

THE MUNICIPALITY OF ST HELENA BAYTOWN PLANNING SCHEME REGULATIONS

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not exceeding 1 858 cm² in area, indicating only the name and profession or occupation of the resident;

- 7.4.4 no activities shall be carried on which are or are likely to be a source of nuisance, disturbance or annoyance to residents of other dwelling-houses, flats or residential buildings or portions thereof.

8. CONTROL OF BUILDINGS

The following restrictions shall apply in the relative zones :

8.1 Agricultural zone

No building or any portion thereof except boundary walls or fences may be erected in this zone nearer than 30 m from any boundary of the site.

8.2 Single residential zone

8.2.1 Dwelling-houses

8.2.1.1 Building lines

No building or any portion thereof except boundary walls and fences shall be erected on a site nearer than :

8.2.1.1.1 4,5 m to any street boundary;

8.2.1.1.2 3 m to the lateral boundaries and the rear boundary.

8.2.1.2 Relaxations of building lines

Notwithstanding these building line restrictions, but subject to the consent of the Council, outbuildings which are to be used exclusively for the parking of motor vehicles, may be erected within the lateral and rear spaces for a distance of 10,7 metres from the rear boundary of the site;

With the proviso that the Council within its discretion and with the approval of the Administrator, may deviate from these requirements where the slope of the site or the position of the buildings on adjoining sites or the shape of the erf or any other special circumstances inhibit the proper development of the site, subject further to the condition that no doors or windows may be inserted in a wall which is closer than 1,5 metres from the boundary.

8.2.1.3 Coverage and height of dwellings

The maximum coverage permitted for single dwellings shall be 30 percent of the site and the height may not exceed two floors; with the further proviso that a dwelling in a general residential zone may not exceed the floor factor for a general residential building on the erf concerned.

THE MUNICIPALITY OF ST HELENA BAY
TOWN PLANNING SCHEME REGULATIONS

1. DEFINITIONS

In this scheme, except where otherwise specifically stated or where inconsistent with the context :

"agricultural building" means a building used or intended to be used in connection with, and which would ordinarily be incidental to, or reasonably necessary in connection with the use of the site of that building as agricultural land and includes a dwelling-house;

"agricultural land" means only land which is used or capable of being used for agriculture, stock breeding or forestry and shall not include the following :

- (a) land which serves as a park
- (b) land which is used for or reserved to be used for sport, recreation or a race course;

"area" means a portion of the municipal area shown in a distinctive manner on the map for the purpose of indicating the restrictions imposed by this scheme on the erection and use of buildings and the use of land;

"basement" means that portion of a building the finished floor level of which is at least 2 m below a level halfway between the highest and lowest natural ground levels immediately contiguous to the building;

"block of flats" means a building containing two or more dwelling units;

"building" means, in addition to the meaning assigned thereto in paragraph (i) of section 2 of the Municipal Ordinance of 1974 any structure or erection whatsoever irrespective of its nature or size;

"business premises" means a building for :

- (a) a retail business
- (b) a laundry and a dry cleaner or other similar trade which will not cause any disturbance and
- (c) the rendering of personal services including a cafe, a barber shop, a restaurant, a photographic studio and tailoring;

"construction" in relation to a building, includes :

- (a) the alteration, subdivision or remodelling of, or addition to a building and

- (b) the reconstruction or repair of a building which has been totally or partially destroyed or demolished and "construct" shall have a corresponding meaning;

"council" means the municipal council of St Helena Bay;

"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 a maximum eaves projection of 75 centimetres shall be excluded for the purposes of determining the maximum possible coverage;

"drive-in restaurant" means any land or buildings used for a restaurant or cafe from which food and refreshment are served to patrons who remain seated in motor-cars parked in the vicinity of such restaurant or cafe;

"duplex" means two or more groups of rooms, each of which constitutes a double storey dwelling unit contained in a building in such a manner that each dwelling unit contains its own entrance;

"dwelling-house" means a building containing only one dwelling unit consisting of a minimum of three habitable rooms in addition to a kitchen and a bathroom with toilet facilities or a separate indoor toilet;

"dwelling unit" means a self-contained interleading group of rooms used only for the living accommodation and housing of a single family together with such out-buildings as are ordinarily used therewith;

"factory" means a building or a site, other than a noxious industrial building or a light industrial building used or intended to be used as a factory within the meaning of the Factories Act, No. 22 of 1941 and includes any office, care-taker's quarters or other building the use of which is incidental to and such as would ordinarily be incidental to or reasonably necessary in connection with the use of such factory on the same site;

"flat" means a group of rooms which forms a complete dwelling unit and which is not a dwelling house and is contained in a building or in one of a block of buildings with a common entrance;

"floor area" means the total area of all the floors of all the buildings on a site which is covered by a roof or truss, measured from the outside of the walls of such buildings with the proviso that in the determination of the floor factor of a building any floor area, including the area of the basement which is used solely for the parking of motor vehicles by the occupiers of the building may be excluded from the calculation. The area covered by a roof protruding over the outside wall may also be excluded for a maximum overhang of 75 centimetres;

"floor factor" means, for the application of these regulations, the same as floor space ratio or bulk and this factor is obtained by dividing the total floor space of a building by the nett area of the site;

"ground floor" means the lowest floor of a building not being a basement;

"group housing" means a group of linked or attached single dwellings on smaller than conventional erven, and planned, designed and built as a harmonious architectural entity with a single-dwelling character;

"group erf" means a portion of land in a group site approved for the erection of a single dwelling as part of a group housing scheme.

