

FISH HOEK TOWN PLANNING
SCHEME REGULATIONS

EFFECTIVE FROM 10TH JANUARY 1984 .

PROMULGATED IN PROVINCIAL NOTICE 4304 DATED 27TH JANUARY 1984

TOWN PLANNING SCHEME REGULATIONS OF THE
MUNICIPAL COUNCIL OF FISH HOOK.

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1.

Definitions

In these regulations -

"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;

* *Bed and Breakfast* *

"building" has the same meaning assigned thereto in the definitions contained in section 2 of Ordinance No. 20 of 1974, as amended;

"business premises" means a building used or intended to be used as shops and/or offices and includes a bank, professional chambers, doctors surgeries, stock or produce exchange and buildings designed for similar uses, but does not include a place of assembly, an institution, public garage, service station, industrial building or noxious industrial building;

"Council" means the Municipal Council of Fish Hoek;

"coverage" means the total percentage area of 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 1 m shall be excluded for the purpose of determining the maximum permissible coverage;

"dwelling-house" means a building containing only one dwelling-unit;

"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 outbuildings as are ordinarily used therewith;

* "Bed and Breakfast establishment means: a dwelling unit used to house at a predetermined rate, travellers for a minimum period of one night and provide them with a breakfast the next morning."

1A.

"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 "erection" has a corresponding meaning;

"flat" means any suite of rooms on the same level not being a single dwelling house designed for use by a single family. A block of flats is a building containing two or more flats together with such out-buildings as are ordinarily used therewith;

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

"group housing" means a group of separate and/or linked and/or attached individual dwellings on smaller than conventional erven and planned, designed and built as a harmonious architectural entity with a medium density character and with structures which may vary between single- and double storeys;

"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;

"height of a building" means the height measured from the mean natural ground level immediately contiguous to the main building to the top of the parapet of the case of a flat roof and the apex of the roof in the case of a pitched roof, but shall, in all cases, exclude chimneys, spires, ornamental towers, lift motor rooms, bulkheads over stairs, water tanks or any other architectural feature above the general level. The maximum height of any storey shall be limited to 5 m;

~~holiday accommodation~~ means harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping site or dwelling units, in public ownership, which shall only be marketed by means of short term or long term (up to a maximum of 20 years) renting, but does not include a hotel or motel".

"industrial building" means a building, other than a noxious industrial building, used or intended to be used as a factory within the meaning of the Factories Act, No. 18 of 1973, and includes any office, caretaker'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;

"institutional building" means a building or portion of a building designed for use as a charitable institution and/or the administration thereof, and includes a building designed for use as a hospital, clinic or dispensary, whether private or public, 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. 18 of 1973 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 area to which these regulations apply.

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

"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 5 kilowatts, with a total maximum of 25 kilowatts for all motors;

"maisonette" means any suite of rooms on two levels connected by an internal staircase, not being a single dwelling house, designed for use by a single family. A block of maisonettes is a building containing two or more maisonettes together with such out-buildings as are ordinarily used therewith;

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

"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;

"net retail area", in relation to a supermarket, means the floor area in such supermarket normally accessible to customers, inclusive of floor space occupied by shelves, counters, gondolas, kiosks, refrigerated and other display devices, vending machines, hand baskets, trolleys and the like, and which is subject to the control of and is within the limits defined by the cash check-out points;

"noxious industry building" means a building used or intended to be used for the purpose of carrying on an offensive or other trade as envisaged in regulations which are promulgated from time to time in terms of clauses 33 and 34 of the Public Health Act 1977 (Act No. 63 of 1977), read with paragraphs (f) and (g) of the definition of "nuisance" in Section 1 of the aforesaid act;

"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;

"outbuilding" means a subsidiary building designed to be used for the housing of servants, the garaging of motor vehicles, for storage purposes and for other purposes, ordinarily and reasonably required in conjunction with the main structure, provided it does not constitute a separate dwelling-unit;

"parking bay" means an area with minimum dimensions of 5,5 m by 2,5 m which is clearly outlined and demarcated for the parking of one motor vehicle, and which is accessible to the satisfaction of the local authority;

