or motel.

House of worship means a church, synagogue, mosque, temple, chapel or other place for practising religion, and includes any building in connection therewith, but does not include a funeral parlour with related chapel.

I **Industrial café** means a building or structure which does not exceed 100 m² in floor space, including storage facilities, and where delicacies and fast foods are sold to employees only.

Industry means an enterprise as defined in the regulations made in terms of section 35 of the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983), which is not

included under the definition of "service trade" or "noxious trade", and includes a caretaker's dwelling, an office, an industrial café and any other use incidental to industry.

Institution means a building or portion of a building utilised or intended to be utilised as a social or welfare institution or for the administration thereof, and includes a hospital, clinic, reformatory or place of detention, whether private or public, but does not include a jail.

Intensive feed farming means the keeping, feeding and breeding of animals or poultry on an intensive basis.

L. **Land** has the meaning assigned thereto in the Ordinance.

Land unit has the meaning assigned thereto in the Ordinance.

Land use restriction has the meaning assigned thereto in the Ordinance.

Licensed hotel means a building designed to comply with the requirements of a hotel as laid down in the Hotels Act, 1965 (Act 70 of 1965), but does not include an off-sales facility.

Linked, in relation to the definitions of "town housing" and "group housing", means to be connected by means of a boundary wall or garage.

M **Maximum floor space** means the greater total floor space which is allowed for a building or buildings with all its or their floors on a site; such floor space is calculated by multiplying the floor factor with the net erf area of the site or that portion of the site which is situated within the particular zone; provided that where a site is situated within two or more zones to which different floor factors apply, the maximum floor space for the whole site shall be the total of the maximum floor space for each portion of the site; provided further that for the purpose of determining the floor space of a building -

- (a) any area, including a basement, which is reserved solely for the parking of vehicles, shall be excluded;
 - (b) any area required for an external fire escape shall be excluded;
 - (c) subject to (d) below, any balconies, terraces, stairs, stairwells, verandas, common entrances and common passages covered by a roof shall be included, except in the case of a residential building on a residential site, where it shall be excluded;
 - (d) any stairwells, liftwells or other wells, in the case of multi-storey buildings, shall only be calculated once;
- and

- (e) any arcade, with a minimum width of 2 m and which at all times provides access through the building concerned from public parking or a pavement or a public road, street or open space to other public parking or another public road, street or open space and which at all times is open to the public by means of a servitude, as well as any other covered walkway, the roof of which allows light to pass through, shall be excluded.

Mobile home means a factory-assembled structure, approved by the council and with the necessary service connections, which can be transported without the removal of units or panels, and which may be designed so that it can be used as a permanent dwelling.

Motel means a licensed hotel which is specially adapted for the convenience of the motoring public by means of the provision of parking facilities at every unit, and includes other facilities of a hotel.

Motor vehicle means a vehicle designed or intended for propulsion by other than human or animal power, and includes a motor cycle and a trailer or caravan, but does not include a vehicle moving exclusively on rails.

N. **Natural ground level** means the level of the ground before any building work has taken place and coincides with those certified by a land surveyor for the relevant boundary pegs.

Nature reserve means a national park or other nature park in public ownership or which has been declared as such in terms of legislation and remains in private ownership; it consists of an area which is utilised as a game park or reserve for fauna or flora in their natural habitat and includes accommodation facilities for tourists or holidaymakers.

Net erf area means the total area of a land unit, excluding all land zoned or needed for public purposes.

Nursery means a property or part thereof which is utilised for the sale of plants and gardening products.

O. **Occupant** means any person who physically inhabits a building, a structure or land.

Occupation practice means practising an occupation, a trade, or conducting an enterprise by one or more occupants of the dwelling unit concerned and his or their assistants, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or a lowering of aesthetics being caused;

provided that a general medical practitioner shall be exempt from the condition with regard to occupancy.

Offices means a room or set of rooms or a building utilised for the performance of an administrative function or the conducting of an enterprise, and includes a post office, magistrate's offices or professional usage.

Outbuilding means a structure either attached to or separate from the main unit and designed to be normally used for the housing of servants, for the parking of motor vehicles and for storage purposes, in so far as these uses are usually and reasonably required in connection with the main structure.

P. **Parking bay** means an area measuring not less than 5,5 m by 2,5 m which is clearly outlined and demarcated for the parking of one motor vehicle, and which is accessible to the satisfaction of the local authority.

Parsonage means a dwelling house for the accommodation of a spiritual leader who is a full-time employee of an organisation which practises religion in a house of worship, and includes the accommodation of the spiritual leader's family, and includes a monastery or convent.

Place of assembly means a public hall for social functions, music hall, concert hall or exhibition hall which is not directly related to a commercial undertaking, or a town hall or civic centre.

Place of entertainment means a theatre, bioscope, dance hall, amusement park, sports centre, billiard-room, skating rink or a similar place.

Place of instruction means a crèche, pre-primary school, primary school, high school, college, technicon, university, research centre, convent, public library, public art gallery, or museum or some other centre which is utilised for instruction purposes and includes a hostel appertaining thereto, but does not include a building or land unit which is mainly utilised as a certified reformatory or industrial school or as an institution.

Private open space means any land which has been set aside in this scheme for utilisation as a private site for sport, play, rest or recreational facilities or as an ornamental garden or a pleasure garden, and includes public land which is or will be leased on a long-term basis as well as a cemetery, whether public or private.

Private parking means a site or building or part of a building which is utilised for parking purposes under the control of a private individual or agency.

Professional usage means such type of use as is normally and reasonably associated with professional people such as doctors, dentists, architects, engineers and town planners; where the rendering of a service, as against carrying on of a business, is one of the distinguishing factors.

Public authority means a State department, local authority or semi-state agency or the Provincial Administration, the South African Transport Services or the Department of Posts and Telecommunications.

Public garage means a business or concern where motor vehicles are provided with fuel for payment or reward, and includes trading in motor vehicles, oil, tyres or motor spares, the repair of motor vehicles, a restaurant or café, spray-painting, panel-beating or body or blacksmith work.

Public housing means dwelling units which are erected with funds made available by a State department or the Provincial Administration or council.

Public open space means land which falls under, or is intended to come under, the ownership of the local authority, which is not leased or intended to be leased on a long-term

basis and which is utilised or will be utilised as an open space, park, garden, playground or square, and includes a public place.

Public parking means land or a building or part thereof that is accessible to the general public for parking purposes.

Public place has the meaning assigned thereto in the Ordinance.

Public street has the meaning assigned thereto in the Ordinance.

Public road means any road or street for public use or any land intended for such purposes.

Publish in the press has the meaning assigned thereto in the Ordinance.

R. **Register** has the meaning assigned thereto in the Ordinance.

Residential building means a building (other than a dwelling-house, group house, town house or block of flats) for human habitation, together with such outbuildings as are normally used therewith, and includes a boarding house, residential rooms, a licensed hotel (excluding an off-sales facility) an old age home, children's home and a hostel, but does not include buildings mentioned whether by way of

inclusion or exclusion in the definitions of "place of instruction" or "institution".

Resort shop means a shop which does not exceed 100 m² in floor space, including storage space.

Retirement village means group housing (if permitted in residential zone III) or town housing (if permitted in residential zone IV) that conforms to the following additional conditions:

- (a) Each dwelling unit shall only be occupied by an elderly person or by a family of which at least one member is an elderly person;
- (b) a full spectrum of care and other recreational facilities shall be provided to the satisfaction of the council, and
- (c) other land use restrictions than those applicable in residential zone II or residential zone III, as the case may be, may in respect of a retirement village be determined by the council.

Riding school means a place or enterprise for hiring out horses for payment, and includes the care and stabling of such horses.

S. **Scheme regulations** has the meaning assigned thereto in the Ordinance.

Scrap yard means a building or land which is utilised for one or more of the following purposes :

- (a) The storing, depositing or collecting of junk or scrap material or articles of which the value depend entirely or partially on the material out of which they are manufactured;
- (b) the dismantling of second-hand vehicles or machines to recover components or material; and
- (c) the storing or sale of second-hand-pipes, poles, steel sections, wire, lumber, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred.