"group site" means a portion of land in a group housing zone which can be subdivided into a number of group erven with or without public or private street and/or open space;

"institutional building" means a building or portion of a building used or intended to be used as a charitable institution and/or the administration thereof, and includes a hospital, clinic or dispensary, whether private or public, used in connection therewith, but does not include :

- (a) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;
- (b) premises licensed under Act No. 38 of 1916 for the detention of mentally disordered persons, or
- (c) a mental hospital;

"land" includes land covered with water and any right in or over land. Any reference to land is limited to land in the Municipality of St. Helena Bay;

"lateral boundary" of a site or an erf means a boundary other than a street boundary or a rear boundary;

"licensed hotel" means a building designed to comply with the requirements of a hotel as laid down in the Liquor Act No. 30 of 1928, as amended, and includes premises for off-sales of liquor;

"light industrial building" means an industrial building in which the only power-driven machinery is driven by electricity, no single motor being rated at more than 4 kw with a total maximum of 23 kw for all motors per site;

"map" means the map or plan indicating the town planning provisions in force at the time;

"maximum bulk" means the factor prescribed in these regulations for a specified zone multiplied by the nett area of the site, or by the nett area of that portion

of the size, which falls within the zone to which such factor applies; provided that where a site falls within two or more zones to which different factors apply the maximum bulk for the whole site shall be the total of the maximum bulk for each portion of such site as falls within the zone concerned;

"minor business" means sites which are designated for business premises and/or flats or other non-residential local needs in an area zoned for single residential or for general residential use;

"motor vehicle" means any 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;

"non-conforming use" means a building or a construction which does not conform to the provisions of this scheme and which was in its present use before these regulations came into force;

"noxious industry" means a building or site which is used or designed to be used for the purpose of carrying on an offensive trade such as set out in Government Notice No. 1606 of 1934, with any additions made thereto in terms of Public Health Act No. 36 of 1919 and any amendments thereto;

"occupier" in relation to any building, structure or land means and includes any person in actual occupation of, or legally entitled to occupy such building, structure or land, or any person having the charge or management thereof and includes the agent of any person absent from the area or whose whereabouts is unknown;

"office building or commercial building" means a building designed to contain offices and includes a bank, stock or produce exchange or buildings designed for a similar use but does not include a place of assembly or recreation, an institution, public garage, industrial building or noxious industry building;

"ordinance" means the Townships Ordinance, 1934 (33 of 1934) as amended from time to time;

"outbuilding" means a subsidiary and single storeyed structure used or intended to be used for the housing of servants, the garaging of motor vehicles and for storage purposes, ordinarily and reasonably required in conjunction with the main structure;

"owner" in relation to any building, structure or land means and includes:

- (a) the person in whose name the title to such building, structure or land is registered and includes the holder of the stand licence; or
- (b) if such person or holder is dead, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom

the administration of that person's or holder's estate is vested whether as executor, guardian or in any other capacity whatever;

- (c) if the premises are under lease the registration whereof is in law necessary for the validity of such lease, the lessee.

When an owner as herein defined is absent from the area or his whereabouts is unknown the expression "owner" includes an agent of such owner or any person receiving or entitled to receive, rent in respect of the premises;

"parking garage" means a building designed for the parking of motor vehicles but does not include a building of which a portion is designed or used as a workshop for the repair or servicing of motor vehicles;

"parking site" means an open air site which is not a public street and is used for the parking of motor vehicles under the direction of the council and which is accessible to the public for the purpose;

"pedestrian mall" means a public space between buildings free from all construction excepting decorative fountains, sculpture or other aesthetic structures within which only pedestrians are permitted;

"place for recreation" means a public hall, theatre, cinema, concert hall, dance hall or hall for amusement;

"place of assembly" means :

- (a) a sports ground or amusement park, sports arena or similar undertakings open to the public on payment of an entrance charge;
- (b) a billiard saloon or skating rink;
- (c) a non-residential club, or
- (d) any other place of public assembly (including a funeral parlour) whether used for purpose of gain or not, which does not fall within the scope of the definitions of place of public worship, place of instruction, or institutional building;

"place of public worship" means a church, synagogue, chapel or other place of public devotion, and includes any building incidental thereto but excludes funeral parlours, including any chapel forming part thereof;

"private open space" means any land reserved in this scheme for use as a private ground for sports, play, rest and recreation or as an ornamental garden or pleasure ground;

"public garage" means a building or portion of a building used or designed to be used for all the purposes incidental to the assembly, repair, maintenance or storing of motor vehicles with the inclusion of panel beating, forging, spray painting or body building;

"public place or public open space" means any land used or reserved in this scheme for use by the public as an open space, park, garden, playground, recreation ground, or square;

"putting course" means any land or buildings used for an outdoor miniature golf course;

"rear boundary of a site or erf" means every boundary thereof which does not intersect a street boundary;

"regulations" means the specifications contained in the form of clauses in this town planning scheme;

"resident" in relation to any building, structure or land means and includes any person habitually physically residing in or upon such building, structure or land;

"residential building" means a building (other than a dwelling-house, block of flats or licensed hotel) for human habitation, together with such outbuildings as are ordinarily used therewith and includes tenements, residential clubs and hostels, but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" and "institutional building";

"row houses" means a building containing two or more groups of rooms of which each forms a complete dwelling unit with a separate entrance;

"service station" means a building or portion of a building or site which is designed or being used for any or all of the following purposes: viz provision of fuel, oil, tyres or other automobile requirements and the repair and trimming of vehicles but does not include panel beating, smithing, spray painting or body building;

"site" means the area of the erf less any land required for road purposes;

"specific business" means a shop or an office or building for recreation which has been zoned for a specific use;

"street" shall have the meaning assigned thereto by paragraph (1xxvi) of the Municipal Ordinance 1974;

"street boundary" means the boundary of an erf or site which forms the boundary of a street, provided that where a portion of an erf or site is reserved in terms of the town planning scheme or any other law for use as a new street or a street widening, the street boundary is the boundary of such proposed new street or proposed street widening;

"tenement" means a building containing rooms each separately occupied as a dwelling;

"warehouse or storehouse" means a building for the storage of goods and the transaction of wholesale business related to such goods. Storehouse means also a storage room or warehouse and includes a wholesale business and a depot associated with it and further also any building for the assembly of merchandise which is not included in the definition of a shop;

"workshop" means a building for the assembly of goods or the repair of shoes or other personal or domestic articles, or conducting the business of a laundry or dry cleaner or other light service industry which does not cause disturbance as further described in regulation 8.5.9.3 with the exclusion of a public garage or service station or any industry described in the Factories Act No. 22 of 1941;

"zone" means a portion of an area shown on the map in a distinctive manner for the purpose of indicating the restrictions imposed by the scheme in relation to height, coverage, bulk or any other specific specification.

