

**DIVISIONAL COUNCIL OF THE CAPE
ATLANTIS
TOWN PLANNING SCHEME STATEMENT
(DRAFT)**

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PART I GENERAL

CLAUSE 1 This Town Planning Scheme has been prepared in terms of the Townships
Authority Ordinance No. 33 of 1934 as amended.

CLAUSE 2 The area to which this scheme applies shall consist of the area
Area of Scheme reflected within the inner edge of the boundary line of the Map.

CLAUSE 3 In this scheme the following words and expressions have the respective
Definitions meanings hereby assigned to them. Interpretation of words not listed
will rely on the Oxford English Dictionary.

- 3.1 "Administrator" shall mean the Administrator of the Cape of Good Hope as appointed by the State President in terms of Section 66 of the Constitution Act of the Republic of South Africa, Act No. 32 of 1961 as amended;
- 3.2 "agricultural building" means a building, including a dwelling house or dwelling unit, 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 thereof as agricultural land;
- 3.3 "basement" means that portion of a building the finished floor level of which is at least 2m below the mean ground level of the site;
- 3.4 "block of flats" means a building containing two or more dwelling units but not including semi-detached houses or row houses;
- 3.5 "building" means any structure or erection whatsoever irrespective of its nature or size including :
 - a) any structure, whether of a permanent or temporary nature, erected or used for the housing or accommodation of human beings, animals, poultry, birds or reptiles, the storage, manufacture or sale of goods or materials or the destruction or treatment of refuse or other waste material;
 - b) a dwelling;
 - c) a wall, swimming pool, swimming bath, reservoir, water tower, bridge, summerhouse or hothouse and any structure appurtenant thereto;
 - d) petrol and other fuel pumps and tanks used in connection therewith, and
 - e) any portion of a building or of any thing referred to in paragraph (a), (b), (c) or (d).

- 3.6 "building line" means an imaginary line on an erf or piece of land, usually parallel to and at a specified distance from a particular boundary thereof and between which boundary and the building line the erection of buildings is totally or partially prohibited in terms of this scheme or any other legislation;
- 3.7 "business premises" means a building used or intended to be used as shops and/or offices and includes a bank, professional chambers, doctor's surgeries, stock or produce exchange and buildings designed for similar uses, but does not include a place of assembly, an institution, public garage, industrial building or noxious industrial building;
- 3.8 "construction" in relation to a building or structure, has the same meaning as "erection" (sub-clause 3.14);
- 3.9 "council" means the Divisional Council of the Cape;
- 3.10 "coverage" means the total percentage area of site that may be covered by buildings, measured as stipulated in clause 4.6 of this scheme;
- 3.11 "drive-in restaurant" means any land or buildings used for a restaurant or cafe from which food and refreshment are served to patrons who mainly remain seated in motor-cars parked in the vicinity of such restaurant or cafe.
- 3.12 "dwelling house" means a building containing only one dwelling unit;
- 3.13 "dwelling unit" means a self contained interleading group of rooms used only for the living accommodation and housing of a single family and may include such outbuildings as are ordinarily used therewith. No dwelling unit may consist of less than one bed-sitting room, one bathroom and toilet, nor may it contain more than one kitchen;
- 3.14 "erection" in relation to a building includes -
- (a) the alteration, subdivision or conversion of, or addition to a building, and
 - (b) the re-erection or repair of a building which has been completely or partially destroyed or demolished, and "erect" has a corresponding meaning;
- 3.15 "erf" means any piece of land
- (a) registered in the Deeds Office or in the Office of the Surveyor General as an erf, stand or lot through a property deed or general plan; or
 - (b) which is shown as an erf, stand or lot on a valid plan of subdivision as approved by any competent authority and includes a public open space as defined in the Divisional Council's Ordinance No. 18 of 1976;

- 3.16 "gross floor area" means the total area of all floors of all buildings which area is covered by a roof, slab or projection from any such buildings; such area shall be measured from the external surfaces of the walls of any such building, provided that for the purpose of determining the permissible gross floor area of any building (vide sub-clause 3.30):
- (a) any floor area, including basement area which is to be used solely by the occupiers of residential accommodation on the site for garaging or parking purposes, and the area covered by the projection of eaves shall be excluded, but
 - (b) all balconies, terraces, verandahs or stairs above the floor level of the ground floor whether or not they are covered by any roof, slab or other covering, shall be included;
- 3.17 "ground floor" means the lowest floor of a building not being a basement;
- 3.18 "group housing" means a group of harmoniously designed single dwellings with or without any areas under common ownership, which may be erected after consent in principle by the Council, in full compliance with the provisions and procedure as related in Annexure B;
- 3.19 "industrial building" means a building used or intended to be used as a factory within the meaning of the Factories Act, No. 22 of 1941 as amended, and may include one caretaker's quarters and any office 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, but shall not include a noxious industrial building or a public garage.
- 3.20 "industrial park" refers to the area referenced "A/2" on the map;
- 3.21 "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 licenced under Act No. 38 of 1916 for the detention of mentally disordered persons, or
 - (c) a mental hospital;
 - (d) any building associated with the treatment and boarding of animals;
- 3.22 "land" includes land covered with water and any right in or over land. Any reference to land is limited to land in the Atlantis Residential Local Area and the Atlantis Industrial Local Area within the area of the Cape Division;
- 3.23 "lateral boundary" of a site or erf means a boundary other than a street boundary or a rear boundary;

- 3.24 "light industrial building" means an industrial building other than a noxious industrial building or public garage in which the power machinery installed 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;
- 3.25 "licenced hotel" means a building designed to comply with the requirements of an hotel as laid down in the Liquor Act No. 87 of 1977 and may include premises for off-sales of liquor and premises licenced by special authority granted in terms of Section 23 of the said Act;
- 3.26 "local authority" has the same meaning as "Council";
- 3.27 "local authority purposes" shall have the meaning assigned thereto in terms of Chapter 1 of Ordinance No. 18 of 1976;
- 3.28 "maisonettes" means a block of flats with a maximum height of two storeys and in which the division between dwelling units is vertical;
- 3.29 "map" means the map or plan indicating the town planning provisions in force at the time;
- 3.30 "maximum floor space" means the gross floor area determined by multiplying the maximum floor space ratio prescribed in these regulations for a specific zone, with the nett area of the site or with the nett area of that portion of the site that falls within that particular zone; provided that where a site falls within two or more zones to which different maximum floor space ratios apply, the maximum floor space for the whole site shall be the sum of the products of each maximum floor space ratio and the nett area of that portion of the site to which it applies;
- 3.31 "maximum floor space ratio" means the figure specified for a particular zone under column 5 of the zoning provisions tables contained in this scheme.
- 3.32 "mean ground level" means the average finished level of the surface of the ground immediately abutting the vertical faces of a building;
- 3.33 "motor graveyard" means land or a building used for the purposes of dumping and abandoning disused motor vehicles and parts thereof, not being for resale or ensuing use, and shall not include dealership in used or scrap parts of motor vehicles, which shall be deemed a "scrap yard" for the purposes of this scheme;
- 3.34 "motor-mart" means land used with or without ancillary buildings for the display and sale only of roadworthy motor vehicles;
- 3.35 "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;

- 3.36 "municipal purposes" in respect of the use of land, shall have the same meaning as "local authority purposes";
- 3.37 "noxious industrial building" means a building used or intended 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 the Health Act No. 63 of 1977 and any amendments thereto;
- 3.38 "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;
- 3.39 "office building" means a building comprising offices, professional chambers or suites, consulting rooms, waiting rooms and ancillary uses;
- 3.40 "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;
- 3.41 "permitted use" means those uses which are permitted to be conducted on any erf or portion of land within a particular zone in terms of these regulations provided that land may be used for the purposes for which buildings are permitted to be erected thereon whether or not such buildings are actually erected.
- 3.42 "place of assembly" means a public hall, social hall, theatre, cinema, music hall, concert hall, dance hall, exhibition hall, building for indoor sports or games, but does not include special places of assembly, a place of worship, place of instruction or institutional building;
- 3.43 "place of instruction" means a school, college, technical institute, academy, lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum, gymnasium, creche, but does not include a building used or intended to be used wholly or principally as a certified reformatory or industrial school, or as a school for mentally defective children;
- 3.44 "place of worship" means a church, synagogue, chapel, mosque or other place of public devotion and includes buildings incidental thereto such as a Sunday school, manse and a social hall within the same site as, and associated with any of the foregoing buildings, but excludes funeral parlours and any chapel forming part thereof.
- 3.45 "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;