Service station means a business or concern where motor vehicles are provided with fuel for payment or reward, and includes trading in motor vehicles, oil, tyres or motor spares, the repair of motor vehicles, or a restaurant or café, but excludes spray painting, panel beating or body or blacksmith work.

Service trade means the utilisation of a building or of premises for an enterprise which is primarily involved in the rendering of a service to the local environs; where at most

ten people are employed, and which is exempted from section 2 of the Physical Planning Act, 1967 (Act 88 of 1967), but does not include an abattoir, a brick making site, sewage works, a service station or a public garage.

Setback means the line delimiting the area measured from the centre line of a particular street, within which no building or other structure, including a boundary fence, may be erected.

Shop means a site or building or structure utilised for the purpose of carrying on a retail concern, and includes a nursery, restaurant, laundrette, a dry-cleanette or retail concern where goods which are sold in such concern are manufactured or repaired; provided that the floor area relating to such manufacture or repair shall not comprise more than one-third of the floor area of the shop; "shop" does not include an industry or a public garage, service station, bottle-store or supermarket.

Side boundary means any boundary of a land unit which does not constitute the common boundary with a public street or public road.

Special usage means a use which is such, or a use of which the land use restrictions are such, that it is not catered for in these regulations; and which is set out in detail, and of which

the land use parameters are set out in detail, by means of conditions applicable to the special zone, and includes a conservation usage.

Storey means building which does not exceed a height of 4 m, measured from the point where the building line intersects the highest point of the erf, to the ridge of the roof or in the case of a flat roofed building the highest point of the parapet wall.

Street boundary means the boundary of a site or land unit which is also its boundary with a street; provided that where a portion of a site or land unit is reserved for purposes of a new street or street widening in terms of the zoning scheme or any other law, the street boundary of the site or land unit shall be the boundary of such proposed new street or proposed street widening.

Subdivide and subdivision have the meanings assigned thereto in the Ordinance.

Subdivisional area means land contemplated by section 22(1)(a) of the Ordinance which, in terms of section 14(4), 16 or 18 and subject to -

- (a) a density requirement,
- (b) the conditions and stipulations contained in these regulations,

- (c) the planning stipulations of any applicable structure plan, and
- (d) any other conditions laid down at the time of the approval of the rezoning,

has been rezoned to a subdivisional area.

Supermarket means a retail concern with a net retail floor space of not less than 350 m², which is used for sales on a basis of self-service and in which the goods for sale fall in one or more of the following categories -

- (a) foodstuffs;
- (b) toiletries, and
- (c) household cleansing agents.

T. **The Ordinance** means the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

Tourist facilities means amenities for tourists such as lecture halls, restaurants, gift shops and rest rooms permitted by the Council as a consent use, but does not include overnight accommodation.

Town house means a dwelling unit which forms part of a town housing scheme.

Town housing means a row or group of linked and/or attached dwelling units planned, designed and built as a

harmonious architectural entity of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided.

Town housing site means one or more land units on which a town housing scheme has been or is to be erected.

Transport usage means a transport undertaking based on the provision of a transport service and includes public as well as private undertakings.

W. Warehouse means a site, building or room where goods are stored or a wholesale business or service trade is conducted.

Z. Zone has the meaning assigned thereto in the Ordinance.

Zoning has the meaning assigned thereto in the Ordinance.

Zoning map has the meaning assigned thereto in the Ordinance.

Zoning scheme has the meaning assigned thereto in the Ordinance.

2. LAND USE

2.1 AREA OF ZONING SCHEME

The extent of the zoning scheme is indicated on the zoning map and includes the municipal area of Langebaan:

2.2 ZONING ACCORDING TO UTILISATION

Notations on the zoning map are intended to indicate land uses and not land ownership. Land falling under ownership of a public authority shall only be included in the authority zone if the use thereof is such that no other zone in Table B is appropriate. If any other zone in Table B is appropriate, the land shall be indicated for that purpose, whether or not it is owned by a public authority.

2.3 COMPONENTS OF THE ZONING SCHEME

This zoning scheme consists of three components: the scheme regulations, the zoning map (s) in so far as the scheme is mapped and the register in so far as any departures exist.

2.4 ZONING OF LAND IN SPECIFIED USE ZONES

The land indicated on the zoning map is zoned for the respective purposes and shall not be used for any other purpose whatsoever.

2.5 ERECTION OF BUILDINGS AND USE OF LAND IN SPECIFIED USE ZONES

The purposes, called primary uses, for which land and buildings may be utilised in the various zones indicated in column 1 of Table A are shown in column 2 of Table A. The purposes, called consent uses, for which land and buildings may be used or erected with the consent of the council in the various zones indicated in column 1 of Table A are set out in column 3 of Table A. Any use not reflected in column 2 or 3 shall, subject to any provisions to the contrary in the Ordinance and these regulations, not be permitted in the zone concerned.

In the case of land that was vacant on 1 July 1986, the utilisation thereof shall, for purposes of zoning as contemplated by section 14(1) of the Ordinance, be deemed to be the use which is permitted in terms of title conditions imposed by the Administrator, or, where more than one use

is so permitted, one of such uses as determined by the council concerned.

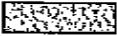
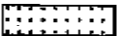

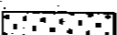
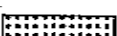

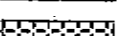

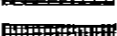
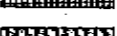
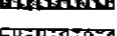
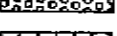
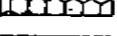
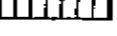


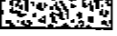


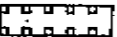

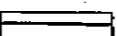
It must be noted that the buildings and uses permitted in terms of Table B or approved with the consent of the council may, be subject to departures, which may in effect make the right attached to a land unit greater or lesser than may appear from the notation on the map. In such cases the relevant information relating to the land unit shall be recorded in the register kept for this purpose (see regulation 2.3).

TABLE A

1 Zoning	2 Primary use	3 Consent uses
Agricultural zone	Agriculture	Additional dwelling units, farm store, farm stall, intensive feed farming, riding school, nursery, service trade, tourist facilities, guest house
Residential zone I	Dwelling-house	Additional dwelling unit, guest house
Residential zone II	Dwelling-house	Additional dwelling unit, guest house
Residential zone III	Group house	Dwelling-house, retirement village
Residential zone IV	Town house	Dwelling-house, group house, retirement village
Residential zone V	Flats	Dwelling-house, group house, town house, public housing, professional usage
Residential zone VI	Guest house	
Business zone I	Business premises	Town house, flats, residential building, place of assembly, place of entertainment, place of instruction, institution, bottle-store, supermarket, service trade, guest house
Business zone II	Shop	Town house, flats, residential building, place of assembly, offices, supermarket
Business zone III	Service station	Public garage
Industrial zone	Industry	Warehouse, public garage, transport usage, scrap yard, boat stores
Institutional zone I	Place of instruction	Place of assembly, institution
Institutional zone II	House of worship	Parsonage, place of assembly

1 Zoning	2 Primary use	3 Consent uses
Resort zone I	Holiday accommodation	Resort shop, tourist facilities
Resort zone II	Holiday housing	Motel, licensed hotel, tourist facilities, resort shop
Open space zone I	Public open space	None
Open space zone II	Private open space	None
Open space zone III	Nature and conservation reserve	None
Transport zone	Public road and public parking	None
Authority zone	Authority usage	None
Special zone	Special usage	None
Undetermined zone	None	None

TABLE B

MONOCHROME-NOTATION	LETTRA-TONE	ZONING	COLOUR NOTATION
	Pt010	Agricultural zone	Yellow-green outline
	Lt148	Residential zone I	Yellow
	Lt15	Residential zone II	Yellow with black hatching
	Lt915	Residential zone III	Yellow with black cross-line hatching
	Lt907	Residential zone IV	Orange
	Lt144	Residential zone V	Orange with black hatching
	Lt157	Business zone I	Blue
	Lt81	Business zone II	Blue with black hatching
	Lt84	Business zone III	Blue-purple with black cross-line hatching
	Pt019	Industrial zone	Red-purple
	Pt128	Institutional zone I	Grey
	Pt094	Institutional zone II	Grey with black hatching
	Lt66	Resort zone I	Pink
	Lt122	Resort zone II	Pink with black hatching
	Pt030	Open space zone I	Dark green
	Lt942	Open space zone II	Dark green with black hatching
	Lt138	Open space zone III	Dark green outline
	Lt124	Transport zone	Dark brown
	Lt956	Authority zone	Red
	Lt281	Special zone	Blue-green
		Subdivision area	
		Undetermined zone	Blue-green with blue-purple outline

3.