2. AREA OF SCHEME

The area to which this scheme applies shall be the Municipality of St. Helena Bay and such further land as may be added thereto from time to time.

3. RESERVATION OF LAND

The land specified in column (1) of Table "A" is reserved for use for the respective purposes indicated in column (2) and, except as hereinafter provided, shall not be used for any other purpose whatsoever.

TABLE "A" (1)	RESERVATION OF LAND (2)
Indication on map of land reserved	Uses for which land is reserved
(a) Dark red	Proposed new streets and street widening
(b) Hatched dark red	Street closures. Use of land is determined after closure
(c) Dark green	Public place or public open space
(d) Yellow-green	Private open space
(e) Yellow-green with black hatching and <u>Begraafplaats</u> superimposed	Cemetery purposes
(f) Red brown with "Mun" or "Afd" superimposed as the case may be	Local authority purposes

Table "A" continued

(g) Red	Government purposes
(h) Light blue with "onderwys" superimposed	Educational purposes
(i) Blue purple with SAS/SAR	Railway purposes
(j) Light brown with O P	Public parking purposes
(k) Light brown with P P	Private parking purposes
(l) Light brown	Existing streets
(m) Black crosshatching	Pedestrian mall

4. USE OF RESERVED LAND

4.1 Save with the consent of the Council and the Administrator no person shall erect a building, or execute works, or make excavations on land reserved under clause 3 hereof other than buildings, works, or excavations required for or incidental to the purpose for which the land is reserved, provided that nothing herein contained shall be deemed to absolve any person from due compliance with the provisions of the Council's Regulations in so far as they are not in conflict herewith.

4.2 Save as provided in subclause 4.1 no person shall spoil or waste land reserved under clause 3 hereof so as to destroy or impair its use for the purpose for which it is reserved, provided that the Council may consent to the deposit on such land of waste materials or refuse.

4.3 In giving its consent under this clause the Council may impose such conditions as it thinks fit.

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

4.5 Any buildings erected on land reserved under Table "A" shall comply in all respects with the provisions of the scheme relating to that type of building.

5. ERECTION AND USE OF BUILDINGS

5.1 The purposes for which buildings may be erected and used or may be erected or used only with the special consent of the Council in each of the use zones set out in Table "B" are shown respectively in columns (3) and (4) of the table. Uses not appearing in columns (3) and (4) may not be allowed in the zone concerned.

TABLE "B"

PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED

	Indication on map		Purposes for which buildings may be erected and used	Purposes for which buildings may be erected and used only with the special consent of the Council
	Black and white	Colour		
5.1.1 Agriculture	"Landbou"	Edged in green-brown	Agricultural buildings subject to only one dwelling per site	Putting courses, residence for white foreman
5.1.2 Single residential	Widely spaced vertical hatch	Yellow	Dwelling house	Educational building, place of public worship
5.1.3 General residential	Narrow spaced vertical hatch with "F" "Row" or "Group" as the case may be	Orange	Blocks of flats or other residential buildings, dwelling houses, tenements	Institutional buildings, place of public worship
5.1.4 General business	Oblique hatching	Blue	Shops, offices, flats above the ground floor, dwelling houses, tenements	Institutional buildings, hotels, warehouses, recreation, places of public assembly
5.1.5 Special business	Horizontal hatching	Blue	Shops, warehousing, work-shops	Institutional buildings, recreation, service stations
5.1.6 Specific business	Horizontal hatching with specification	Blue	A single specified business	Any other specified business
5.1.7 Minor business	Oblique hatching with "K S"	Blue	Shops, offices, flats or other non-residential buildings as specified in the conditions of establishment	
5.1.8 Light industry	Horizontal cross hatching	Red-purple	Light industry buildings, warehousing, workshops, cafe's	Factories, public garages, drive-in restaurants
5.1.9 Factory	Horizontal cross hatching with "F"	Blue purple	Factories, public garages, cafe's	Putting courses, drive-in restaurants

5.1.10 Noxious industry	Oblique hatching with "Hinder"	Blue purple	Noxious industry	Any other industry
5.1.11 Education	Oblique cross hatching with "Onderwys"	Light blue	Educational buildings	Institutional buildings
5.1.12 Institution	Oblique cross hatching with "Inst"	Blue	Institutional buildings	Educational buildings, place of public worship and institutions which have been precluded from the definition
5.1.13 Public worship	Oblique cross hatching with "Godsdiens"	Blue	Churches and buildings associated therewith	Educational buildings, Institutional buildings
5.1.14 Local authority	Thick broken lines with "Mun" or "Afd" as applicable	Red-brown	Municipal or Divisional Council purposes, dwelling houses, places of public worship, place of assembly and recreation	
5.1.15 Undetermined	Coarse stippling	-	Existing uses only	
5.1.16 Fishing industry	Parallel oblique lines	Light purple with broad dark purple bands	Buildings for processing of fish	Any other building which relates to the fishing industry

No land shall be used for a purpose for which a building may not be used or erected on such land, provided that where a building may be erected and used for a particular purpose on land with the special consent of the Council, such land may be used for such purpose with such special consent.