- 3.46 "public garage" means a trade or business in respect of which a licence is required in terms of Item 27 of the First Schedule to the Registration and Licencing of Businesses Ordinance (No. 15 of 1953, as amended), and shall, unless otherwise determined by Council in terms of sub-clause 4.3.10, include the trade or business of fuelling motor vehicles for payment or reward;
- 3.47 "public open space" or "public place" means any land used or reserved in this scheme for use by the public as an open space, park, garden, playground, recreation ground, square or pedestrian way;
- 3.48 "putting course" means any land or buildings used for an outdoor miniature golf course;
- 3.49 "rear boundary" of a site or erf means every boundary thereof (other than a street boundary), which is parallel to every street boundary of such site or erf, and which does not intersect a street boundary;
- 3.50 "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;
- 3.51 "residential building" means a building (other than a dwelling house, block of flats, licensed hotel, maisonettes or row houses) for human habitation, together with such outbuildings as are ordinarily used therewith and includes boarding houses, tenements, residential clubs and hostels, but does not include any building mentioned by way of inclusion or exclusion in the definition of "place of instruction" and "institutional building";
- 3.52 "row houses" means a building of single storey height and containing three or more dwelling units attached to one another, side by side;
- 3.53 "scrap yard" means any piece of land or building used for the stacking, storing or preparation for resale of used material, motor vehicles, parts or components of whatever nature, but does not include a motor grave yard;
- 3.54 "service industry" means a small-scale industry incidental to the needs of a local community and the retail trade and which, in the opinion of the Council, shall not interfere with the amenity of surrounding properties or be of nuisance value by virtue of dust, noise, appearance, smell or activities or for any other reason whatsoever;
- 3.55 "service station" means a trade or business requiring a licence in terms of Item 27 of the First Schedule to the Registration and Licencing of Business Ordinance (No. 15 of 1953, as amended), such business or trade being restricted to effecting minor repairs and adjustments to motor vehicles, servicing them and supplying fuel to them at retail;
- 3.56 "shop" means a building :
- (a) for the purpose of carrying on a retail trade, including trade in motor vehicles, or

(b) for the purpose of carrying on a retail trade and repairing or manufacturing goods sold in such trade, provided such repair or manufacture does not constitute a factory within the meaning of the Factories Act No. 22 of 1941,

and includes, subject to compliance with sub-clause 12.1, a laundrette and a dry cleanette, but does not include any other industrial building or public garage;

3.57 "sign" includes every advertising or business device or matter of any kind whether consisting of a specially constructed device, structure, erection or apparatus, painted, printed, written, carved, inscribed, endorsed, projected onto, or otherwise fixed to or upon any building, wall, hoarding, pole, structure or erection of any kind whatsoever, or on any rock, stone, tree, or other natural object, if such advertising or business device, or matter is visible from any building, public place, street, railway line or other thoroughfare;

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

3.59 "site development plan" means a plan drawn according to a minimum scale of 1 : 500 and submitted by the owner of land to the local authority for approval prior to subdivision or, if subdivision is not required, submission of building plans. The plan shall reflect such information as may be required by the local authority in terms of these or any other regulations.

3.60 "special consent" means the Council's special consent pertaining an application involving the procedure laid down in clause 14 of this scheme.

3.61 "special place of assembly" means any profit making sporting or recreational activity and includes the following:

- Putting course or golf course
- Amusement Hall
- Billiard Saloon
- Roller skating or skateboard rink
- Fun fair
- Race course
- Sports ground
- Stadium or similar enterprise
- Riding stables
- Drive-In Cinema
- Non-residential Club

3.62 "storey" in relation to the height of a building as prescribed in this scheme, refers to the number of "floors" including the ground floor. The following shall not be regarded as a storey when determining the height of a building:-

- any basement;
- any ground floor used for the parking of motor vehicles, which floor may also contain an entrance hall, lift foyer, servant's room(s), facilities for the service and maintenance of the building (excluding a caretaker's flat) provided the combined area of these uses do not exceed 20% of the area of the erf that may be covered by the building in terms of this scheme;
- accommodation on the roof of a building serving as a stairway or elevator penthouse, caretaker's or cleaners' quarters, or housing mechanical or maintenance equipment or consisting of water tanks, chimneys, turrets or towers or any other feature which is purely ornamental.

A permissible height of three storeys would therefore mean the ground floor and two additional floors excluding any of the above.

3.63 "street" means :-

- (a) any street which has at any time been -
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by a council or other competent authority, or constructed by a local authority, and
- (b) any land, with or without buildings or structures thereon, which is shown as a street on -
 - (i) any plan of subdivision or diagram approved by a council or other competent authority and acted upon, or
 - (ii) any general plan as defined in section 49 of the Land Survey Act, 1927 (Act 9 of 1927), registered or filed in a deeds registry or the Surveyor-General's office, unless such land is on such plan or diagram described as a private street;

3.64 "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;

3.65 "street building line" means the building line prescribed by this scheme in respect of the street boundary of an erf or piece of land;

3.66 "structure" means the result of a deliberate human action of putting together elements consisting of natural or man made materials to form a shelter, framework, building or object of similar nature;

- 3.67 "warehouse" means a building for the storage of goods and the transaction of wholesale business related to such goods, and
- 3.68 "zone" means a portion of the area shown on the map in a distinctive manner for the purpose of indicating the restrictions imposed by this scheme on the erection and use of buildings and the use of land;
- 3.69 "zoning provisions tables" means the tables contained in this scheme, consisting of columns numbered 1 to 12 and containing information regarding each zone, the uses permitted therein, the maximum floor space ratio, height and coverage restrictions and the building line, parking and loading bay requirements applicable to land in any zone;

**PART II USES, FLOOR SPACE, HEIGHT, COVERAGE, BUILDING LINES,
PARKING AND LOADING SPACES AND USE OF ANNEXURES.**

TABLES STIPULATING THE PERMITTED USES, RESTRICTIONS, REQUIREMENTS AND CONDITIONS FOR THE VARIOUS ZONES OF THE SCHEME ARE GROUPED TOGETHER IN THE ZONING PROVISIONS TABLES WHICH SHALL BE INTERPRETED SUBJECT TO THE PROVISIONS OF THIS STATEMENT.

CLAUSE 4

Uses, restrictions and requirements in Use Zones.

4.1 Use of Annexures

4.1.1 The erven situated within any specific area depicted on the Map in terms of Clause 4.1.3 hereunder, shall, in addition to the provisions of the Scheme, be entitled to the uses, and further be subject to the special conditions, restrictions, densities, maximum bulk factors, height and coverage restrictions, building lines, parking and loading requirements and all other requirements contained in the relevant section of Annexure A. This annexure may consist of annexures to both the Map and Statement of the Town Planning Scheme.

4.1.2 The provisions, conditions and restrictions contained in Annexure A shall prevail should they be in conflict with any other clause or provision of this scheme.

4.1.3 The area to which any particular section of Annexure A applies, shall be distinctively bordered on the Map and shall have inscribed on it the letter "A" followed by the number of the particular section of Annexure A which applies thereto. (E.g. Section 1 of Annexure A shall apply to the area bearing the inscription A/1).

4.2 Council May Prescribe

Where, in the zoning provisions tables, an entry has not been made under a column against any use, the Council may at its discretion, specify a restriction when granting its special consent to an application.

4.3 TABLE A - LAND USES

4.3.1 The uses permitted:

in a zone;
in a zone only with the special consent of the Council;

are shown in columns 3 and 4, respectively. (Table "A") of the zoning provisions tables;

4.3.2 subject to the provisions of sub-clause 4.3.3 no use shall be permitted in a zone other than the uses reflected in column 3 (Table "A");

4.3.3 application may be made for the special consent of the Council for a use stipulated under Column 4 (Table "A") of the zoning provisions tables;

Provided that if title conditions or other legislation prohibits or restricts the intended use the Council shall not issue its special consent before such other concessions as may be necessary have been obtained by the applicant;

Provided further that the owner of an erf in any zone shall be absolved of the requirement of obtaining Council's special consent in respect of any use listed under column 4 in respect of such zone, if that particular use is notated in writing on the map with reference to that particular erf. It may then be considered that Council's special consent had already been granted in respect of such use on that particular erf.