PLANNING CONTROL

The following provisions shall apply in the relevant zones :

3.1

AGRICULTURAL ZONE

3.1.1

Primary use : agriculture.

Consent uses : additional dwelling units, farm store, farm stall, intensive feed farming, riding school, nursery, service trade, tourist facilities, guest house.

3.1.2

Land use restrictions

Street building line : at least 30 m.

Side building line : at least 30 m.

3.1.3

No building or use which is not directly related to the farming activity on the relevant agricultural unit shall be erected or practised in this zone except with the approval of the Administrator to erect additional dwelling units which shall not, where applicable, be within 1 km of the high-water mark of the sea.

3.1.4 The provision contained in ... relevant guide plan that is in force in terms of section 6A of the Physical Planning Act, 1967 (Act 88 of 1967) shall mutatis mutandis apply as additional land use restrictions in this zone.

3.1.5 Guest houses

Notwithstanding regulation 4.8 the following land use restrictions shall be applicable with regard to guest houses over and above the other applicable land use restrictions which are not in conflict therewith :

Guest rooms : 1 - 4 rooms.

Street building line : at least 4 m, subject to regulation 3.2.3.

Side building line : at least 2 m, subject to regulation 3.2.3.

Parking : at least 1 parking bay per land unit, on the land unit.

3.2.3 Notwithstanding regulation 3.2.2 -

(a) the street building line shall be at least 3 m where the average depth of a land unit (measured at right angles to any street boundary of such land unit) does not exceed 20 m;

(b) an eaves projection may exceed the prescribed street or side building line by at most 1 m; and

(c) the council may approve the erection of an outbuilding or an additional dwelling unit which exceeds the side building line subject to -

(i) compliance with the street building line;

3.2 RESIDENTIAL ZONE I

3.2.1 Primary use : dwelling-house.

Consent uses : additional dwelling unit, guest house.

3.2.2 Land use restrictions

Coverage : at most 50 %.

Height : at most 1 storey.

- (ii) the said outbuilding not exceeding a height of one storey;
- (iii) no doors or windows being permitted in any wall of such outbuilding which fronts onto the relevant side boundary;
- (iv) the provision of an access way, other than through a building and at least 1 m wide, from a street to every vacant portion of the relevant land unit other than a courtyard; and
- (v) the written permission of the adjoining owners.

3.2.4 Additional dwelling unit

Notwithstanding regulation 3.2.2, the following land use restrictions shall be applicable with regard to an additional dwelling unit over and above the other land use restrictions which apply, and shall prevail if the last mentioned land use restrictions are in conflict therewith :

Coverage : together with all other buildings, at most 66 %.

Total floor space : at most 120 m² or one third of the total area of the existing building on site, whichever is the smallest or at most 36 m² in cases where the primary dwelling unit is smaller than 108 m².

Parking : one additional parking bay on the land unit.

Height : at most one storey.

3.2.5 Guest houses

Notwithstanding regulation 4.8 the following land use restrictions shall be applicable with regard to guest houses over and above the other applicable land use restrictions which are not in conflict therewith :

Guest rooms : 1 - 4 rooms.

Coverage : at most 66 %.

Height : at most 1 storey.

Parking : at least one parking bay per guest room and one parking bay for owner, manager or host on the land unit.

3.3 RESIDENTIAL ZONE II

3.3.1 Primary use : dwelling-house, ~~guest house~~.

Consent uses : additional dwelling unit.

3.3.2 Land use restrictions

Coverage : at most 50 %.

Height : at most 2 storeys.

Street building line : at least 4 m, subject to regulation 3.3.3.

Side building line : at least 2 m, subject to regulation 3.3.3.

Parking : at least 1 parking bay per land unit, on the land unit.

3.3.3 Notwithstanding regulation 3.3.2 -

(a) the street building line shall be at least 3 m where the average depth of a land unit (measured at right angles to any street boundary of such a land unit) does not exceed 20 m;

an eaves projection may exceed the prescribed street or side building line by at most 1 m; and

(c) the council may approve the erection of an outbuilding which exceeds the side building line subject to -

(i) compliance with the street building line;

(ii) the said outbuilding not exceeding a height of one storey;

(iii) no doors or windows being permitted in any wall of such outbuilding which fronts onto the relevant side boundary;

(iv) the provision of an access way, other than through a building and at least 1 m wide, from a street to every vacant portion of the relevant land unit other than a courtyard; and

(v) the written permission of the adjoining owners.

3.3.4 Additional dwelling unit

Notwithstanding regulation 3.3.2, the following land use restrictions shall be applicable with regard to an additional dwelling unit over and above the other land use restrictions which apply, and shall prevail if the last-mentioned land use restrictions are in conflict therewith :

Coverage : together with all other buildings, at most 66 %.

Total floor space : at most 120 m² or one third of the total area of the existing building on the site, whichever is the smallest or at most 36 m² in cases where the primary dwelling unit is smaller than 108 m².

Parking : one additional parking bay on the land unit.

Height : at most one storey.

3.3.5 Guest houses

Notwithstanding regulation 4.8 the following land use restrictions shall be applicable with regard to guest houses over and above the other

applicable land use restrictions which are not in conflict therewith :

Guest rooms : 1 - 4 rooms.

Coverage : at most 66 %.

Height : at most 2 storeys.

Parking : at least one parking bay per guest room and one parking bay for owner, manager or host on the land unit.

3.4

RESIDENTIAL ZONE III

3.4.1 Primary use : group house.

Consent uses : dwelling-house, retirement village.

3.4.2 Land use restrictions

Density : as laid down by the council up to a maximum of 20 units per gross hectare or a 3:1 ratio with regard to the surrounding density of dwelling units, whichever permits the smaller number of units.

Communal open space : at least 80 m² per dwelling unit.

Private outdoor space : at least ⁴⁰ % of the gross floor space of the relevant unit, in a form which does not exceed a ratio of 2:1 (length to width).

Combined open space : where there is no distinction between communal open space and private outdoor space, the above communal open space and private outdoor space requirements shall be replaced by a combined open space requirement of at least 130 m² per dwelling unit.

Height : at most 2 storeys.

Street building line : zero, subject to regulation 3.4.2.1.

Side building line : zero, subject to regulation 3.4.2.1.

Parking : at least 2 parking bays per group house; both may be provided at the group house or part of the required parking provision at some of the group houses and the remainder in the form of communal parking for the particular group housing scheme, or the entire requirement in the form of communal parking.

Street-width : normally at least 10 m or 8 m in a cul-de-sac or loop road of limited length which serves only a few group houses.

The objectives reflected in the definition of "group housing" (as contained in the definitions) shall be closely followed and implemented.

3.4.2.1 Additional provisions

- (a) In addition to the private outdoor space or combined open space, as the case may be, a service yard of an adequate area and screened by a wall from the view of anyone other than the resident(s) of the relevant dwelling unit, shall be provided to the satisfaction of the council.
- (b) Despite the zero street building line, a street building line of 6 m may be required for safe traffic circulation or for other reasons

such as development in the area, and a vehicular driveway shall have an adequate area in order that a large motor car may park comfortably there-on.

- (c) Despite the zero side building line, adequate side building lines may be required for fire-fighting purposes, and a 3 m side building line shall apply where this zone abuts another zone.
- (d) Garages and carports shall be excluded in the calculation of floor space for the purposes of determining the area of the private outdoor space.
- (e) No group housing site shall have an area greater than 2 ha, and no group housing site shall abut on another group housing site.