5.2 Application for special permission

Subject to the provisions of clause 6 hereof where any application is made to the Council, for its consent to the erection and use of a building in a zone in which a building of the type proposed may be erected and used only with the Council's special consent, the Council may give or withhold its consent and shall in giving its consent be entitled to impose such conditions as it may deem fit governing the erection or use of such building.

5.3 Imposed conditions

Where permission to erect any building or execute any works or to use any building or land for any particular purpose or to do any other act or thing, is granted under this scheme and conditions have been imposed, such conditions shall have the same force and effect as if they were part of this scheme.

5.4 Compliance with regulations

Nothing herein contained shall be deemed to exempt or excuse compliance with any of the Council's Regulations.

5.5 Minor business area

In respect of land which has been zoned single residential but which has not yet been converted to township title the Council may, subject to the approval of the Administration, allow the provision of sites for business and/or flats or other local needs, hereinafter called a minor business area, when application is made for the establishment of a township on such land.

5.6 Scheme to apply only to land held under township title

The provisions of this scheme in regard to land use zoning shall only apply to land held under township title, except in the case of agricultural use. In order to benefit from the land use zoning contained in this scheme the land to which it applies must be proclaimed as a township.

6. ADVERTISEMENT OF INTENDED APPLICATION FOR SPECIAL CONSENT

6.1 Any person intending to make application to the Council for its consent to the erection and use of a building or to the use of land in clauses 5.1.2, 5.1.3 and 5.1.4 in Table "B" whether wholly or partially for any purpose requiring the Council's special consent, shall before making such application, publish at his own expense once a week for two consecutive weeks, in English and Afrikaans news=

papers circulating in each case in the area, a notice of his intention to make such application, and shall post and maintain conspicuously for fourteen (14) days such notice on some part of the building or land, and shall with such application, lodge with the Council proof of such publication and posting. The notice shall state that any person having any objections to the erection and use of the proposed building or to the proposed use of the land may lodge such objection with the Council and also with the applicant in writing within fourteen (14) days after the date of the last advertisement, and shall further state where the plans, if any, may be inspected.

6.2 The Council shall take into consideration any objections received within the said period of fourteen (14) days and shall notify the applicant and the persons, if any, from whom objections were received of its decision.

6.3 Any decision of the Council given in terms of this section shall be by special resolution of the Council as defined in the Municipal Ordinance of 1974.

7. SAVING FOR SPECIAL PURPOSES

Without prejudice to any powers of the Council derived from any other law, nothing in this scheme shall be construed as prohibiting or restricting the following or enabling the Council to prohibit or restrict the following :

7.1 The letting, subject to the Council's Regulations relating to lodging and boarding-houses, by any occupier of a dwelling-house, of any part of the house otherwise than as a tenement.

7.2 The occasional use of a place of public worship, place of instruction or institution as a place of amusement or social hall.

7.3 The use by any resident of a dwelling-house, flat or residential building or of any portion thereof as medical doctor's or a dentist's surgery, consulting and waiting rooms, as well as a veterinary's consulting room for the purpose of treating only domestic animals (household pets), provided the resident himself is the user.

7.4 The use of part of a dwelling-house, flat or residential building by a resident therein for the conduct by himself of a profession or occupation, provided that :

7.4.1 such dwelling-house, flat or residential building or any portion thereof shall not be used as a shop, business premises, industrial building or noxious industrial building;

7.4.2 no goods shall be publicly displayed;

7.4.3 no advertising sign or notice shall be displayed other than an unilluminated sign or notice, not projecting over a street and

8.3 General residential zone

With the exception of group housing the restrictions applicable to flats, licenced hotels and residential and institutional buildings shall be as follows:

	Blocks of flats	Licensed hotels	Other residential and institutional buildings
8.3.1 Minimum size of site	1 000 m ²	4 000 m ²	2 000 m ²
8.3.2 Maximum coverage	25%	25%	25%
8.3.3 Maximum bulk	0,75	0,75	0,75

8.3.4 Spaces about buildings

- 8.3.4.1 Building lines measured from the middle of the street of a width of 16 metres or less : 16 metres;
- 8.3.4.2 Building lines on all streets exceeding 16 metres in width : 7,6 metres measured from the street boundary;
- 8.3.4.3 Building lines on all lateral boundaries and rear boundaries : 4,6 metres or half of the height of the building, whichever may be the larger, measured from the boundary. (This regulation shall mean that no flats may be erected closer than 4,6 metres from the lateral or the rear boundaries and shall at no point be higher than two times the horizontal distance from that point to the boundary.)

8.3.5 Height

No building in this zone shall exceed a height of five storeys.

8.3.6 Provision of parking on site

In a general residential zone minimum provision for parking and garaging of motor vehicles of the occupiers of residential buildings must be made on the following basis :

- 8.3.6.1 For the exclusive use of occupiers of flats and residential buildings: one parking bay for each dwelling unit and in the case of hotels and boarding houses one parking bay for every two bedrooms plus an additional 20 parking bays in the case of a licensed hotel; with the proviso that if the parking facilities are provided within the building and occupy an area of not less than 75 percent of the area of the ground floor, the remaining parking space may be provided in the form of a separate covered garage and the space it occupies shall not be included in the coverage or the floor space.

- 8.3.6.2 In the case of a residential building no parking area may be laid out within a distance of 4,6 metres from any street boundary and it shall be separated from a compact open air space for recreation or landscaping which shall be in extent at least 25 percent of the area of the erf.
- 8.3.6.3 No more than one vehicle access or one vehicle exit respectively shall be provided on any site on any street frontage.
- 8.3.6.4 Such vehicle access or exit shall not exceed 6 metres in width where it traverses the street boundary.
- 8.3.6.5 Each point of access or exit over the side walk shall not be nearer than 4,6 metres from the street intersection.
- 8.3.6.6 Parking areas shall be designed and laid out to the satisfaction of the Council in accordance with a plan which has been approved in advance by the Council.
- 8.3.6.7 Parking areas may be used only for the parking or garaging of vehicles of persons who are legally entitled thereto and may not be used for trade or any other purpose;
- 8.3.6.8 A plan must be submitted to the Council showing the individual parking bays and the design of the access and exit of the site. The Council may approve or disapprove such plan in its discretion and may impose such conditions as it deems fit. The foregoing conditions set out under subsection 8.3.6 may be made more stringent where the Council deems it necessary for the more efficient control of traffic.