4.3.4 any use not included under columns 3 and 4 (Table "A") is prohibited and may only be allowed after amending the scheme, regardless of whether or not the title conditions or other concessions authorise the use;

4.3.5 the council may in its discretion grant an application to erect a single dwelling unit with or without outbuildings in the following zones if such dwelling unit is required as a caretaker's residence/flat:

service industrial,
light industrial,
general industrial,
noxious industrial,
Industrial park zones;

4.3.6 in special circumstances the Council may consent to the erection of a single dwelling unit with or without outbuildings on an erf in a local business and general business zone if the property is vacant and development for business purposes is not likely to be required on the erf in the foreseeable future; provided that the residential use of the property shall be terminated as soon as the erf is used for the purposes of its zoning;

4.3.7 an existing building which is not in conformity with the provisions of this scheme relating to the erection and use of buildings and use of land but is lawful otherwise, may with the written consent of the Council be -

altered structurally, or rebuilt on its existing site, or extended,

subject to the coverage, height, building line, parking, maximum floor space and aesthetic requirements of this scheme and other conditions the Council may deem fit, being complied with;

4.3.8 when considering an application for an additional dwelling unit on a property in the Agricultural use zone, the Council may only grant such application if it is satisfied that -

- the additional dwelling unit is required exclusively in connection with agricultural uses;
- the extent of the agricultural uses warrants the services of a farm foreman/manager in addition to the full time attention of the owner/occupant of the existing dwelling unit;
- such agricultural uses already exist on the property and are not merely intended uses;
- such dwelling unit will not be in conflict with the title conditions of the property;

4.3.9 no person shall use or allow any building or portion thereof to be used for a use other than that for which it has been erected in accordance with approved building plans. In the event of the use of a building being changed, the necessary consent of the Council shall first be obtained;

4.3.10 subject to the provisions of Clause 15 hereof where any application is made to the Council for its consent to the use of land and/or 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 special consent of the Council, the Council may give or withhold its special 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;

provided that consideration shall be given to the question whether the use for which the building is intended or designed, is likely to cause injury to the amenity of the neighbourhood, including, without prejudice to the generality of the foregoing, in the case of an industrial building, injury due to the emission of smoke or fumes, or of dust, noise or smell;

4.3.11 notwithstanding anything to the contrary in this Scheme, no land in a Residential use zone shall be used for the parking, storage or garaging of any vehicle (other than motor cars, motor cycles and caravans as defined in the Road Traffic Ordinance No. 21 of 1966, and any amendments thereof) without the written consent of the Council;

4.3.12 in this clause the expression "erection and use" of a building for a particular use includes the conversion of the building, whether or not involving the structural alteration thereof, to that use;

4.3.13 no land shall be used for the purposes of refuse tipping, sewage disposal, stock yard, ash dump or cemetery without the written consent of the Council;

4.4 **TABLE B - MAXIMUM FLOOR SPACE AND DENSITIES**

4.4.1 In each zone, the maximum floor space permitted on any site shall not exceed that determined by applying the maximum floor space ratio stated under column 5 of the zoning provisions tables, to the nett area of the site (vide definition "maximum floor space" sub-clause 1.30)

4.4.2 Whenever application is made to Council for the subdivision of an erf, Council may in addition to any other requirement, require the applicant to submit a site development plan containing such information as it may prescribe;

4.4.3 when considering an application to subdivide or consolidate land the Council may grant or refuse such application and, in granting consent, may impose conditions in regard to matters arising out of or incidental to or connected with such subdivision or consolidation;

4.5 **TABLE C - MAXIMUM HEIGHT ALLOWED**

4.5.1 No building may be erected so as to exceed the height in number of storeys specified in column 6 Table "C", of the zoning provisions tables;

4.5.2 the height of any single dwelling unit in the residential zones shall be restricted to two storeys. In special circumstances such as excessive slope of building site an additional storey may be added with the written consent of the Council;

4.5.3 the maximum height of a storey shall be four (4) metres and any storey exceeding four metres in height shall be regarded as a pro rata plurality of storeys for the purposes of this scheme.

4.6 **TABLE D - MAXIMUM COVERAGE**

4.6.1 No building shall be erected so as to cover a greater percentage of the site than is indicated under column 7, Table "D", of the zoning provisions tables;

4.6.2 the area covered by any building shall be measured over the outside walls of that part of the building covered by a roof or projection provided that the area covered by a maximum eaves projection of 1,0 metre shall be excluded for the purpose of determining the coverage which shall include all outbuildings or accessory buildings;

4.6.3 where a proposed building is designed for more than one use, the proportion of site to be occupied by the building at the floor level of each storey shall comply with the provisions of Table "D" in respect of the use of such storey.

4.7 **TABLE E - BUILDING LINES**

4.7.1 Except with the written consent of the Council no building shall be erected closer to a boundary than the distance shown under columns 8, 9 and 10, Table "E" of the zoning provisions tables;

4.7.2 the area between a boundary and the specified building line shall be open space and shall allow unobstructed access at all times. No building other than boundary walls or fences or temporary structures erected in connection with building operations shall thereafter be erected between the street boundary and any such building line;

4.7.3 the Council may, if it deems fit, permit the erection of a building in front of a building line in the case of corner erven or if on account of the levels of the site or of adjoining land, or the proximity of existing buildings, or any other special circumstances, compliance with the building line would interfere with the development of the site;

4.7.4 the Council may, if it deems fit, permit the relaxation of building lines in Single Residential 1 zone, Single Residential 2 zone and General Residential 1 zone;

4.7.5 building lines imposed in terms of the provisions of this scheme, substitute any less restrictive building line which is laid down by any title condition, controlling authority or which is stipulated by other legislation;

4.7.6 notwithstanding these building lines but subject to the Council's consent, an outbuilding ~~used solely for the garaging of motor vehicles~~ may be erected within the rear space and side space for a distance of 11 m measured from the rear boundary of the site or in the case of corner sites, from the point furthest from the streets abutting the site, provided that the 11 m restriction can be relaxed by the Council after the adjoining or affected owners' opinion has been obtained in writing and subject further to the following requirements being complied with:-

- no windows, vents or other openings shall be inserted in any wall facing or built on the boundary affected by the relaxation;

- the external wall, facing or built on the boundary, shall be fire-proofed to the satisfaction of the local authority and shall not exceed three metres in height;

- 4.7.7 the relaxation of a building line by the Council shall not be construed as overruling any building line restriction applicable by virtue of any other legislation or stipulated in the title deed of the property or laid down by the controlling authority;
- 4.7.8 notwithstanding anything to the contrary no windows shall be inserted in any wall of a building where such wall is less than 1.5 m away from any lateral and/or rear boundaries;
- 4.7.9 in the event of the common boundary between two erven forming the boundary between a business or industrial 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.