"passage" means a thoroughfare, lane, footpath, alley, right of way or servitude with a width of less than 3,5 m;

"place of assembly" means -

- (a) a building or portion of a building designed for use as a public hall, social hall, theatre, cinema, music hall, concert hall, dance hall, exhibition hall;
- (b) a building designed in conjunction with a sports ground or amusement park, open to the public on payment of an entrance charge;
- (c) a building or portion of a building designed for use as a non-residential club;
- (d) any other place of public assembly, 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 institution buildings;

"place of amusement" includes, inter alia, a building designed for use as a public hall, theatre, cinema, music hall, concert hall, billiard saloon, sports arena, skating rink, or dance hall, or for the purpose of exhibitions of trade or industry;

"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 an institution as defined in the Mental Health Act No. 18 of 1973;

"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 used or reserved for use as a private ground for sports, play, rest and recreation or as an ornamental garden or pleasure ground;

"professional building" means a building utilised or intended to be used for the professional use of members of the professions which will normally and reasonably be included under the definition of "professional use" where it appears in these definitions;

1E.

"professional use" means those type of uses which are normally and reasonably associated with the concept "professional", e.g. doctors, dentists, architects, engineers, etc., - rendering of services, as against practising a business, is one of the distinguishing factors;

"public garage" means a building or part of a building or site designed and/or used for all or any of the uses in connection with the assembly, running repair, maintenance or storage of motor vehicle including panel beating, blacksmith work, spray painting or body building;

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

"rear boundary" of a site or erf means every boundary thereof (other than a street boundary) which is parallel to, or is within 45° of being parallel to every street boundary of such site or erf, and which does not intersect a street boundary;

* RECREATIONAL FACILITIES / *recreational purpose shop*
"register" means the document required to be prepared in terms of clause 9.6;

"regulations" means the written addendum to the map in terms of which town planning control must be exercised;

"residential building" means a building, other than a dwelling house or flat, designed for use for human habitation, together with such outbuildings as are ordinarily used therewith and includes tenements, boarding-houses, hotels, 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";

"service station" means a building or part of a building or site designed and/or used for the supply of petrol, oil, tyres and other requirements connected with motor vehicles and for repair and overhaul of motor vehicles, but shall not include panel beating, blacksmith work, spray painting or body building;

1F.

"shop" means a building -

- (a) for the purpose of carrying on a retail trade; 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. 18 of 1973;
- and includes a laundrette and a dry cleanette but does not include any other industrial building, public garage or service station;

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

"social hall" means a building designed to be used for social meetings, gatherings and recreation and includes a masonic temple and a non-residential club, but does not include "a place of entertainment";

"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 Regulations 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;

"street" shall have the meaning thereto assigned by section 2 of Ordinance No. 20 of 1974, but does not include a passage;

"supermarket" means a shop having a net retail area of not less than 350 m² which is used for sales predominantly on a self service basis and in which the range of goods offered for sale includes goods falling into one or more of the following categories -

- (a) Foodstuffs
- (b) Toilet requisites
- (c) Household cleaning materials;

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

"warehouse" means a building designed both for the storage of goods and the transaction of wholesale business related to such goods; and

1G.

"zone" means a portion of the area shown on the map in a distinctive manner for the purpose of indicating the restrictions imposed by these regulations on the erection and use of buildings and the use of land.

2. AREA TO WHICH THESE REGULATIONS APPLY

2.1 The area to which these regulations apply shall be the Municipality of Fish Hoek.

RESERVATION OF LAND

3.

3.1

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

Table "A"

(1) Indication on map of land reserved	Colour Code	(2) Uses for which land is reserved
Dark red.	426	New streets and proposed street widening.
Hatched dark red.	426	Street closures- use of land to be determined after closure.
Dark green.	464	Public place or public open space.
Yellow green.	463	Private open space.
Light yellow green with "CEM" superimposed.	470	Cemetery purposes.
Red brown with "LA" superimposed.	491	Local authority.
Red.	421	Government purposes.
Light blue with "E" superimposed.	457	Educational purposes.
Blue purple.	437	Railway purposes.
Light brown with "P" superimposed.	487	Public parking purposes.
Light brown.	487	Existing streets.
Dark brown.	480	Main Roads.
Dark green with red lines.	464	Recreational purposes.