8.3.7 Street widths

No building may be erected in this zone on any site unless :

- 8.3.7.1 the site abuts a street of at least 12,5 m in width which street shall be connected by a street or streets of not less than 12,5 m in width to a street of greater width, and
- 8.3.7.2 all street boundary walls or fences of the site are erected at a distance of not less than 8 m from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary is made up as part of such street. The portion(s) of the site falling within 8 m of the centre line of the abutting street(s) shall be excluded for the purpose of determining the coverage and bulk on the remainder of the site, provided, however, that if the owner transfers the said portion(s) of the site to the Council free of compensation such portion(s) may be included for the purpose of determining the per=

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mission bulk on the remainder of the site. The Council shall pay the cost of survey and transfer

8.3.8 Other buildings

The provisions prescribed for institutional buildings in Clause 8.8 are applicable to such buildings in the general residential area.

8.4 Group Housing Zone

8.4.1 The objectives which are reflected in the definition of group housing (as contained in the definition) must be carefully implemented.

8.4.2 Density

The maximum density shall be 30 units per gross hectare or a 4:1 ratio in relation to the surrounding single residential density, whichever is the lower. Should a group site originally have been planned as such and open space and/or road is thus already provided on an adequate basis and does not need to be deducted from the site, the maximum density shall be 40 units per gross hectare subject to the above 4:1 ratio.

Please note: Gross hectare is the area of the group site in hectare.

8.4.3 Open space

A minimum of 80 m² per dwelling unit shall be provided and in this context the term "open space" means public and common open space excluding roads, service yards and private outdoor spaces. This requirement falls away (partially or in full) -

8.4.3.1 in cases where public open space has been suitably provided (partially or in full) in the vicinity, to the satisfaction of the Administrator with a view to group housing on the particular site.

8.4.3.2 in cases where it may be impractical to provide open space (or to provide all the open space required) in which event a cash endowment to be determined by the Administrator may be paid in lieu of the required open space (or the shortfall).

8.4.4 Service Yard and Private Outdoor Space

A group erf and buildings thereon shall be designed to provide a service yard of adequate area to the satisfaction of the local authority. In addition to the service yard a private outdoor space being in total at least 40% of the gross floor area must be provided on each group erf to the satisfaction of the local authority, provided that the private outdoor space comprises at least one usable area (outside a building) of at least 50 m² (exclusive of parking areas) and has in shape a ratio not exceeding 2:1. The service yard must be enclosed by a wall or walls (or other structure or structures of suitable material) of at least 2 m high for the purpose of screening it from public and private view. In special cases, as may be determined by well-founded considerations based on architectural design, a reduction of the 50 m² minimum standard may be considered by the Administrator.

8.4.5 Street building lines

Street building lines may be zero except where there are one or more openings (apart from doors, ventilators and windows of which the lower sides are higher than the top of a door) and except as may be required for safe traffic movement or for other reasons such as nearby development, in which case the minimum building line must be 2 m. These provisions do not affect existing statutory building lines which shall be duly observed or in respect of which the necessary relaxations must be obtained.

8.4.6 Side and rear building lines

No side and rear building lines need be provided other than those that may be required for fire fighting purposes, or unless a group erf abuts on another zone. In the latter case the side and rear building lines shall be 3 m except where the abutting zone is a public place, a single residential zone or a special residential zone in which case the side and rear building lines shall be 1,5 m.

8.4.7 Height of buildings

The maximum permissible height of buildings shall be 8 m measured from the mean ground level of the building to the top of the parapet or cornice in the case of a flat roof, or to a point midway between the eaves and the ridge in the case of a pitched roof. Basements are not taken into account for the purposes of this clause.

8.4.8 Storeroom

A storeroom with a minimum internal floor area of 2 m² shall be provided on each group erf unless a lock-up garage is provided on the erf.

8.4.9 Parking

Off-street parking for at least two motor vehicles per group erf shall be provided on the group site, except in very exceptional cases where a standard of one parking place per group erf may be considered provided that the group site and the adjacent street were planned accordingly in advance. Lock-up garages shall be excluded from the calculations for the purpose of determining the areas of the service yard and outdoor space.

8.4.10 Roads

The minimum road width for private roads shall be 7 m and for public roads 10 m. In special cases, depending on architectural design, a minimum width of 8 m may be considered in the case of public roads with limited vehicular use (culs-de-sac, crescents and loops), provided the following limits are not exceeded if the street width is less than 10 m :

8.4.10.1 Culs-de-sac of less than 10 m in width

Maximum length: 70 m

Maximum units to be served: 10

8.4.10.2 Crescents and loops of less than 10 m width

Maximum length: 100 m

Maximum units to be served: 16

8.4.11 Joint Services

The provision of joint services with regard to different group erven, in order to save on service costs, is permissible, but separate meters shall be provide where applicable.

8.4.12 Television antennae and radio aerials

Attention is invited to the Council's regulations in this regard.

8.4.13 Aesthetics and Environmental Care

Where paving, landscaping, other treatment (such as the provision of public open space outside of the site in respect of which application is made or additional open space within the site in respect of which application is made) or other aesthetic requirements are considered necessary to make the site suitable for group housing, this may be required by the authorities and such requirements shall be executed to their satisfaction at the expense of the owner.