4.8 **TABLE F - PARKING AND LOADING SPACES**

Parking

- 4.8.1 parking bays, manoeuvring space and loading bays shall be provided on all properties in accordance with the requirements set out under columns 11 and 12 Table "F", of the zoning provisions tables and shall be designed, sited and constructed to the satisfaction of the Council;
- 4.8.2 the gross area per parking or loading bay shall be determined by the Council and shall apply in the case of new buildings (other than a single dwelling unit) and/or additions to existing buildings (other than a single dwelling unit);
- 4.8.3 as an alternative to the provisions of Table "F", 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 and to such specifications as may be approved by the Council; the cost of registration of the servitude to be borne by the Council;
- 4.8.4 as an alternative to sub-clause 4.8.3 above, the Council may require a cash sum to be paid to Council, in which event the Council shall itself acquire and develop the necessary land for such parking purposes in a locality to be determined by the Council. The cash sum to be paid shall be equal to the ratable valuation per square metre of the land on which the building is erected, multiplied by the number of

parking bays which is required to be provided in terms of Table "F" multiplied by 30 (sq. m per bay):

- 4.8.5. the facilities to be provided for parking in terms of this Clause, shall not be used for the purposes of exhibition, sale, repair or maintenance of vehicles or for any purpose other than the parking of vehicles;
- 4.8.6 if additions to existing buildings (other than a single dwelling unit) are undertaken which, in the opinion of the Council, are not of such extent as to warrant the provision of parking and manoeuvring space, the Council may in its discretion relax the requirements of Table "F";
- Loading 4.8.7 the Council may, within twenty-eight (28) days of receipt of building plans submitted in terms of the by-laws, require the owner to submit, for its approval, proposals for the provision of suitable and sufficient facilities on the erf for any loading, unloading or fuelling of vehicles;
- 4.8.8 if the Council requires proposals to be submitted in terms of this Clause or if the owner submits proposals together with the building plans, the Council shall either approve the proposals with or without modification or disapprove of them within a reasonable period of time from the date of submission of the proposals;
- 4.8.9 no owner or occupier of a building in respect of which proposals in terms of this Clause are required shall undertake or knowingly permit the loading, unloading or fuelling of vehicles other than in accordance with approved proposals unless such requirements have been relaxed or altered by the Council;
- Layout 4.8.10 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 11.5 shall apply where more restrictive than the provisions of this sub-clause.
- 4.8.11 the manner in which it is intended that vehicles shall park or stand on such parking or loading 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 restrict the number of access/exit ways to the site as well as the width thereof where they cross the street boundary;
- Construct-
ion 4.8.12 All on-site parking and loading areas shall be constructed and the bays demarcated in accordance with the approved plan and no owner or occupier of a building shall undertake or knowingly permit the loading, unloading, parking or fuelling of vehicles other than in accordance with the approved plan.

- 4.8.13 Council may, if it is convinced that adequate provision for parking is provided in some other suitable locality, relax the requirements in respect of parking to be provided on any site in the Single and General Residential zones.

CLAUSE 5
Buildings used
for more than
one purpose

- 5.1 Where land is used, or a proposed building is designed or used for more than one purpose it shall be treated for the purposes of Clause 4 hereof as being used or designed partly for each of those uses but for the purposes of the other provisions of this scheme it shall be treated as being used or designed for its predominant use and the Council may, and shall, if the person having control of, or proposing to erect the building, requests clarification for that purpose, decide which is the predominant use;
- 5.2 the Council shall give written notice of any decision under this Clause to the applicant.

CLAUSE 6
Special
exemptions

- 6.1 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:
- 6.1.1 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;
- 6.1.2 the occasional use of a place of worship, place of instruction or institution as a place of assembly;
- 6.1.3 the use by any resident of a dwelling-house, flat or residential building or of any portion thereof as a 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 practitioner himself resides in the dwelling-house or residential building;
- 6.1.4 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 -
- * such dwelling-house, flat or residential building or any portion thereof shall not be used as a shop, industrial building or noxious industrial building;
 - * no goods shall be publicly displayed;
 - * no advertising sign or notice shall be displayed other than an unilluminated sign or notice, not projecting over a street and not exceeding 1 800 cm² in area, indicating only the name and profession or occupation of the resident;
 - * 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.
- 6.1.5 the use of a building in any General Residential zone for the purposes of a medical centre or other professional partnerships, provided that, over and above any other regulation pertaining to such zone, the following requirements shall be complied with:
- * Council's special consent shall be obtained (vide Clause 14);
 - * On-site parking shall be provided in accordance with Clause 4.8, to the extent of six (6) parking bays per professional practitioner employed on the site; half of the total number of bays thus provided being reserved for visitors/clients;
 - * In the case of partnerships, no person other than a caretaker shall be permitted to reside on the erf.

CLAUSE 7

Permission granted
before approval
of this scheme.

With due regard to any Scheme in operation the Council may in its discretion permit, in accordance with the terms of a permission granted pending the preparation or approval of this Scheme, the erection of a building or the carrying out of works for which permission was granted but which had not been commenced before the date of the approval of this scheme.

CLAUSE 8

Lines of no access,
new streets and
street widenings.

8.1 Prohibition of Access to certain Roads/Streets:

Where access to any road or street or portion thereof in the area of the scheme is prohibited, it shall be indicated by means of a distinctive no-access line on the map. No access or egress shall be allowed over this line unless the Council has upon application granted a written relaxation:

provided that the Council shall be entitled to impose such conditions as it deems fit and provided further that the relaxation so granted shall not be construed as overruling a restriction applicable by virtue of any other legislation or stipulated in the title deed of the property.

8.2 New Streets and Street Widenings:

Except with the written consent of the Council, no building shall be erected, no work executed and no excavations or diggings made on land required for new streets or street widening purposes;

provided that an existing use of land may be continued and provided further that when granting its consent the Council may stipulate that building(s) be demolished, work(s) and excavations be terminated on or before a specified date without compensation and/or any other condition the Council may deem fit.

CLAUSE 9
Binding force
of Conditions
Imposed

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, the conditions shall have the same force and effect as if they were part of this scheme

CLAUSE 10

Special Powers
of Council

Nothing in this scheme will operate to prevent the Council from:

- (a) erecting, maintaining, or using any building or work, or land, in any part of the area of this scheme for the purpose of any undertaking which it may be empowered to carry out under any legislation ; Provided that the approval of the Administrator shall be obtained prior to the erection of dwelling units whether it be for housing schemes or not;
- (b) allowing the occasional letting of a site in the area of the scheme for the purposes of amusement parks, circuses, church gatherings, etc., subject to such conditions as the Council may think fit.

CLAUSE 11

Miscellaneous
Requirements

The erven within the area of this scheme shall be subject to the following conditions :

11.1 GENERAL All Zones) :

11.1.1 Except with the written consent of the Council and subject to such conditions as the Council may impose, neither the owner nor any occupier of the erf shall sink any wells or boreholes thereon or abstract any subterranean water therefrom. Provided that the procedure laid down in Clause 14 of the scheme shall not apply to this sub-clause;

11.1.2 If a property is affected by a 1:50 year flood line no building may be erected below the elevation of such flood line;

11.1.3 If an erf is fenced, or otherwise enclosed, the fencing or other enclosing material shall be approved by the Council and shall be erected and maintained to the satisfaction of the Council;

11.1.4 The siting of buildings, ingress to and egress from the erf to the public street system, construction and maintenance of internal roads and landscaping of the erf shall be done to the satisfaction of the Council; provided that the landscaping requirement shall not be applicable to single residential development;

11.1.5 the owner shall be responsible for the maintenance of the entire development of the erf; Provided that if the Council is of the opinion that the premises or any part of the development is not kept in a satisfactory state of maintenance then the Council shall be entitled to undertake such maintenance at the registered owner's cost.

11.2 ALL RESIDENTIAL ZONES

In addition to the conditions set out in 11.1 above, the erven shall be subject to the following conditions, as and when appropriate :

11.2.1 when a group housing scheme is developed it shall be subject to the provisions of Annexure B.

11.2.2 in cases where dwelling units are attached, or have the potential to become attached for a distance of more than 100 m, the Council may for the purposes of health and fire fighting, require that a means of access at least 1 m wide, other than through a building, shall be provided from a street in such a manner as to give access to any unbuilt portions of the site of a dwelling other than a courtyard within a building.

11.3 ALL BUSINESS ZONES : LOADING

In addition to the conditions set out in 11.1 above, the erven shall be subject to the following condition :

Provision shall be made on the erf for the loading of vehicles to the satisfaction of the Council.

11.4 ALL INDUSTRIAL ZONES

In addition to the conditions set out in 11.1 above, the erven shall be subject to the following conditions :

- 11.4.1 The owner of any premises may sell goods which have been wholly or partly manufactured or processed or assembled on the erf and, with the written approval of the Council, other goods which have not been manufactured on the erf; provided that such other goods shall form part of, or be connected with the selling of and/or for use with or together with goods which are wholly or partly manufactured or processed or assembled on the erf, and provided further that a public garage shall not be included under the foregoing description. Uses permitted under this use zone may include:

The erection of buildings to be used as offices or store-rooms incidental to or required in connection with the industrial use exercised on the erf.