3.5

RESIDENTIAL ZONE IV

3.5.1 Primary use : town house.

Consent uses : dwelling-house, group house, retirement village.

3.5.2 Land use restrictions

Density : as laid down by the council up to a maximum of 50 units per gross hectare.

Coverage : at most 50 %.

Height : at most 2 storeys.

Street building line : zero, subject to regulation 3.5.2(a).

Side building line : zero, subject to regulation 3.5.2(b).

Parking : at least 2 parking bays per town house; both may be provided at the town house, or part of the required parking provision at some of the town houses and the remainder in the form of communal parking for the particular town housing scheme, or the entire requirement in the form of communal parking.

3.5.2.1 Additional building line requirements

- (a) Despite the zero street building line a street building line of 2 m may be required for safe traffic circulation or for other reasons such as development in the area, and a vehicular driveway shall have an adequate area in order that a large motor car may park comfortably thereon.
- (b) Despite the zero building line, adequate side building lines may be required for fire-fighting purposes, and a 3 m side building line shall apply where this zone abuts another zone.

3.6 RESIDENTIAL ZONE V

3.6.1 Primary use : flats.

Consent uses : dwelling-house, group house, town house, public housing, professional usage.

3.6.2 Land use restrictions

Floor factor : at most 1,0.

Coverage : at most 40 %.

Setback : at least 6,5 m.

Height : at most 4 storeys.

Street building line : at least 8 m.

Side building line : at least 4 m or half the height of the building, whichever is the greater - subject to regulation 3.6.3(a).

Parking : at least 1,25 parking bays per flat; 25 % or more if so required by the council of the required parking bays shall be provided uncovered on the site and shall be clearly demarcated and properly designated by means of a notice board to the satisfaction of the council for the exclusive use of visitors.

3.6.3 Notwithstanding regulation 3.6.2 -

- (a) the council may approve the erection of an outbuilding which exceeds the side building line subject to -
 - (i) compliance with the street building line;

- (ii) the said building not exceeding a height of 1 storey;
- (iii) no doors or windows being permitted in any wall of such outbuilding which fronts onto the relevant side boundary; and
- (iv) the provision of an access way, other than through a building and at least 1 m wide, from a street to every vacant portion of the relevant land unit other than a courtyard.

(b) the following additional parking requirements shall be applicable with regard to professional usage in this zone : 3 parking bays per professional person, of which at least 2 parking bays per professional person shall be reserved for patients or clients. These parking bays shall be clearly indicated and tarred or paved to the satisfaction of the council, and

the following floor factor, coverage and parking requirements shall be applicable to licensed hotels:

Floor factor : at most 2,0.

Coverage : at most 80 %.

Parking : at least 0,7 parking bays per bedroom plus an additional 20 parking bays which shall be provided uncovered on the site and which shall be clearly demarcated and properly indicated by means of a notice board to the satisfaction of the council, for use by visitors who are non-paying guests.

3.6.A RESIDENTIAL ZONE VI

3.6.A.1 Primary use : guest house.

Consent use : none.

3.6.A.2 Land use restrictions

Guest room : 1 - 8 rooms.

Coverage : at most 75 %.

Height : at most 1 storey in the single storey zone otherwise 2 storeys.

Street building line : at least 4 m, subject to regulation 3.2.3.

Side building line : at least 2 m, subject to regulation 3.2.3.

Parking : at least one parking bay per guest room and one parking bay for owner, manager or host on the land unit.

3.7 BUSINESS ZONE I

3.7.1 Primary use : business premises.

Consent uses : town house, flats, residential building, place of assembly, place of entertainment, place of instruction, institution, bottle-store, supermarket, service trade, companion clubs, sex shops, guest house.

3.7.2 Land use restrictions

Floor factor : at most 3.0.

Coverage : 100 %.

Setback : at least 6,5 m.

Height : at most 3 storeys.

Street building line : zero.

Side building line : zero; provided that the council may lay down side building lines in the interest of public health or in order to enforce any law or right.

Parking : at least 1 parking bay per 25 m² of the total floor space.

3.7.3 Additional provisions

(a) Alternative parking requirements

- (i) As an alternative to the parking requirement in regulation 3.7.2, the owner may, with the consent of the council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking space on the site, acquire the prescribed area of land for the relevant parking facilities concerned elsewhere in a position approved by the council; provided that he shall

register a notarial deed against such land to the effect that the council and the public shall have free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the council; the cost of registration of the servitude shall be borne by the owner.

- (ii) As an alternative to regulation 3.7.3 (a)(i), the owner may, with the consent of the council, pay a cash sum to the council, equal to the estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided in terms of regulation 3.7.2, in which event the council itself shall be responsible for acquiring the necessary land for

such parking purposes when and where the council desires.

- (b) Further parking and site access requirements

- (i) The vehicular access/exit ways shall be restricted to not more than one each per site per street abutting on the site.
- (ii) The vehicular access and exit ways shall be restricted to a maximum total width of 6 m where they cross the street boundary.
- (iii) If the corner at a street intersection is not splayed, vehicular access or exit ways shall not be closer than 10 m to such corner.
- (iv) If the corner at a street intersection is splayed, vehicular access or exit ways shall not be closer than 10 m to such corner or 5 m measured from the point where the splay reaches the road boundary,

whichever is the greater distance from the corner.

- (v) Such parking areas shall be duly constructed to the satisfaction of the council.
- (vi) Such parking areas shall be used exclusively for the parking of vehicles which are lawfully allowed on them and may not be used for trading or any other purposes.
- (vii) The way in which it is intended that vehicles should park in and gain access to or exit from such parking areas shall be indicated on a plan which shall be submitted to the council, which may approve or reject it or lay down any conditions deemed necessary by it.
- (viii) The council may lay down more restrictive requirements than those in regulation 3.7.3(b)(i) to (vii) if deemed necessary from any traffic point of view.

(c) Basements

Subject to the provisions of section 190(17) of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), the building line restrictions need not be complied with in so far as basements are concerned.

(d) Projections

In this zone, projections, excluding advertising signs approved by the council in accordance with the provisions of any other law, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,5 m of the pavement edge; provided that no portion of a projection shall be less than 3 m above the pavement and there shall be no access from the building to the canopy.

3.7.4 Places of assembly

Notwithstanding regulation 4.8, the following land use restrictions shall be applicable with regard to

places of assembly over and above the other applicable land use restrictions which are not in conflict therewith :

Street building line : at least 4,5 m.

Parking : at least 1 parking bay per 8 seats that are provided in the building.

3.7.5 Flats and residential buildings

Notwithstanding regulation 4.8, the following land use restrictions shall be applicable with regard to flats and residential buildings over and above the other applicable land use restrictions which are not in conflict therewith :

Floor factor : at most 1,0.

Coverage : at most 75 %.

Height : at most 2 storeys.

Parking : at least 1,25 parking bays per flat or, with regard to residential buildings, at least 0,7 parking bays per bedroom. With regard to flats, 25 % or more, if so required by the council, of the required number of parking bays and, with regard to residential buildings which are licensed hotels, at least 20 additional parking bays, shall be pro-

vided uncovered on the site and shall be clearly demarcated and properly indicated by means of a notice board to the satisfaction of the council for the exclusive use of visitors.

3.7.6 Guest houses

Notwithstanding regulation 4.8 the following land use restrictions shall be applicable with regard to guest houses over and above the other applicable land use restrictions which are not in conflict therewith :

Guest room : 1 - 8 rooms.

Floor factor : at most 1.0.

Coverage : at most 75 %.

Parking : at least one parking bay per guest room and one parking bay for owner, manager or host on the land unit.

3.8

BUSINESS ZONE II

3.8.1 Primary use : shop.

Consent uses : town house, flats, residential building, place of assembly, offices, supermarket.

3.8.2 Land use restrictions

Floor factor : at most 1,0.

Coverage : 100 %.

Height : at most 1 storey.

Setback : at least 6,5 m.