8.4.14 Places of Instruction

With the exception of boundary walls and fences no building which is erected or used for this purpose may be nearer than 10 m from any boundary of the site.

8.5 Business zone

8.5.1 Coverage

In these zones the area at the respective floor levels of all the buildings on any site in relation to the site area shall not exceed the following percentages :

TABLE "C"

<u>Purpose</u>	<u>Coverage</u>
Blocks of flats and residential buildings above ground floor	50%
Licensed hotels	80%
Business premises	80%
Public garages	80%
Places of assembly	80%
Places of instruction	80%

8.5.2 Provision for pedestrian malls

Where pedestrian malls or concourses are provided within shop buildings the areas of these may be excluded from the prescribed coverage of 80 percent on the submission of building plans in which adequate provision is made for light and air in the buildings.

8.5.3. Maximum bulk

No building in this zone shall exceed a bulk factor of 1,80 of which not more than 1,00 may be utilized for residential accommodation above the ground floor.

8.5.4 Building lines

8.5.4.1 Street boundaries

Subject to the provisions of any other legal provisions business premises and flats above the ground floor may be erected on the street boundary (vide definition of "street boundary"). All other buildings shall be set back 4,6 m from the street boundary.

8.5.4.2 Lateral boundaries

Buildings on the ground floor may be erected on the lateral boundary of an erf.

Buildings above the ground floor may be erected on the lateral boundary of an erf for a maximum distance of 12,2 m measured from the street boundary or the street building line, whichever applies and thereafter shall be set back 4,6 m or half the height of the building, whichever is the greater, from the lateral boundary.

8.5.4.3 Rear boundaries

Buildings on the ground floor may be erected on the rear boundary of an erf.

Buildings above the ground floor shall not be erected nearer than 4,5 m or half the height of the building whichever is the greater, from the rear boundary of an erf.

8.5.4.4 Further restrictions

8.5.4.4.1 A building or portion of a building may only be erected on the lateral or rear boundary of a property if no windows, doors or ventilation openings are inserted in any wall on such boundary.

8.5.4.4.2 In the event of the common boundary between two erven forming the boundary between this zone and a residential zone, the side or rear space, as the case may be, applicable to the latter shall apply on both sides of the boundary in so far as it is more restrictive.

8.5.5 Basements

Subject to the provisions of section 141 of the Municipal Ordinance, 1974, the building line provisions need not be complied with insofar as basements are concerned.

8.5.6 Height of buildings

Subject to the provision for buildings of composite uses as contained in clause 8.5.9.3, buildings shall not exceed the number of floors prescribed in Table D.

TABLE "D" MAXIMUM HEIGHT OF BUILDINGS IN BUSINESS AREAS

Use of building	Maximum height above the ground
Shops, offices, general residential buildings, institutions, hotels and education	5 floors
Places of recreation, warehouses, public garages	3 floors

with the proviso that where parking facilities are provided inside the building or an area of not less than 75 percent of the area of the ground floor of the building, one additional floor shall be permitted.

8.5.7 Parking

In this zone minimum provision shall be made on the site for parking and garaging of vehicles.

8.5.7.1 Business premises (including shops)

One m² for every two m² of the gross floor area of that portion of the building devoted to these uses.

8.5.7.2 Blocks of flats and residential buildings

One parking bay for each dwelling unit (flat) or in the case of hotels, boarding houses and residential buildings, each 2 bedrooms, plus an additional twenty bays in the case of a licensed hotel. Of the parking bays so prescribed, one bay for every four dwelling units or every five bedrooms in the case of hotels, boarding houses and residential buildings and the 20 additional parking bays prescribed for a licensed hotel shall be provided uncovered on the site and clearly demarcated and suitably sign-posted to the Council's satisfaction for the use by visitors to the premises.

8.5.7.3 Places of assembly

One parking bay for every 5 seats. The Council may in its discretion relax this requirement where sufficient public parking facilities are available within 200 metres from the proposed building.

8.5.7.4 Public garages

For every grease bay or wash bay three parking bays shall be provided in addition to the provision for showrooms and workshops in accordance with the requirements for business premises.

8.5.7.5 Requirements for layout of parking areas

8.5.7.5.1 The vehicular access/exit ways to the site shall be restricted to not more than one each per site per street abutting the site, provided that in the case of public garages the provisions of clause 8.5.9 shall apply.

8.5.7.5.2 The vehicular access/exit ways to the site shall be restricted to a maximum width of 6 m where they cross the street boundary, provided that in the case of public garages the provisions of clause 8.5.9 shall apply.

8.5.7.5.3 No vehicular crossing over the pavement shall be located nearer than 5 m to any street corner (i.e. the point of intersection of two street boundaries) provided that in the case of public garages, the provisions of clause 8.5.9 shall apply where more restrictive than the provisions of this subclause.

8.5.7.5.4 Such parking areas shall be properly constructed to the satisfaction of the Council.

8.5.7.5.5 Such parking areas shall be used exclusively for the parking or standing of vehicles lawfully coming thereon and shall not be used for trading purposes or any other purpose.

8.5.7.5.6 The manner in which it is intended that vehicles shall park or stand on such parking areas and the means of gaining access and exit shall be shown on a plan to be submitted to the Council which may approve, disapprove or impose such conditions as it may deem fit. The Council may impose more restrictive requirements than those of subclause 8.5.7.5 if considered necessary from any traffic point of view.

8.5.7.6 Parking alternatives

8.5.7.6.1 As an alternative to the provisions of paragraph 8.5.7.1, 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 area on the site, acquire the prescribed area of land for the parking facilities elsewhere in a position approved by the Council provided he registers a notarial deed against such land to the effect that the Council and the public shall have a 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 be borne by the Council.

8.5.7.6.2 As an alternative to 8.5.7.6.1, the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the ratable valuation per square metre of the land on which the building is erected, multiplied by the area of the land which is required to be provided in terms of paragraph 8.5.7.1, in which event the Council shall itself acquire the necessary land for such parking purposes.