- 11.4.2 the owner or any occupier may not erect a restaurant, eating house or tea-room business on the erf, except for the use of his own employees;

- 11.4.3 the loading and off-loading of vehicles shall take place within the boundaries of the erf only; provided that no material or goods of whatever nature may be placed, dumped or kept on the portion of the erf between the boundary and the street building line and the portion thus described may only be used for the parking of vehicles and the layout and maintenance of lawns and gardens;

Provided further that the Council may, at its discretion, relax this requirement in respect of the Service Industrial zone.

11.5 ALL BUSINESS AND INDUSTRIAL ZONES

In addition to the conditions set out in 11.1, 11.3 and 11.4 above, the erven shall be subject to the following condition :

In cases where a service station or public garage is erected on an erf in these zones, it shall be subject to the provisions of the standard regulations relating to public garages promulgated under P.N. 871 dated 19 October 1973 as amended from time to time.

11.6

DRIVE-IN CINEMAS

- (i) Applications for the establishment of drive-in cinemas shall be considered by the Council.
- (ii) When considering an application for the establishment of a drive-in cinema, the Council may grant or refuse such application and, in granting consent, may impose conditions in regard to matters arising out of or incidental to or connected with such application.
- (iii) The provisions of Annexure C, in addition to any other provisions applicable to such site in terms of this town planning scheme, may be imposed on the site.

CLAUSE 12
Additional Conditions
Applicable to Certain
Uses

12.1 DRY CLEANETTES AND LAUNDRETTES

Dry cleanettes and laundrettes may be established in the central business zone 1, provided that they comply with the following provisions :

- 12.1.1 The floor area of the shop for receiving and returning clothes, the workshop and the space used for the clothes-racks together shall not exceed 275 m².
- 12.1.2 The minimum distance between the boundaries of any two dry cleanettes or laundrettes, unless situated on opposite sides of a street shall be 60 m.
- 12.1.3 Only gas, electricity or illuminating paraffin shall be used for the production of steam or hot water.
- 12.1.4 The solution used in the cleaning process shall be non-inflammable.
- 12.1.5 The combined capacity of the dry cleaning machines that may be installed shall not exceed 20 kg dry weight of clothing or other articles per cleaning operation per half hour cycle.
- 12.1.6 The combined capacity of the washing machines that may be installed shall not exceed 27 kg dry weight of clothing or other articles per washing operation.
- 12.1.7 In any establishment comprising either a dry cleanette or a laundrette or a combination of both, the maximum personnel shall be 12.
- 12.1.8 Each individual application for the establishment of a laundrette or a dry cleanette in this 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 floor space to be occupied.
- 12.1.9 If the Council is of the opinion that the site of a proposed dry cleanette or laundrette 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.

12.2 FUNERAL PARLOURS WITH CHAPELS

The following additional provisions shall apply :

- 12.2.1 . For the purpose of these provisions "intersection" and "traffic island" shall have the meanings assigned thereto in P.N. 871 of 19 October 1973 relating to public garages.
- 12.2.2 No funeral parlour with a chapel shall be permitted on a site abutting a street of less than 13 m in width.
- 12.2.3 No funeral parlour with a chapel shall be permitted nearer than 100 m from :
- * the intersection of a declared road, proclaimed road, prospective main road, or any other street to which the provisions of Section 17 of the Roads Ordinance, 1976 (Ordinance No. 19 of 1976) apply, with any other street of like status ;
 - * any robot whether existing or provided for in the town planning scheme and,
 - * any intersection where traffic is controlled, or is proposed to be controlled in terms of the town planning scheme, by a rotary traffic island.

12.3 PUTTING COURSES AND DRIVE-IN RESTAURANTS

- 12.3.1 No putting course or drive-in restaurant shall be established or operated except in accordance with the provisions of this clause.
- 12.3.2 No putting course or drive-in restaurant nor the necessary parking area shall be permitted on a site abutting a road of less than 13 m in width. No vehicular entrance/exit for these undertakings shall be nearer than 100 m from an intersection as defined in P.N. 871 1973, referred to in clause 11.5; where two proclaimed roads meet or where traffic is controlled by robots or traffic islands.
- 12.3.3 Provision shall be made on the site of every putting course for a parking area on the basis of 3 parking bays to every 2 holes in a putting course, provided that where a putting course is adjacent to a drive-in restaurant and the parking areas for the two undertakings are not clearly separated, 50 parking bays must be provided for the drive-in restaurant in addition to the parking facilities prescribed for the putting course. The provision of clause 4.8 shall be applicable mutatis mutandis, to any parking area required in terms of this clause.
- 12.3.4 The boundary of a putting course shall be set back at least 3 m from the statutory boundary of any street abutting the course to provide suitable standing room for spectators off the street and pavement.

- 12.3.5 Sanitary facilities shall be provided on the site of every putting course and drive-in restaurant to an extent prescribed by the Medical Officer of Health and shall be located in positions approved by the Council.
- 12.3.6 Where the Council deems it necessary in the interests of amenity the site of every putting course and/or drive-in restaurant shall be screened and landscaped in a manner prescribed by the Council.
- 12.3.7 A putting course shall not be operated later than such closing hours as the Council may prescribe.
- 12.3.8 Any building or structures erected on the site of a putting course and/or drive-in restaurant shall fully comply with the provisions stipulated in the town planning scheme for the zone in which the site is located.
- 12.3.9 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.
- 12.3.10 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.

PART III GENERAL APPEARANCE AND CONVENIENCE

CLAUSE 13

Aesthetic Control

- 13.1 The Council may at its discretion appoint a committee to advise it in matters of aesthetical, functional and architectural design and appearance of buildings and other structures constructed or intended to be constructed within the area of the scheme; and to advise Council on any other matter referred to the committee by Council from time to time.
- 13.2 In the event of a person intending to erect a building in any use zone and, judging from plans submitted under the by-laws such building might in the opinion of the Council disfigure the environment, or for any reason do harm to its immediate vicinity, the Council may in its discretion require further information, plans or other sufficient indication of the external appearance or construction of the proposed building, (hereinafter in this Clause referred to as "the particulars") prior to approving the building plans in terms of the by-laws.
- 13.3 The Council shall, within sixty (60) days from submission of the required particulars approve or disapprove of them, giving notice of the decision to the applicant in writing and, if it disapproves, of the reasons for its decision.
- 13.4 Where in the opinion of the Council the general amenity of property in any zone is injured by :
- 13.4.1 any works of any nature undertaken or proceeded with;
- 13.4.2 any use of any nature made of any building, structure, curtilage or land, or
- 13.4.3 the condition of any building, structure, curtilage or land, the Council may serve a notice on the owner or occupier of the property on which the injurious work, use or conditions exist or are being carried out, requiring the owner or occupier, within a period of twenty-eight (28) days from the date of the service of the notice, to take action to abate and/or make good the aforementioned injurious work, use or conditions.
- 13.5 Any land used as or in connection with a builder's yard, contractor's yard, timber yard, a coal yard, a scrap yard, motor graveyard or a cartage contractor's business or for any similar purpose, shall be screened from view from any street or public place by a wall at least 2,5 m high.

PART IV**MISCELLANEOUS PROVISIONS****CLAUSE 14**

Procedure for Obtaining
the Special Consent of
the Council

- 14.1 Any person when making application to the Council for its consent to the erection and use of a building or to the use of land, whether wholly or partially for any purpose requiring the Council's special consent may, at the discretion of the Council, be required to publish at his own expense once a week for two consecutive weeks, in English and Afrikaans newspapers circulating in each case in the area, a notice of his intention to make such application and to post and maintain conspicuously for fourteen (14) days such notice on some part of the building or land, and to lodge with the Council proof of such publication and posting. The notice shall also be served, by registered mail, on the owners of surrounding property as identified by Council. 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.
- 14.2 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.
- 14.3 Any decision of the Council given in terms of this section shall be by special resolution of the Council as defined in Ordinance No. 18 of 1976, as amended.

CLAUSE 15
Appeal Against
a Decision of
the Council

- 15.1 An applicant or person on whom a notice was served, or any objector referred to in Clause 14 of this scheme, or any other person may lodge an appeal with the Administrator if such person is aggrieved by :
 - 15.1.1 any decision of the Council, or condition imposed by the Council on the basis of this scheme, or
 - 15.1.2 a refusal of the Council to give a decision on any application in terms of this scheme; or
 - 15.1.3 the Council's interpretation of the provisions of this scheme; or
 - 15.1.4 an unreasonable delay on the part of the Council to give a decision on any application in terms of this scheme.