Street building line : zero.

Side building line : zero; provided that the council may prescribe side building lines in the interest of public health or in order to enforce any law or right.

Parking : at least 1 parking bay per 25 m² of the total floor space.

3.8.3 Additional provisions

See regulation 3.7.3.

3.9 BUSINESS ZONE III

3.9.1 Primary use : service station.

Consent use : public garage.

3.9.2 Land use restrictions

Floor factor : at most 1,5.

Coverage : at most 75 %.

Height : at most 2 storeys.

Setback : at least 6,5 m.

Street building line : zero; provided that a 3,5 m building line applies in respect of the erection of fuel pumps.

Side building line : zero; provided that the council may prescribe side building lines in the interest of public health or in order to enforce any law or right.

Parking : at least 1 parking bay per 50 m² of the total floor space; provided that the parking bays be clearly indicated for visitors.

3.9.3 Notwithstanding regulation 3.9.2 the following floor factor and coverage requirements shall be applicable with regard to public garages :

Floor factor : at most 0,5.

Coverage : at most 30 %.

3.9.4 Additional provisions

(a) The vehicular access and exit ways to and from the premises of a service station or public garage shall, where they cross the

road boundary, not be more than 10 m wide, and a wall at least 100 mm thick and 200 mm high shall be erected on the road boundary between the points of access and exit. The wall shall be continued along such boundary unless the premises are otherwise enclosed. The vehicular access and exit ways to and from motor vehicle fuel pumps shall be restricted to one each for every continuous frontage of 30 m which the premises whereon such pumps are erected have on the boundary of a public street or public road.

(b) In an urban area the vehicular access and exit ways to and from the premises of a service station or public garage, where they cross the road boundary, shall -

(i) be not less than 30 m from the nearest point to where a declared road, proclaimed road or prospective main road intersects any other road of a like status, or the nearest point of an intersection where traffic is controlled,

or is proposed to be controlled, by a traffic signal or traffic island;

(ii) be not less than 1,5 m from the side boundary of the premises; or

(iii) in the case of an intersection other than one referred to in paragraph (i), if the corner at the intersection is not splayed, be not less than 10 m from such corner, or if the corner at the intersection is splayed, be not less than 10 m from such corner or 5 m from the point where the line of splay meets the road boundary, whichever is the greater distance from the corner.

(c) In an area other than an urban area the vehicular access and exit ways to and from the premises of a service station or public garage shall, where they cross the road boundary, be not less than 500 m from the point nearest of -

(i) where a declared road or proclaimed road or prospective main road

intersects any other road of a like status;

- (ii) an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island; or
 - (iii) where any vehicular access and exit ways cross the road boundary to and from motor vehicle fuel pumps on the premises of another service station or public garage on the same side of the road.
- (d) Any part of the premises of a service station or public garage which is used for the storage of disused motor vehicles or parts of motor vehicles, empty containers such as oil drums and packing cases, or any other scrap whatsoever, or for the assembly, repair, painting or dismantling of motor vehicles shall, unless it is enclosed by buildings at least 2 m high, be enclosed with a suitable brick or concrete screen wall at least 2 m high.

3.9.A BUSINESS ZONE IV

3.9.A.1 Primary use : warehouse.

Consent use : place of assembly, place of entertainment, place of instruction, transport usage, supermarket, service trade.

3.9.A.2 Loading and unloading

Floor factor: at most 1,5.

Coverage : at most 75 %.

Setback : at least 8 m.

Street building line : zero.

Side building line : zero, provided that the council may lay down side building lines in the interest of public health or in order to enforce any law or right or if borders on an alternative use.

Parking : at least one parking bay per 200 m² floor space.

3.9.A.3 Loading and unloading

For the purpose of loading and unloading vehicles, the following space or spaces shall be

provided on site to the satisfaction of the council :

Total floor space of building (to the nearest m ²)	Required loading and unloading area
0 - 2 500 m ²	1 bay
2 501 m ² - 5 000 m ²	2 bays
5 001 m ² - 10 000 m ²	3 bays
Every additional 10 000 m ² or portion thereof	1 additional bay

Such loading bays shall have vehicular access to a street (which shall be to the satisfaction of the council and be not less than 5 m wide and, if carried through a building, not less than 3 m in height).

3.9.A.4 Fencing

The council may require any land used in connection with a builder's yard or transport business to be completely or partly fenced to its satisfaction.

3.9.A.5 Aesthetical Requirements

Aesthetic control, subject to regulation 4.11, is applied by means, of preconditions by council during the consideration of development applications.

3.10

INDUSTRIAL ZONE

3.10.1 Primary use : industry.

Consent uses : warehouse, public garage, transport usage, scrap yard, boat stores.

3.10.2 Land use restrictions

Floor factors : at most 1,5.

Coverage : at most 75 %.

Setback : at least 8 m.

Street building line : zero.

Side building line : zero; provided that the council may prescribe side building lines in the interest of public health or in order to enforce any law or right.

Parking : at least 1 parking bay per 200 m² floor space.

3.10.3 Loading and unloading

For the purpose of loading and unloading vehicles, the following space or spaces shall be provided on site to the satisfaction of the council :

Total floor space of building (to the nearest m ²)	Required loading and unloading area
0 m ² - 2 500 m ²	1 bay
2 501 m ² - 5 000 m ²	2 bays
5 001 m ² - 10 000 m ²	3 bays
Every additional 10 000 m ² or portion thereof	1 additional bay

Such loading bays shall have vehicular access to a street (such vehicular access to be to the satisfaction of the council and be not less than 5 m wide and, if carried through a building, not less than 3 m in height).

3.10.4 Fencing

The council may require any land used in connection with a scrap yard, builder's yard

or transport business to be completely or partially fenced by a suitable brick wall or if not visible from a street or public open space, by a vibcrete wall with a minimum height of 2 m.

3.10.5 Public garages

Notwithstanding regulation 4.8 the land use restrictions which are applicable to public garages in business zone III shall be applicable to public garages in this zone.

3.11

INSTITUTIONAL ZONE I

3.11.1 Primary use : place of instruction.

Consent uses : place of assembly and institution.

3.11.2 Land use restrictions

Coverage : at most 50 %.

Street building line : at least 10 m.

Side building line : at least 10 m.

Parking : as required by the council.

3.12 INSTITUTIONAL ZONE II

3.12.1 Primary use : house of worship.
Consent uses : parsonage, place of assembly.

3.12.2 Land use restrictions
Coverage : at most 50 %.
Street building line : at least 10 m.
Side building line : at least 10 m.
Parking : at least 1 parking bay per 8 seats.

3.12.3 Notwithstanding regulation 3.12.2 the following land use restrictions shall apply with regard to a parsonage:

- (a) Coverage : at most 50 %.
- (b) Height : at most 2 storeys.
- (c) Street building line : at least 4 m, subject to regulation 3.2.3.
- (d) Side building line : at least 2 m, subject to regulation 3.2.3.
- (e) Parking : at least 1 parking bay per land unit, on the land unit.

3.13 RESORT ZONE I

3.13.1 Primary use : holiday accommodation.
Consent uses : resort shop, tourist facilities.

3.13.2 Land use restrictions

- (a) The parameters of the existing lawful development shall apply as land use restrictions with regard to land which is deemed to be rezoned as a resort zone I with effect from the date of commencement of this scheme.
- (b) With the rezoning of land to resort zone I conditions shall be stipulated with regard to density, layout, landscaping and building design, etc., and a layout plan shall be approved by and filed with the local authority, clearly indicating the position of all structures, stands and internal roads.

3.14 RESORT ZONE II

3.14.1 Primary use : holiday housing.
Consent uses : motel, licensed hotel, tourist facilities, resort shop, tourist facilities.

3.14.2 Land use restrictions

- (a) The parameters of the existing lawful development shall apply as land use restrictions with regard to land which is deemed to be zoned as a resort zone II with effect from the date of commencement of the scheme.
- (b) With the rezoning of land to the resort zone II conditions shall be stipulated with regard to density, layout, landscaping and building design, etc., and a layout plan shall be approved by and filed with the local authority, clearly indicating the position of all structures, stands and internal roads.