USE OF RESERVED LAND

4.

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 sub-clause (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 material or refuse.

4.3

In giving its consent under this Clause the Council may impose such conditions as it deems 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.

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. USE OF LAND IN SPECIFIED USE ZONES

- 5.1 The land specified by colour on the zoning map in column (1) of Table B.1 is zoned for the respective purposes indicated in column (2) of Table B.1 and shall not be used for any other purpose whatsoever.

Table "B.1"

(1)

Notation on Map

light green border.
 Yellow.
 Yellow with orange
 Hatching.
 Orange.
 Orange with yellow
 hatching.
 Blue.
 Blue with black hatching.
 Blue with orange hatching.
 Purple with black hatching.
 Blank (uncoloured).

Colour
Code

467
 407
 407
 415
 415
 443
 443
 443
 434

(2)

Use zones.

Agricultural.
 Single Residential.
 Intermediate
 Residential.
 General Residential.
 Group Housing.
 Business.
 Minor Business.
 Special
 Light Industrial.
 Undetermined.

5.3

Erection and Use of Buildings

5.3.1

The purpose for which buildings may be erected or used or may be erected or used only with the special consent of the Council, in each of the Use Zones specified in Table "B.2" are shown in columns (2) and (3) of the Table, respectively. Any use not reflected in columns (2) and (3) may not be permitted in the relative zone.

of the.

~~5.3.2~~ Buildings erected prior to approval and Town Planning Scheme

Existing buildings which were erected and used in conformity with the provisions of the legally operative building by-laws and town planning scheme, if any, as they obtained at the date of approval of the building plan may continue to be used for the purpose for which they were erected and used, and shall be deemed not to be in conflict with the existing building by-laws and town planning scheme.

① effective 14/6/91
Gazette 4700

5.4 Table "B.2"

5.5/...

<u>Use zone</u>	<u>Purpose for which buildings may be erected and used.</u>	<u>Purposes for which buildings may be erected and used only with the special consent of the Council.</u>
5.4.1 Single Residential.	Dwelling-houses, places of instruction. ① Block of flats, maisonettes, places of instruction. ① residential building.	Places of public worship, ① social halls, places of instruction. Dwelling-houses, place of public worship, social halls, institutional buildings, places of instruction. ① group housing provided that group housing shall comply with the requirements laid down in Clause 8.4 instead of with Clause 8.2. Places of public worship, social halls.
5.4.2 General Residential.		
5.4.3 Intermediate Residential.	Dwelling-houses, flats, maisonettes.	
5.4.4 Group Housing.	Group housing development in accordance with Clause 8.4.	
5.4.5 Central Business.	Business premises, flats and residential buildings above the ground floor. Dry cleaners and laundrettes.	Service stations, places of instruction, places of assembly, places of amusement.
5.4.6 Minor Business.	Business premises, flats above the ground floor, dwelling-houses. Dry cleaners and laundrettes.	Service stations, places of instruction.
5.4.7 Light Industrial.	Light industrial building, warehouses, builders' yards, public garages.	
5.4.8 Undetermined.	Existing uses only.	

5.5

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.

5.6

Application for Special Consent

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. In considering such applications, regard 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 in the case of an industrial building, injury due to the emission of smoke or fumes, or dust, noise or smell.

5.7

Compliance with Regulations

5.7.1

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

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 as indicated in Table "B.2" 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, both in English and Afrikaans, in English and Afrikaans newspapers, 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~~ ^{Twenty One} ~~(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 Ordinance No. 20 of 1974, as amended.

SAVING FOR SPECIAL PURPOSES

7.