CLAUSE 16

Serving of Notices

Any order, notice or other document, required or authorised to be served under this scheme may be signed by the Secretary or other official duly authorised thereto, and shall be served in the manner prescribed by Section 213 of Ordinance No. 18 of 1976 as amended.

CLAUSE 17

Record of Permission
and Conditions

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 under any provision of the scheme, and of any conditions imposed or agreed between the Council and the applicant in connection therewith.

CLAUSE 18

Inspection of
Scheme

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

CLAUSE 19

Short Title

This scheme shall be known as the Atlantis Town Planning Scheme, 1980.

ANNEXURE "A"

SECTION 1 WESFLEUR TOWN CENTRE

A.1.1 General

The following special conditions shall apply to the erven within the area (hereinafter referred to as "the Town Centre"), referenced "A/1" on the Map, and must be read with the more detailed drawing numbered "Annexure A/1".

A.1.2 Use of Land, Maximum Floor Space, Maximum Height, Maximum Coverage, Building Lines, Parking and Loading Spaces :

The various erven in the Town Centre shall only be used for the purposes and shall be subject to the provisions, restrictions and requirements as set out in the appended zoning provisions tables which shall be interpreted in terms of the provisions of Part II of the Town Planning Scheme Statement, where these do not conflict with the following, additional provisions :

- i) In giving or withholding its consent to the use of an erf for the purposes listed under column 4, the Council shall, inter alia, give consideration to the master plan for the area and whether the proposed use is in conflict therewith or not.
- ii) For the purposes of this clause, a public mall, plaza or any other public place shall also be regarded as a "street".
- iii) All dry cleanettes and laundrettes established in the Town Centre must comply with the provisions of Clause 12.1 of the Scheme Statement.
- iv) Any person intending to erect any building or structure, including fences, signs, paved surfaces or any other improvement whatsoever, shall conform to the Council's design objectives for the Town Centre. The Council may, in order to ensure conformity, prescribe the architectural style and external treatment, the materials and colour schemes, levels, cornice and parapet lines, graphics, signage and general design parameters to be adopted in the design of all such improvements.
- v) All loading areas, parking areas, yards and any storage or other unsightly area on any site shall, to the satisfaction of the Council, be screened from the public view. The Council may direct the construction or erection of adequate screen walls or other visual barriers in such materials as it may deem suitable, when considering plans submitted to Council for its

consideration in terms of any by-law. Such walls, doors or barriers shall be attractively designed, constructed and maintained by the owner/developer to the entire satisfaction of the Council in accordance with approved plans.

- vi) No advertising sign or billboard shall be permitted on any site other than those specifically approved by the Council in writing with the exception of temporary signs offering the premises for sale or lease or necessarily required to be displayed in terms of any legislation or by-law.
- vii) Any person wishing to establish a sign or billboard on a site or building shall, before doing so, submit with the Council the prescribed application, which application shall be accompanied by detailed, dimensioned drawings of the proposed sign or billboard, also showing it in relation to the building(s) or other improvements which may exist on that site.
- viii) The Council may approve or disapprove of any application received in terms of the foregoing clause and may prescribe the size, design, materials, copy and colour(s) for any sign or billboard as well as the positioning thereof.

A.1.3 Air Rights

Any building erected in the Town Centre, may project or extend over that portion of a street indicated for this purpose on the drawing marked "Annexure A/1", provided that:-

- A.1.3.1 The owner of such a building shall be required to enter into an agreement with the Council, in terms of which Council may impose terms and conditions to protect its interests and the interests of third parties, and furthermore such agreement shall be also to the satisfaction of the Administrator.
- A.1.3.2 The height clearance of the projecting building above the level of any sidewalk, mall, street or other public area shall be to the satisfaction of the Council;
- A.1.3.3 The general public shall at all times be permitted free passage under the projecting structure except during such temporary periods of construction or maintenance as the Council may agree to, after compliance with any relevant legal requirements;
- A.1.3.4 That portion of the building which projects over any street, may be excluded from the calculation of the permissible floor area and coverage of the building;

USE ZONE	NOTATION ON MAP	TABLE A (USES)		TABLE B	TABLE C
		USES PERMITTED (predominant use)	USES ONLY PERMITTED WITH SPECIAL CONSENT OF COUNCIL (conditional use)	MAX. FLOOR SPACE RATIO	MAX HEIGHT (STOREYS)
1	2	3	4	5	6
Central Business 1		Shops	Office Buildings; Place of Assembly; Special Place of Assembly; Place of Instruction Residential Buildings and Blocks of Flats both above ground floor; Drive-in Restaurant	3	-
Central Business 2		Licensed Hotel	Shops; Office Buildings	3	6
Central Business 3		Place of Assembly	Shops; Office Buildings;	3	6
Commercial		Shops; Office Buildings; Service Industry; Dwelling units above ground floor	-	2	2 or 10 m
Service Industry		Service Industry	Shops; Office Buildings;	-	2
			Service Stations not selling any fuel; Public Garage	-	2
			Motor Mart	-	2
			Dwelling Unit	-	-

NOTE: Council will construct communal parking areas within the Town Centre. All-day parking may be prohibited in these areas and developers are advised to provide on-site parking for tenants and employees.

TABLE D (COVERAGE)	TABLE E (BUILDING LINES)			TABLE F (PARKING & LOADING)	
MAXIMUM COVERAGE (% OF SITE)	SUBJECT TO THE PROVISIONS OF SECTION 117 OF ORD 19 OF 1976 AS AMENDED			NUMBER OF SPACES TO BE PROVIDED	
	FROM STREET BOUNDARY (M)	FROM LATERAL BOUNDARY (M)	FROM REAR BOUNDARY (M)	PARKING BAYS	LOADING BAYS
7	8	9	10	11	12
100 for Shops, Office Buildings, Places of Assembly or Instruction; Provided the Council is satisfied that adequate provision is made for loading of vehicles, refuse removal and servicing of the buildings	-	-	-	One parking bay for every two dwelling units or, in the case of residential buildings, one bay for every 2 bedrooms	-
50 for Residential Buildings and Flats above ground floor	-	-	4.5		
75	-	-	-		Min. 1 bay per Hotel;
100 Provided the Council is satisfied that adequate provision is made for loading of vehicles, refuse removal and servicing of the buildings	-	-	-		
100 for Service Industry, Shops, Office Buildings;	-	-	-		
75 for Dwelling Units above ground floor	-	-	4.5		
80	-	-	-	1 Bay per 100 m ² gross floor area	2 Bays for first 1 000 m ² or part thereof and one for every additional 1 000 m ² or part thereof of floor space
75	4.5	-	-	4 Bays for every Lubrication or Repair/Service Bay	-
75	4.5	-	-		
-	-	-	-		

USE ZONE	NOTATION ON MAP	TABLE A (USES)		TABLE B	TABLE C
		USES PERMITTED (predominant use)	USES ONLY PERMITTED WITH SPECIAL CONSENT OF COUNCIL (conditional use)	MAX. FLOOR SPACE RATIO	MAX. HEIGHT (STOREYS)
1	2	3	4	5	6
General Residential 1		Dwelling Houses with or without outbuildings		-	2
		Row Houses Maisonettes		0.6	2
		Group Housing Cluster Housing		Refer to	
			Block of Flats and Residential Buildings	0.75	3
			Place of Worship; Place of Instruction	-	3
			Institutional Building	-	3
			Place of Assembly	-	3
Education		Places of Instruction; Places of Worship; Social Hall;	-	-	3
			Institutional Building	-	3
Government		Central and Provincial Government Purposes	-	-	-