3.15 OPEN SPACE ZONE I

3.15.1 Primary use : public open space.
Consent uses : none.

3.15.2 No structure shall be erected or use practised except that which is compatible with the definition of "public open space" in the Definitions.

3.15.3 The provisions contained in a relevant guide plan that is in force in terms of section 6A of the Physical Planning Act, 1967 (Act 88 of 1967) shall mutatis mutandis apply as additional land use restrictions in respect of this zone.

3.16 OPEN SPACE ZONE II

3.16.1 Primary use : private open space.
Consent uses : none.

3.16.2 No structure shall be erected or use practised except that which is compatible

with the definition of "private open space" in the Definitions.

- 3.16.3 The provisions contained in a relevant guide plan that is in force in terms of section 6A of the Physical Planning Act, 1967 (Act 88 of 1967) shall mutatis mutandis apply as additional land use restrictions in respect of this zone.

3.17 OPEN SPACE ZONE III

- 3.17.1 Primary use : nature and conservation area.
Consent uses : none.
- 3.17.2 No structure shall be erected or use practised except that which is compatible with the definition of "private open space" in the Definitions.
- 3.17.3 The provisions contained in a relevant guide plan that is in force in terms of section 6A of the Physical Planning Act, 1967 (Act 88 of 1967) shall mutatis mutandis apply as

additional land use restrictions in respect of this zone.

3.18 TRANSPORT ZONE I

- 3.18.1 Primary use : public road and public parking.
Consent uses : none.
- 3.18.2 No structure shall be erected or use practised except that which is compatible with the definition of "private open space" in the Definitions.

3.19 AUTHORITY ZONE

- 3.19.1 Primary use : authority usage.
Consent uses : none.
- 3.19.2 The land use restrictions and additional provisions applicable to this zone shall apply as for every site or use or type of building approved by the Administrator or, if authorised thereto by the Administrator, the council.

3.20

SPECIAL ZONE

3.20.1 Primary use : special usage.

Consent use : none.

3.20.2 If special factors justify the creation of a new zone on the zoning map for a site or sites without justifying the creation of a new zone in the scheme regulations, such site shall be zoned as a special zone on the map. Every such portion of land which has been zoned as such and of which the land use restrictions differ from other land which has been zoned as such shall be given a separate number on the zoning map. A special zone may consist of different portions of land, provided the land use restrictions are the same. Each special zone of which the land use restrictions differ from that of other special zones shall be given a separate number (from 1 onwards) and each number with the accompanying land use restrictions shall be described as a separate special zone in an annexure to these scheme regulations.

3.21

UNDETERMINED ZONE

3.21.1 Primary use : none.

Consent uses : none.

3.21.2 Subject to the provisions of section 14(8) of the Ordinance, no building may be erected in this zone and no use referred to in Table A in regulation 2.5 of these regulations may be practised in this zone.

4. GENERAL

4.1 UTILISATION OF ZONED LAND

4.1.1 No person shall damage or destroy zoned land so as to destroy or impair its use for the purpose for which it is zoned, provided that the council may consent to the deposit on such land of waste materials or refuse.

4.1.2 In giving its consent under this paragraph the council may impose such conditions as it deems fit.

4.1.3 Subject to the provisions of any other law, nothing in this regulation contained shall be construed as prohibiting the reasonable fencing of land.

4.2 RESERVATION OF REMAINDER

Where the coming into operation of a provision of the zoning scheme involves the acquisition by the council of a portion of a land unit, the said provision may be

applied by the council to the remainder of the land unit, if-

4.2.1 in the opinion of the council, the remainder will be too small to develop as a separate entity, or

4.2.2 the development of the remainder will be undesirable.

4.3 IMPOSED CONDITIONS

Where permission to erect a building or execute any works or to utilise a building or land for any particular purposes or to perform any other activity has been granted under this zoning scheme and conditions have been imposed, such conditions shall have the same force and effect as if they were part of this scheme.

4.4 COMPLIANCE WITH REGULATIONS

Nothing in these regulations contained shall be deemed to grant exemption from compliance with any of the council's regulations.

4.5 NON-CONFORMING SITES

Before written authority is granted in terms of section 96(1) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), or section 96(1) of the Divisional Council Ordinance, 1976 (Ordinance 18 of 1976) or a licence is issued by the council with regard to a site for which there is no valid licence on the date of coming into operation of these scheme regulations, or when a building is extended or changed, the council may require that all the buildings on the site as well as the site itself be brought into line with the land use restrictions contained in these regulations, with the by-laws of the council and with any other laws which are applicable.

4.6 APPLICATION FOR CONSENT USE

4.6.1 Subject to the provisions of regulation 4.7 the council may, where application is made to it for its consent to the erection or utilisation of a building in a zone in which a building of the type proposed may be erected and utilised only with the council's special consent, grant or refuse its consent,

and shall in granting its consent be entitled to impose such restrictive conditions as it may deem fit governing the erection or use of such building.

4.6.2 In considering such application, regard shall be had to the question whether the proposed building or the use for which the building or the use for which the building is intended or designed is likely to mar the amenity of the neighbourhood, including marring owing to the emission of smoke, fumes, dust, noise or smells.

4.7 ADVERTISEMENT OF INTENDED APPLICATION FOR CONSENT USE

4.7.1 Any person intending to make application to the council for its consent to the erection and utilisation of a building or to the utilisation of land, whether wholly or partially, for any purposes requiring the council's special consent, shall first advertise the application concerned.

4.7.2 The council shall take into consideration any objections received within the period referred to in the advertisement and shall notify the applicant and the persons, if any, from whom objections were received, of its decision.

4.7.3. Any decision of the council given in terms of this regulation shall be by special resolution of the council as defined in the Municipal Ordinance, 1974 (Ordinance 20 of 1974).

4.8 CONDITIONS APPLICABLE TO CONSENT USES

Consent uses, as listed in column 3 of Table A, shall be subject to the following conditions :

4.8.1 Any consent use in a relevant zone which is a primary use in any other zone shall be subject to the same conditions applicable to the primary use in the other zone.

4.8.2 Any consent use in a relevant zone which is a primary use in any other zone shall be subject to the same conditions applicable to the primary use in the other zone.

4.8.3 The council may in both of the above-mentioned cases lay down other conditions with regard to any specific property.

4.9

OCCUPATION PRACTICE AND OTHER RIGHTS

4.9.1 Without prejudice to any powers of the council under any other law, nothing in a zoning scheme contained shall be construed as prohibiting or restricting, or enabling the council to prohibit or restrict-

- (a) the letting, subject to the council's regulations relating to boarding houses and hostels, by any occupier of a dwelling house of any part of such house;
- (b) the occasional utilisation of a place of public worship, place of instruction or institution as a hall for social functions; or
- (c) the utilisation of a portion of a dwelling unit for practising an occupation.

4.9.2 The following conditions shall apply where a portion of a dwelling unit is utilised for practising an occupation :

- (a) Such dwelling-house, flat or residential building or any portion thereof shall not be used as a shop, business premises, an industry or a noxious trade;
- (b) no goods for sale shall be publicly displayed;
- (c) no advertising sign shall be displayed other than an un-illuminated sign or notice, not projecting over a street and not exceeding 2 00 cm² in area, and indicating only the name and profession or occupation of the occupant, and
- (d) no activities shall be carried on which are likely to be a source of disturbance or nuisance to occupants of other dwelling units or portions thereof.

4.9.3 If anybody is of the opinion that any condition referred to in regulation 4.9.2 or the definition of "occupational practise" is contravened, such person may lodge a written complaint with the council requesting action in terms of section 39(1)(b) of the Ordinance.

4.10

COMBINED-USE BUILDINGS

Where more than one primary and/or consent use is approved in the same building, the requirements with regard to floor factor, height and coverage, as prescribed for the primary use of the relevant zone, shall be applicable, and the following conditions shall apply with regard to all other land use restrictions :

4.10.1 Where a use which is permitted in a combined-use building is a primary use in another zone, the relevant use shall be subject to the same conditions, except those with regard to floor factor, height and coverage, applicable to the primary use in the other zone.