8.5.8 Reservations in regard to transformation of single residential premises to business premises

Irrespective of any conditions contained in these regulations the following requirements are laid down for business buildings which are to be erected on erven which were initially laid out as single residential erven. All street boundary walls or fences of the site are to be erected at a distance of not less than 10 metres from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary is to be made up as part of such street. The portion or portions of the site falling within 10 metres of the centre line of the abutting street or streets shall be excluded for the purpose of determining the coverage and bulk on the remainder of the site, provided, however, that if the owner transfers the said portion or portions of the site to the Council free of compensation, such portion or portions may be included for the purpose of determining the permissible bulk on the remainder of the site. The Council shall pay the cost of survey and transfer.

8.5.9 Other specifications

8.5.9.1 Public Garages

The Provisions of the Standard Regulations relating to Public Garages promulgated under P.N. 520 dated 28 May 1971, as amended from time to time, shall apply.

8.5.9.2 Combined buildings

In the case of combined buildings in the business zone, the provisions shall be applied in respect of each floor for the use to which such floor is to be put and the sum of the provisions so arrived at applied to the whole building. Where it is intended to use any floor of a building for more than one use, the more restrictive provision shall apply.

8.5.9.3 Dry cleanettes and laundrettes or a similar undertaking which is not a nuisance

Dry cleanettes and laundrettes or similar undertakings may be established in this zone provided that they comply with the following conditions where applicable.

8.5.9.3.1 The floor area of the undertaking shall not exceed 275 square metres;

8.5.9.3.2 The minimum distance between the boundaries of any two such undertakings, unless situated on opposite sides of a street, shall be 60 metres;

8.5.9.3.3 In any establishment the maximum personnel shall be 12;

8.5.9.3.4 Each individual application for the establishment of such an undertaking in the business or office zone shall be submitted to the Council for its special consent and the Council shall be furnished with full information as to the maximum and minimum capacities of the machines to be operated, the number of employees and the floor space to be occupied;

8.5.9.3.5 If the Council is of the opinion that the site of a proposed undertaking is unsuitable on the grounds of possible nuisance, danger to public health, etc., it shall submit the application, together with its view and recommendations and the reasons therefor to the Administrator whose decision shall be final.

8.5.9.3.6 The following provisions shall apply also to dry cleanettes and laundrettes :

8.5.9.3.6.1 Only gas, electricity or illuminating paraffin shall be used for the production of steam or hot water.

8.5.9.3.6.2 The solution used in the cleaning process shall be non-inflammable.

8.5.9.3.6.3 The combined capacity of the dry cleaning machines that may be installed shall not exceed 19 kg dry weight of clothing or other articles per cleaning operation per half hour cycle.

8.5.9.3.6.4 The combined capacity of the washing machines that may be installed

8.5.10 Funeral parlours with chapels

The following additional provisions shall apply:

8.5.10.1 For the purpose of these provisions, "intersection" and "traffic island" shall have the meanings assigned thereto in P.N. 520 of 28 May 1971, referred to in clause 8.5.9 relating to public garages.

8.5.10.2 No funeral parlour with a chapel shall be permitted on a site abutting a street of less than 12,5 m in width.

8.5.10.3 No funeral parlour with a chapel shall be permitted nearer than 100 m from :-

8.5.10.3.1 the intersection of a declared road, proclaimed road, prospective main road, or any other street to which the provisions of section 146 of the Divisional Council's Ordinance, 1952 (Ordinance No. 15 of 1952) apply with any other street of like status;

8.5.10.3.2 any road whether existing or provided for in the town planning scheme, and

8.5.10.3.3 any intersection where traffic is controlled, or is proposed to be controlled in terms of the town planning scheme, by a traffic island.

8.6 Minor Business Zone

The restrictions applying to shops, offices, places of amusement and flats in the business zone shall apply also to shops, offices, places of amusement and flats in the single residential area with the exception that buildings shall not exceed a height of three floors.

8.7 Light industrial and industrial zones

8.7.1 The maximum coverage in this zone shall be 75%.

8.7.2 Loading and unloading

For the purpose of loading and unloading vehicles there shall be provided on the site a bay or bays to the Council's satisfaction, in accordance with Table E hereunder.

TABLE "E"

Gross floor area 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 bay or bays shall have vehicular access (which shall be to the satisfaction of the Council and shall not be less than 5 m wide and, if carried through a building, not less than 3 m in height) to a street.

8.7.3 Parking

For the purpose of on-site parking, the Council, in the case of each light industry or industry established, shall apply one of the following requirements that in the Council's opinion would relate best to the particular light industry or industry being established :

8.7.3.1 Number of parking bays to be provided on the site, based on the gross floor area of the building

8.7.3.1.1 1 Bay for every 100 m² of floor area up to 1 500 m².

8.7.3.1.2 1 Bay for every 200 m² of floor area in excess of 1 500 m²

8.7.3.1.3 25% of the bays in 8.7.3.1.2 shall be set aside and signposted for use by visitors.

8.7.3.2 Number of parking bays to be provided on the site based on the total number of estimated employees (Blacks excluded), in terms of the Factories Act No. 22 of 1941, as amended.

8.7.3.2.1 Up to 25 employees - 1 Bay for every 4 persons or part thereof

8.7.3.2.2 Thereafter, for the next 50 persons - 1 Bay for every 5 persons or part thereof

8.7.3.2.3 Thereafter, for the next 50 persons - 1 Bay for every 10 persons or part thereof

8.7.3.2.4 Thereafter, for any further number of persons employed - 1 Bay for every 25 persons or part thereof

8.7.4 Street widths and building lines

8.7.4.1 All street boundary walls or fences of the site shall be erected at a distance of not less than 7,6 m from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary shall be made up as part of such street. The portion(s) of the site falling within 7,6 m of the centre line of the abutting street(s) shall be ex-cluded for the purpose of determining the coverage on the remainder of the site, provided, however, that if the owner transfers the said portion(s) of the site to the Council free of compensation such portion(s) may be in-cluded for the purpose of determining the coverage on the remainder of the site. The Council shall pay the cost of survey and transfer.