TABLE D (COVERAGE)	TABLE E (BUILDING LINES)			TABLE F (PARKING & LOADING)	
MAXIMUM COVERAGE (% OF SITE)	SUBJECT TO THE PROVISIONS OF SECTION 117 OF ORD 19 OF 1976 AS AMENDED			NUMBER OF SPACES TO BE PROVIDED	
	FROM STREET BOUNDARY (M)	FROM LATERAL BOUNDARY (M)	FROM REAR BOUNDARY (M)	PARKING BAYS	LOADING BAYS
7	8	9	10	11	12
50	3	1.5 and 3 respectively	3	1 bay per dwelling unit	-
30	6	4 or $\frac{1}{2}$ the height of the building, which- ever is the greater			-
special conditions as per Annexure B					-
25	6	4 or $\frac{1}{2}$ the height of the building, which- ever is the greater		1 Bay per Dwelling Unit	-
50	6	4	4	1 Bay for every 20 seats provided	-
50	6	4 or $\frac{1}{2}$ the height of the building, which- ever is the greater		1 Bay for every 4 beds where applicable, other- wise 1 per 100 m ² gross floor space	-
50	6	4	4	1 Bay for every 100 m ² gross floor space or 20 seats provided, whichever yields the higher number of bays, subject to a minimum of 15 bays for each funeral parlour	-
50	6	4,5 or $\frac{1}{2}$ the height of the building which- ever is the greater		1 Bay for every 20 seats provided in places of public worship or social halls	-
50	6	4,5 or $\frac{1}{2}$ the height of the building which- ever is the greater		1 Bay for every 4 beds where applicable, other- wise 1 per 100 m ² gross floor space	-
-	-	-	-	-	-

USE ZONE	NOTATION ON MAP	TABLE A (USES)		TABLE B	TABLE C
		USES PERMITTED (predominant use)	USES ONLY PERMITTED WITH SPECIAL CONSENT OF COUNCIL (conditional use)	MAX. FLOOR SPACE RATIO	MAX. HEIGHT (STOREYS)
1	2	3	4	5	6
Municipal		Municipal Purposes		-	-
Public Open Space		Open Space, Municipal Purposes	-	-	-
Institutional		Institutional Building		-	3
Undetermined				-	-

TABLE D (COVERAGE)	TABLE E (BUILDING LINES)			TABLE F (PARKING & LOADING)	
MAXIMUM COVERAGE (% OF SITE)	SUBJECT TO THE PROVISIONS OF SECTION 117 OF ORD 19 OF 1976 AS AMENDED			NUMBER OF SPACES TO BE PROVIDED	
	FROM STREET BOUNDARY (M)	FROM LATERAL BOUNDARY (M)	FROM REAR BOUNDARY (M)	PARKING BAYS	LOADING BAYS
7	8	9	10	11	12
-	-	-	-	-	-
-	-	-	-	-	-
50	6	4.5 or $\frac{1}{2}$ the height of the building which- ever is the greater		1 Bay for every 4 beds where applicable, other- wise 1 per 100 m ² gross floor space	-
-	-	-	-	-	-

SECTION 2 INDUSTRIAL PARK

A.2.1 General:

The following special conditions shall apply to the erven within the area referenced "A/2" on the Map (hereinafter referred to as the Industrial Park).

These special conditions shall apply in addition to any other provision of this Scheme Statement and shall prevail in case of conflict.

A.2.2 Development Plans:

Any person intending to do any site works on, or landscaping to a site in this zone, or to erect any building fence or structure whatsoever thereon, shall lodge with the Council preliminary development plans, drawings and specifications, including:

- i) a dimensioned site layout plan showing the proposed land grading, buildings and other structures, landscaping (planting) areas, roads, parking areas and other paved areas, storage and loading areas, entrance and exit ways, fences, signs and all other improvements, including underground services;
- ii) dimensioned elevations including elevations of buildings, structures, fences, barriers, signs and other appurtenances;
- iii) a schedule of all external materials, finishes and colour schemes;
- iv) a landscaping plan to include a description of the type and location of all plant material as well as the heights of eventual growth of all shrubs and trees.

The Council may approve or disapprove of the aforementioned development plans and may direct any amendments to the layout, materials, finishes or colour schemes as it may deem necessary from an aesthetic point of view, considering also the general character, quality and amenities of the area as an industrial park.

A.2.3 Parking and Loading Areas:

- i) All parking and/or loading areas to be provided on the site shall be located, designed and constructed to the entire satisfaction of the Council.
- ii) No parking area shall encroach upon any building line unless adequately screened in accordance with the provisions of Clause A.2.4 (ii).

- iii) No loading bay(s) shall encroach upon any street building line and lateral and rear building lines may only be encroached upon if the loading area is screened in accordance with the provisions of Clause A.2.4 (ii). Loading docks shall not face any street boundary and shall be adequately screened off from the street in terms of the provisions of Clause A.2.4 (ii).

A.2.4 Storage Areas, etc.:

- i) All storage areas for materials, supplies, containers, waste material, scrap, or any equipment (including mechanical plant, trucks, motor vehicles) and any other unsightly items whatsoever, shall only be located behind the street building line;
- ii) Unless adequately enclosed by buildings at least 2.4m high, any storage area as aforementioned, shall be screened off from adjoining properties and from the street by means of a visual barrier which shall be at least 2.4 m high and which shall be attractively designed, constructed and maintained to the entire satisfaction of the Council in accordance with approved development plans.

A.2.5 Signs:

- i) No advertising sign or billboard shall be permitted on any site other than:
 - a) those identifying the name, business and product(s) of the person or firm occupying the site; and
 - b) temporary signs offering the premises for sale or lease or necessarily required to be displayed in terms of any legislation or by-law.
- ii) Any person wishing to establish a sign or billboard on a site or building shall, before doing so, submit with the Council the prescribed application, which application shall be accompanied by detailed, dimensioned drawings of the proposed sign or billboard, also showing it in relation to the building(s) or other improvements which may exist on that site.

- iii) The Council may approve or disapprove of any application received in terms of Clause A.2.5 (ii) above, and may prescribe the size, design, copy and colour(s) for any sign or billboard as well as the positioning thereof. No sign or billboard shall be established on any site or building other than those approved by the Council in writing.

Unless specific approval to the contrary is granted by the Council, no sign shall:

- a) encroach upon any building line; or
- b) be painted on the wall surface of any building or structure.

No sign shall be placed or painted on any roof or portion thereof, nor shall the top of any sign extend above the parapet line or the top of the exterior wall of any building or structure.

A.2.6 Landscaping:

- i) That portion of the site located between the building face and the street boundary or public open space, which is not occupied by walks or parking areas constructed in accordance with plans approved by the Council, must be landscaped with lawn, shrubbery, trees or other suitable planting, detailed plans of which must be submitted to the Council in terms of Clause A.2.2.
- ii) Landscaped areas approved in terms of the aforementioned plans shall be developed and the landscaping installed within sixty (60) days of occupancy or completion of the buildings, whichever occurs first.
- iii) All landscaped areas shall be maintained in an attractive and well kept condition to the entire satisfaction of the Council.
- iv) If in the opinion of the Council the landscaped areas are not satisfactorily installed or maintained, Council may undertake to do the necessary work at the cost of the owners, subject to the owner being given thirty (30) days written notice of such intended action by the Council.

SECTION 3 INDUSTRIAL CENTRE

- A.3 The following special conditions shall apply to the erven within the area referenced "A/3" on the Map (hereinafter referred to as the Industrial Centre)

These special conditions shall apply in addition to any other provision of this Scheme Statement and shall prevail in case of conflict.

A.3.1 Pedestrian Ways and Canopies:

No building or structure whatsoever, shall be erected on any portion of a site shown hatched on drawing Annexure A/3. When buildings are erected on the site, any such hatched portion of the site shall be hard paved for pedestrian use and the Council will, in addition, require the construction of suitably designed canopies over any such portion or such part thereof as Council may determine. The cost of both paving and canopy shall be borne by the developer/owner of the site and construction shall be in accordance with plans and specifications submitted to, and approved by the Council.

A.3.2 Screen Walls:

The Council may, at its discretion, direct the developer/owner of a site to construct suitable screen walls and gates to screen any loading area, yard or other exposed part of the premises from outside view. Such walls/gates shall be constructed at the owner/developer's expense in accordance with plans and specifications approved by the Council.

A.3.3 Size of Individual Shop:

Notwithstanding anything to the contrary, no individual shop shall have a gross floor area in excess of 300 sq. metres and the Council reserves the right to impose further restrictions on the size of any food retail outlets.

ANNEXURE "B"

GROUP HOUSING

CLAUSE B.1

Definitions

B.1.1 Group Housing Zone

Means any zone permitting the use of land within that zone for the purposes of group housing.

B.1.2 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.

B.1.3 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.