4.10.2 Where a use which is permitted in a combined-use building is not a primary use in any other zone, the relevant use shall be totally subject to the conditions applicable to the primary use in the relevant zone.

4.11 EXTERNAL APPEARANCE OF BUILDINGS

Any person intending to erect any building shall furnish the council for its consideration, if it so requires (in addition to any plans and particulars required to be submitted under any of the council's regulations), with drawings or some other sufficient indication of the external appearance of the proposed building, including a description of the building materials to be used for that purpose. The drawings shall be upon suitable and durable material to a scale of 1:100, except that where the building is so extensive as to render a smaller scale necessary, the drawings may require such alteration to the external appearance and building materials as it may deem necessary.

4.12 LOADING AND OFF-LOADING FACILITIES

4.12.1 The council may, for the purpose of preventing the obstruction of traffic on any street or proposed street on which a proposed building will front or abut, require the owner to submit for its approval proposals for ensuring, to the council's satisfaction, suitable and sufficient space on the site for any loading, unloading or fuelling of vehicles which the utilisation of the building is likely to entail normally.

4.12.2. No owner or occupant of the building in respect of which proposals under this regulation have been required shall undertake or knowingly permit the continued loading or unloading or fuelling of vehicles otherwise than in accordance with approved proposals.

4.13 UTILISATION OF OUTBUILDINGS

No outbuilding may be used for any purpose other than that for which the plans have been approved by

the council, and no such outbuilding may be utilised until the main buildings are completed or occupied, unless otherwise resolved by the council.

4.14 CARPORTS

Subject to the council's approval, a carport which will exceed a street or side building line may be erected subject to the following conditions :

- 4.14.1 The width of the carport, measured parallel to the street boundary, shall not be more than 6 m.
- 4.14.2 The carport shall be supported by metal, wooden, brick or cement poles or pillars. These poles or pillars may have a maximum measurement of 350 mm horizontal gauge (or 350 mm diameter in the case of piping) and at most four poles or pillars may be provided on one side of the carport.
- 4.14.3 No walls, except boundary walls, shall be constructed so as to enclose the carport.

- 4.14.4 The height of the carport, measured from the floor to the top of the roof, shall not exceed 3 m.
- 4.14.5 The sides of the roof shall be neatly finished with a fascia not exceeding a depth of 250 mm.
- 4.14.6 The facade of the carport shall not be closer than 300 mm to the street boundary.
- 4.14.7 No gates which open onto the pavement shall be permitted.
- 4.14.8 Standard provision shall be made for the collection and run-off of rainwater from the carport.
- 4.14.9 Written confirmation from the adjoining owner (s), if a side building line will be exceeded, and the owner (s) of both adjoining land units, if a street building line will be exceeded, to the effect that they have

no objection against the proposed carport,
shall be obtained.

4.15 COUNCIL'S DUTIES

The council shall allow any person at any reasonable time to examine any scheme regulations, zoning map or register, as contemplated in sections 9, 10 and 12 respectively of the Ordinance and which is kept in the office of the council; provided that any information in connection with the zoning scheme which is given to any person shall only be valid if it is in writing and signed by the official duly authorised thereto by the council.

4.16 SERVICE OF DOCUMENTS

The provisions of section 211 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), and section 213 of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976) shall mutatis mutandis apply to this zoning scheme.

4.17

TOWNSHIPS AND MINOR SUBDIVISIONS IN
TERMS OF THE TOWNSHIPS ORDINANCE, 1934

Notwithstanding anything to the contrary in these regulations contained, conditions of ownership imposed by the Administrator upon the approval of townships and minor subdivisions in terms of the Townships Ordinance, 1934 (Ordinance 33 of 1934) shall be applicable in so far as such conditions are more restrictive than the provisions of the zoning scheme.

4.18

AESTHETICS AND LANDSCAPING

Where paving, landscaping, other treatment or any aesthetic requirement is deemed necessary by the council, or the Administrator if the matter is considered by him, in order to prepare land for development, it may be required by the council or the Administrator, as the case may be, and such requirement shall be carried out to the satisfaction of the council or the Administrator, as the case may be, at the cost of the owner.

**5. APPROVAL OF DEPARTURES AND SUBDIVISIONS
BY COUNCIL**

5.1 DEPARTURES

5.1.1 A council, may, in terms of section 15(1)(b) of the Ordinance grant or refuse an application for a departure, or in terms of section 15(5) determine an extended period, after which such departure authorises the utilisation of land on a temporary basis as contemplated by section 15(1)(a)(ii), at most five years, with the exception of a departure for which a permit is required in terms of section 6B of Act 88 of 1967, in which case the concession may be granted for such number of years as is related to the expected life time of the mine concerned.

5.2 SUBDIVISIONS

5.2.1 A council may grant or refuse an application for the subdivision of land in terms of section 25(1) of the Ordinance within, and subject to

the conditions applicable to, a subdivisional area, as well as an application for the subdivision of land involving no change in zoning.

5.2.2 Whenever a council has granted a subdivision in terms of section 25(1) of the Ordinance, it may act in terms of section 30 of the Ordinance.

5.2.3 In the process of the creation of new streets in any subdivision in terms of these regulations, the general principles in regard to lay-out, street intersections and gradients, as set out in regulations 3, 4.4, 4.5, 10.7.1 and 11 of Part B of the document "Guidelines for the Provision of Engineering Services in Residential Townships", published by the former Department of Community Development and as amended from time to time, shall be complied with. The following additional requirements shall also be met :

- (a) Any street intersection shall be so located with due regard to topography, that there is sight distance in all directions of at least 40 m from such intersection.
- (b) The transverse gradient of any street shall not be steeper than 1 in 6 (that is the gradient of the land before construction).
- (c) The longitudinal gradient of any portion of a street shall not be steeper than 1 in 8 (that is the gradient of the land before construction).
- (d) The weaving distance (distance between intersections in different directions), that is between the nearest corners of the streets concerned, shall be at least 40 m.
- (e) The angle of intersection of streets shall be at least 70 °.

5.2.4 The granting of an application for subdivision in terms of section 25(1) of the Ordinance with a view to permitting two or more attached dwelling units to be held under separate title shall be subject to the following conditions which shall be complied with before the issuing of a written authority by the council as contemplated by section 31(1) of the Ordinance :

- (a) Where restoration or improvement is considered necessary by the council, the buildings shall be fully restored or improved to its satisfaction, and
- (b) where considered necessary by the council, one parking bay shall be provided and constructed to the satisfaction of the council on each of the land units.

5.2.5 Subsequent to the granting of a subdivision in terms of section 25(1) of the Ordinance with a view to permitting two or more

attached dwelling units to be held under separate title, the person who at any time is the owner of any land unit directly involved in the subdivision shall -

- (a) maintain such part of any retaining wall, roof, pipe, gutter, wiring or other structure or thing as is common to such land unit and any other land unit;
- (b) maintain every part of such wall, roof, pipe, gutter, wiring or other structure or thing which is on or traverses such land unit;
- (c) permit access to such land unit for the purposes of maintaining, cleaning, renovating, repairing, renewing, altering of and adding to any wall, roof, pipe, gutter, wiring or other structure or thing, and shall not do anything which will prevent or hinder any such access or work from being done; and

- (d) not make alterations or additions to or demolish any part of the buildings erected on such land unit, including boundary walls and fences, or change the exterior colour scheme or materials of such buildings without the written consent of the council, or permit the exterior of the buildings to deteriorate and become untidy or dirty.

5.2.6 Subsequent to the granting of a subdivision in terms of section 25(1) of the Ordinance, the person who at any time is the owner of any land unit directly involved in the subdivision shall be required, with compensation -

- (a) to allow gas mains, electricity, telephone and television cables and/or wires, main and/or other water pipes and foul sewers and storm water pipes, ditches or channels of any other land unit or

units to be conveyed across the land unit concerned, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon, if deemed necessary by the council and in such manner and position as may from time to time be reasonably required; this shall include the right of access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above, and

- (b) to receive such material or permit such excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he elects to

build retaining walls to the satisfaction of and within a period to be determined by the council.