8.7.4.2 No building or any portion thereof, except boundary walls and fences, shall be erected nearer than 3 m from any street boundary of the site (vide definition of "street boundary") or the new street boundary in the preceding subclause 8.7.4.1, whichever is the more restrictive on the site.

8.7.4.3 Where the boundary of a site forms the common boundary between this zone and any residential or business zone, the relevant building lines applicable in such residential or business zone shall apply on both sides of such common boundary.

8.7.5 Height

No building in the light industrial zone shall exceed a height of 3 storeys.

8.8 Undetermined zone

In this zone no person shall erect a building or alter, add to or extend an existing building nor shall he use any existing building or land for a purpose for which, or in a manner in which, it was not used on the date when these regulations came into force without the consent of the Council and the Administrator.

8.9 Institutional buildings

For the purpose of these provisions institutional buildings shall include also educational buildings, places of public worship and institutions which have been excluded from the definition of an institution but have been included in Table "5"

8.9.1 Maximum coverage : 50 percent;

8.9.2 Building lines

With the exception of boundary walls and boundary erections no buildings shall be nearer than 9 metres from all boundaries of the site;

8.9.3 Height of buildings : maximum 5 floors;

8.9.4 Parking

Minimum provision must be made on the basis of one parking bay for each ten seats, provided in the building, exclusive of educational buildings, subject to a minimum of 15 parking bays for each funeral parlour.

In the case of a building for public worship where religious functions are mainly confined to Sundays, the Council may relax this requirement where sufficient public parking facilities are available within a distance of 200 metres from the proposed building.

Provided further that if the institutional building consists of any form of housing, the provisions for that form of housing contained in this scheme shall be applicable in so far as they relate to floor factor, building line restrictions and the provision of parking.

8.10 Fishing industry buildings

In this zone the regulations which relate to factory buildings and light industries shall apply.

9. HEIGHT OF BUILDINGS

Where height of buildings are given in number of floors, buildings shall be restricted to the following maximum heights for the respective floors measured from the mean ground level :

- two floors: seven metres to the upper roof plate;
- three floors: ten metres to the upper roof plate;
- four floors: thirteen metres to the upper roof plate;
- five floors: sixteen metres to the upper roof plate.

10. DEVELOPMENT PLAN

The Council may from time to time, in pursuance of land-use surveys, frame development plans for the purpose of programming the development in accordance with the town planning scheme. The development plan may also contain the framework for township extension, which shall serve as a basis for negotiation between township developers and the Council. Such development plans shall be appended to these scheme clauses as annexures.

11. EXTERNAL APPEARANCE OF BUILDINGS AND SCREENS AND FENCES

11.1 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 other sufficient indication of the external appearance of the proposed building, including such description of the materials to be used for that purpose. The drawings shall be upon suitable and durable material to a scale of not less than 1 : 100 except that where the building is so extensive as to render a smaller scale of 1 : 200. The Council may require such alteration to the external appearance and building materials as it may deem necessary.

11.2 Height of erections, trees and shrubs at street intersections: To ensure that sight lines of drivers of motor vehicles are not obstructed at street corners, no construction, trees or shrubs within a distance of seven metres from the intersection of erf boundaries at street corners may exceed a height of one metre.

11.3 Permanent screens and fences: The appearance of permanent screens and fences is subject to approval by the Council and no person may erect such screen or fence without such approval.

12. LOADING AND OFFLOADING FACILITIES

12.1 Except in the light industrial and industrial zones for the purpose of preventing obstruction of traffic on any street or proposed street on which the proposed building would front or abut the Council may require the owner to submit for its approval proposals for securing, to the satisfaction of the Council, suitable and sufficient accommodation within the site for any loading, unloading, or fuelling of vehicles which are likely to be habitually involved in connection with the use of the building.

12.2 No owner or occupier of the building in respect of which proposals under this clause have been required shall undertake or knowingly permit the habitual loading or unloading or fuelling of vehicles otherwise than in accordance with approved proposals.

13. USE OF OUTBUILDINGS PRIOR TO COMPLETION OF MAIN BUILDING

No outbuildings 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 used until the main buildings are completed or occupied.

14. COUNCIL'S DUTIES UNDER THIS SCHEME

14.1 The Council shall keep, so as to be available for inspection at all reasonable times by any person interested, a record of approvals, consents, authorities or permissions granted by it, or on appeal from its decision under any provisions of this scheme, and of any conditions imposed or agreed between the Council or approved or imposed by the Administrator or refusals by the Council or the Administrator and the applicant in connection therewith.

14.2 The Council shall permit any person to inspect at any reasonable time the scheme and map deposited in the offices of the Council, provided that any information given in regard to the scheme to any person shall only be valid if it is in writing and signed by the official duly authorised thereto by the Council.

15. SERVICE OF DOCUMENTS

The provisions of section 211 of the Municipal Ordinance of 1974 shall mutatis mutandis apply to this scheme.

17.8 Any buildings or structures erected on the site of a putting course and/or a drive-in restaurant shall fully comply with the provisions stipulated in the town planning scheme for the zone in which the site is located.

17.9 Any public address or sound system at a putt-putt course and/or a drive-in restaurant shall at all times be operated in such a manner that the Council is satisfied that no nuisance whatsoever is caused to the occupants of nearby properties.

17.10 In addition to the advertising of the proposed establishment of a putting course and/or a drive-in restaurant for the purpose of the Council's special consent, the notice of surrounding owners shall be drawn in writing to the aforesaid advertisement.