CLAUSE B.2

Procedure

B.2.1 A minor subdivision application form shall be completed for the subdivision of the group site into group erven. This shall be submitted to the Council accompanied by a set of architects plans, elevations and sections of the proposed structures. Contemplated extensions to the layout and their siting and relationship to the proposed development must also be shown, and the plans must also include details of general exterior finishes, and the treatment of footways and access-ways. Details of metering water and electricity services should also be indicated. The application shall be accompanied by a plan of subdivision prepared by a land surveyor in collaboration with the architect showing the proposed erf boundaries and the outlines of proposed buildings thereon.

B.2.2 Council shall scrutinise the plans and satisfy itself that the dwellings have been properly designed as a harmonious group before approving the plans and advising the applicant. Applicants whose plans are rejected on architectural grounds may lodge a fully motivated appeal with the Administration.

B.2.3 Only when the Administrator has approved of the plan of subdivision as drawn by a land surveyor, and subject to normal building plan clearance by the Council, may construction of any structures proceed.

- B.2.4 The standard requirements applicable to residential subdivisions in respect of services and endowments, will apply.

CLAUSE B.3.

Planning

B.3.1 Density

The gross density shall relate to the density of single residential development in the specific area and shall not exceed twice that of the single residential development and the maximum density shall in any event -

- B.3.1.1 normally (where portions of the site are required for roads or open space) not be more than 30 units per gross hectare;
- B.3.1.2 and in special cases (where open space and/or roads have already been suitably provided and need not be deducted from the group site) not be more than 40 units per gross hectare;

Provided further that Council may apply different densities in respect of special categories of residents and structures.

B.3.2 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 spaces excluding roads, service yards and private outdoor spaces. This requirement falls away (partially or in full) -

- B.3.2.1 in cases where public open space has been suitably provided (partially or in full) in the vicinity, to the satisfaction of the Council with a view to group housing on the particular site;
- B.3.2.2 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);
- B.3.2.3 in the general residential zone, but only if the provision of additional open space is regarded as unreasonable, in view of the fact that the group housing density will be lower than the permissible general residential density.

B.3.3 Service Yard and Private Outdoor Space

On each group erf, a service yard of adequate area shall be provided to Council's satisfaction. In addition, a private outdoor space shall be provided being not less than 40% of the gross floor area with at least one usable area of not less than 50 m², all to Council's satisfaction. The service yard shall be suitably screened from public and private view. In special cases Council may permit a reduction of the 50 m² based on well-founded considerations of architectural design.

B.3.4 Street Building Line

There shall be no building line restriction other than that required for safe traffic movement.

B.3.5 Side and Rear Building Lines

No side or rear space need be provided other than those required for fire fighting purposes, or unless a group erf abuts another zone.

B.3.6 Height of Buildings

Except with the consent of the relevant authorities, no building shall be higher than 3 storeys.

B.3.7 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.

B.3.8 Parking

Off-street parking for at least two motor vehicles per group erf shall be provided on the group site, except in cases where the group site and the abutting street have been preplanned accordingly, a standard of one parking bay per group erf may be considered. Lock-up garages shall be excluded from the calculation of the floor area for the purpose of determining the area of the service yard and outdoor space.

B.3.9 Roads

The minimum width for private roads shall be 6,5 m and for public roads 10 m. In special cases depending on architectural and engineering design, a minimum width of 8,5 shall be permitted for public roads with limited vehicular use (cul-de-sac, crescents and loops);

B.3.10 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 provided where applicable.

B.3.11 Antennae

No antenna which is visible from any point outside the erf, shall be erected on any group erf or attached to buildings except for communal masts as may be permitted by Council.

B.3.12 Aesthetics and Environmental Treatment

Where paving, landscaping and other treatment (such as the provision of public open space outside the site under application or additional open space within the site under application) or other aesthetic requirements are considered necessary in order to render the site suitable for group housing, this may be demanded by the Council and such demand shall be carried out to its satisfaction at the cost of the owner.

CLAUSE B.4

Special conditions
of title for Group
Erven

The following conditions of title will, where necessary, be imposed in the case of all group housing approvals on the group erven:

B.4.1 Support Clause

The owner of this erf must :

- B.4.1.1 maintain so much of the support for any wall, roof, pipe, gutter, wiring or other structure or thing as is common to such erf and any other erf;
 - B.4.1.2 maintain every part of such wall, roof, pipe, gutter, wiring or other structure or thing which is on or traverse his erf; and
 - B.4.1.3 permit access to his erf for the purpose of maintaining, cleaning, renovating, repairing and renewing any such 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.
- B.4.2 The owner of this erf shall not make any alterations, additions or demolitions to any part of the buildings erected on the property including boundary walls and fences, and he shall also not change the external colour scheme or materials of such buildings without the written consent of the Council, nor shall he permit the external appearance of the buildings to deteriorate into an untidy or dirty condition.

ANNEXURE "C"

PRINCIPLES ADOPTED BY THE ADMINISTRATOR FOR THE CONSIDERATION OF DRIVE-IN CINEMAS

1.
 - (a) The site selected must be satisfactory mainly in relation to the planning of the neighbourhood, the roads leading to it and the control of traffic.
 - (b) The use of the property shall be limited to -
 - (i) a drive-in cinema;
 - (ii) a business connected with a drive-in cinema and carried on under a general and aerated or mineral water dealer's licence and a restaurant refreshment or tea-room keeper's licence, and
 - (iii) a house for one family with the usual outbuildings, or a residential building comprising not more than three flats and the usual outbuildings for occupation by the owner of the cinema or people employed at the cinema.
2. The proposal must be advertised by the Council in the Provincial Gazette and in English and Afrikaans newspapers once a week for at least three weeks, and a fortnight from the date of last publication given for submission of objections. The promoters shall pay the cost of the advertisement.
3. Before the cinema is opened, the junctions of the roads to and from the cinema with proclaimed roads shall be constructed by, or at the cost of the promoters in accordance with designs and standards approved in consultation with the Provincial Roads Engineer.
4. Before the final layout plans are approved -
 - (a) the Council and the Provincial Roads Engineer shall determine what arrangements, if any, are required to provide suitable access to the cinema and for the control of traffic, the cost thereof to be borne by the promoter, and
 - (b) satisfactory arrangements must have been concluded between the Council and the promoter in regard to the provision of any other services which may be required.
5. No work on the construction of the cinema shall be commenced until the final layout plans showing the access, exit, internal and emergency roads, the number and position of parking bays to be provided on the site inside and outside the viewing area (the number of parking bays outside the viewing area to be not less than those in the viewing area and not less than 50% of those parking bays outside the viewing area should be located before the ticket

gates, the position of the screen and other structures, have been approved by the Council and the Provincial Administration. The screen shall be so designed that the front of it shall not be visible from any proclaimed road in the vicinity, and it shall be so designed that it shall be wind-resisting.

6. All buildings, structures, boundary walls and fences on the site shall be erected in accordance with the plans approved by the Council. The whole area of the drive-in cinema, other than points of entrance and exits shall be enclosed with a screening wall, fence or other structure at least 1.5 m high to the satisfaction of the Council. All sanitary and health requirements imposed by the Council shall be fully met.
7. Arrangements shall be made to the satisfaction of the Council for the drainage of the site and the disposal of stormwater. No public address or sound system shall be capable of being heard by a person with normal hearing from outside the viewing area of the cinema.
8. No advertising visible from outside the site shall be permitted on fences, hoardings or other structures on the site except advertisements, of a size approved by the Council and not in conflict with any other law, indicating the existence of a drive-in cinema, the programme being shown and coming attractions.
9. Protective measures to the satisfaction of the Council shall be provided against fire hazards.
10. The promoters shall provide lighting on the site to the satisfaction of the Council for the safe movement and control of traffic, and shall enter into an agreement with the Council for the provision of such additional lighting as the Council may consider necessary to facilitate the movement and control of traffic at junctions of the roads to and from the cinema with proclaimed roads.
11. The approval of the site for a drive-in cinema shall lapse unless the final plans required in terms of paragraph 5 above are submitted for the approval of the Administrator within 12 months from the date of the approval of the site for a drive-in cinema and unless bona fide construction of the cinema is commenced within 12 months from the date of the approval of the layout plan by the Administration and the construction of the cinema completed within 12 months from the date on which construction was commenced.