5.2.7 In terms of section 31(2) of the Ordinance, a council may permit a building or structure to be erected on a land unit forming part of a subdivision which has not been confirmed.

5.3

REMOVAL OF RESTRICTIONS

Notwithstanding regulations 5.1 and 5.2 all conditions restricting subdivision, the number of buildings that may be erected or the utilisation of the land, or any other restrictive conditions which may have a bearing on the subdivision or departure applied for and registered against the land unit shall, where applicable, first be removed prior to an application being granted.

6. PROCEDURE FOR THE SUBDIVISION TO AN APPEAL COMMITTEE

6.1 Any person (hereinafter referred to as the applicant) who wishes an appeal committee to consider and settle a question as contemplated by section 43(2)(a) and (b) of the Ordinance shall advise in writing any other person with whom he has a dispute (hereinafter referred to as the defendant) of his intention.

6.2 The applicant shall at the time of advising the defendant of his intention, referred to in regulation 6.1 above, notify him of the question concerned as well as his views, comments and arguments as to how such question should be considered and settled, and afford the defendant an opportunity of stating his views, comments and arguments as to how the question should be considered and settled.

6.3 The applicant shall, after regulation 6.2 has been complied with, call upon the respondent in writing to arrange to meet with him so as to reach an agreement

in writing the points of dispute as well as the points of agreement with regard to any aspect of the question concerned.

6.4 Both the applicant and the defendant shall then have an opportunity of putting in writing their comments and arguments regarding the points of dispute contemplated by regulation 6.3

6.5 The written comments and arguments as contemplated by regulation 6.4 shall be exchanged by the two parties, who shall then have an opportunity to respond thereto in writing.

6.6 All the documents prepared in compliance with regulations 6.2, 6.3, 6.4 and 6.5 shall be submitted to the director by the applicant for submission to an appeal committee.

6.7 The applicant shall, whenever he requires the respondent to furnish or exchange written comments or arguments, or to meet with him, as contemplated by regulation 6.3 above, prescribe a period that such

periods shall not be less than 30 days and that the applicant may extend the periods at the request of the defendant. Should the defendant fail to comply with any of the above regulations or the periods prescribed by the applicant, the applicant may, notwithstanding such non-compliance, submit the question to the director for submission to an appeal committee, which may consider and settle the question without the comments or arguments of the defendant, unless the committee is of the opinion that the periods prescribed by the applicant were unreasonable.

6.8 PROCEDURE WHERE THERE IS A RIGHT OF APPEAL IN TERMS OF SECTION 44 OF THE ORDINANCE

6.8.1 Where a council notifies the applicant of its approval in terms of section 15(2)(d), 17(2)(d) or 24(2)(d), the town clerk shall, in the event of objections having been lodged against the application, invite the attention of the applicant to the right of appeal of the objectors in terms of section 44(1)(a) of the Ordinance, and if no such appeal is

received 6.8.2, he shall advise the applicant accordingly.

6.8.2 If there is a right of appeal in terms of section 44 of the Ordinance, the appellant shall exercise his right within two weeks of the date on which he is notified of the decision of the council and at the same time serve a copy of his appeal on the council.

6.8.3 An appeal in terms of section 44 shall be in writing and directed to the director and shall be accompanied by all relevant documents which were submitted to the town clerk together with a confirmation that a copy of the appeal has been served on the council.

6.8.4 The town clerk shall submit his councils' comments and recommendations, if any, to the director within one month of the date on which the copy of the appeal referred to in regulation 6.8.2 reaches his office.

6.8.5 If no comments of recommendations in terms of regulation 6.8.4 are received within the prescribed period, the director shall act as if the council has no comments or recommendations.

6.9.3 The decision of an appeal committee in regard to its expenses and remuneration and the apportionment and recovery thereof as prescribed by regulations 6.9.1 and 6.9.2 shall be final and binding for the parties referred to in regulation 6.9.2.

6.9

EXPENSES OF AN APPEAL COMMITTEE

6.9.1 An appeal committee established by the Administrator in terms of section 43(1) of the Ordinance shall determine the expenses in connection with its activities in terms of section 43(2) and its remuneration as such activities have in its opinion been finalised as a whole or in part; provided that any remuneration shall be in accordance with the accepted tariffs applicable to the professions of the members concerned.

6.9.2 An appeal committee shall apportion to and recover from the appellant, the local authority and any other party which may be involved, its expenses and remuneration as determined by it in terms of regulation 6.9.1.

7. REGISTER

DATE	REFERENCE	ERF NUMBER	DESCRIPTION

ANNEXURE A : SPECIAL ZONES

1. SPECIAL ZONE 1

1.1 Primary use : dwelling house.

Consent uses : none.

1.2 Land use restrictions

Coverage : at most 50 %.

Height : at most 6 m measured from the highest point on the back building line, but not exceeding 8 m above the line from the natural ground level of the highest boundary peg on the back boundary to the natural ground level of the lowest boundary peg on the street boundary.

Street building line : at least 4, subject to regulation 1.3.

Side building line : at least 2 m, subject to regulation 1.3.

Parking : at least 1 garage or carport and 1 additional parking bay on the land unit.

1.3 Notwithstanding regulation 1.2 -

(a) an eaves projection may exceed the prescribed street or side building line by at most 1 m; and

(b) the Council may approve the erection of an outbuilding which exceeds the side building line, subject to -

(i) compliance with the street building line;

(ii) the building concerned having a flat roof which complies with the aesthetic requirements;

(iii) the height of the ceiling of the building concerned not exceeding 2,6 m and the total height of the structure, including a boundary wall, not exceeding 3,0 m above the natural ground level of the street building line at that point;

(iv) no doors or windows being permitted in any wall of such outbuilding which fronts onto the side boundary concerned;

(v) this departure from the side boundary only being allowed on one side boundary; and

(vi) the written permission of the adjoining owners being obtained.

1.4 Prior to the approval of the building plan, the owner shall submit a certificate from a land surveyor stating the level of each boundary peg. Upon completion of the building,

the land surveyor shall submit a certificate stating that the building conforms to the height restrictions:

1.5 Notwithstanding regulations 1.1, 1.2, 1.3 and 1.4 the building shall comply with the stipulations of the architectural manual.

2. SPECIAL ZONE 2

2.1 Primary use : dwelling house.

Consent uses : none.

2.2 Land use restrictions

Coverage : at most 50 %.

Height : at most 8 m measured from the highest point on the back building line but not exceeding 10 m above the line from the natural ground level of the highest boundary peg on the back boundary to the natural ground level of the lowest survey peg on the street boundary.

Street building line : at least 4 m, subject to regulation 2.3.

Side building line : at least 2 m, subject to regulation 2.3.

Parking : at least 1 garage or carport and 1 additional parking bay on the land unit.

2.3 Notwithstanding regulation 2.2 -

(a) an eaves projection may exceed the prescribed street or side building line by at most 1m; and

(b) the council may approve the erection of an outbuilding which exceeds the side building line, subject to -

(i) compliance with the street building line;

(ii) the building concerned having a flat roof which complies with the aesthetic requirements;

(iii) the height of the ceiling of the building concerned not exceeding 2,6 m and the total height of the structure, including a boundary wall, not exceeding 4,5 m above the natural ground level of the street building line at that point;

(iv) no doors or windows being permitted in any wall of such outbuilding which fronts onto the side boundary concerned;

(v) this departure from the side boundary only being allowed on one side boundary; and

(vi) the written permission of the adjoining owners being obtained.

2.4 Prior to the approval of the building plan, the owner shall submit a certificate from a land surveyor stating the level of each boundary peg. Upon completion of the building the land surveyor shall submit a certificate stating that the building conforms to the height restrictions .

2.5 Notwithstanding regulations 2.1, 2.2, 2.3 and 2.4, the buildings shall comply with the stipulations of the architectural manual.