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

7.1.1 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, excluding a tenement;

7.1.2 The occasional use of a place of public worship, place of instruction or institutional building as a place of amusement or social hall;

7.1.3 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 rooms for the purpose of treating only domestic animals (household pets), provided the resident himself is the user;

7.1.4 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 -

7.1.4.1 such dwelling-house, flat or residential building or any portion thereof shall not be used as a shop, business premises, light industrial building, industrial building or offensive trade building;

7.1.4.2 no goods shall be publicly displayed;

7.1.4.3 no advertising sign or notice shall be displayed other than an unilluminated sign or notice, not projecting over a street and not exceeding 2 000 cm² in area, indicating only the name and profession or occupation of the resident;

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

7.2 Components of the Town Planning Scheme

This town planning scheme consists of three components; the Map, the Regulations and the Register. These three terms are described in the Definitions.

8.

DENSITY CONTROL

The following restrictions shall apply in the relative zones:-

8.1 Single Residential Zone8.1.1 Dwelling-Houses8.1.1.1 Building Lines

No buildings except retaining walls, boundary walls or fences shall be erected nearer than the distances indicated to the relevant boundaries.

8.1.1.1.1 Street Boundaries

8.1.1.1.1.1 4,5 m to all street boundaries on all streets other than Proclaimed Main Roads.

8.1.1.1.1.2 5,0 m to all Proclaimed Main Road boundaries.

8.1.1.1.2 Rear Boundaries

8.1.1.1.2.1 3 m to the rear boundary.

8.1.1.1.3 Lateral Boundaries

8.1.1.1.3.1 In the case of an erf with a mean width of 20 m or more, 2,5 m to any lateral boundary.

8.1.1.1.3.2 In the case of an erf with a mean width of less than 20 m and which does not have any lateral boundary abutting a passage, not less than 1,5 m to any lateral boundary provided that the aggregate set back from two lateral boundaries shall not be less than 5 m.

8.1.1.1.3.3 In the case of an erf with a mean width of less than 20 m which has any lateral boundary abutting a passage, not less than 1,5 m to any such lateral boundary.

8.1.1.1.4 Exceptions

Where an erf is located within the area bounded by South End Road, Simonstown Road, Kommetjie Road, Harrington Road and Mountain Reserve;

8.1.1.1.4.1 4,5 m to the street boundary or the line subtended between the front face of dwellings, if any, on adjacent properties whichever is the more restrictive where the street boundary is the lower boundary of such erf. The maximum restriction under this clause shall be 9 m;

8.1.A

8.1.1.1.4.2 3 m to the rear boundary or the line subtended between the rear face of dwellings, if any, on adjacent properties whichever is the more restrictive where the rear boundary is the lower boundary of such erf. The maximum restriction under this clause shall be 9 m.

8.1.1.1.5 Relaxation of Building Lines

Notwithstanding these building lines but subject to the consent, and if such consent is withheld reasons therefor, of the affected adjoining owners first being obtained in writing, the Council may permit a relaxation of the lateral and/or rear building lines in the case of a dwelling-house, provided that the Council shall ensure that -

8.1.1.1.5.1 a means of access at least 1 m wide other than through a building shall be provided from a street to every unbuilt upon portion of the site of a dwelling other than a courtyard within a building;

8.1.1.1.5.2 no windows are inserted in any wall of a dwelling which is less than 1,5 m away from any lateral and/or rear boundaries;

8.1.1.1.6 Outbuildings

Notwithstanding these building lines, but subject to Council's consent, and such conditions as it may impose;

8.1.1.1.6.1 an outbuilding used solely for the housing of motor vehicles and not exceeding 3 m in height measured from the floor to the wall plate thereof, may be erected within such lateral and rear building line(s), or within the street building line(s) where due to the topography of the area it is impractical to erect such outbuilding in conformity with the street building line.

8.1.1.1.6.2 any other outbuilding which is not incorporated in the main building or directly accessible therefrom and not exceeding 3 m in height measured from the floor to the wall plate thereof may be erected within such lateral and rear building line(s) for a distance of 11 m measured from the rear boundary of the site or in the case of corner sites from a 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' consent has been obtained in writing and subject further to the street building line being complied with.

8.1.B/...

8.1.B.

8.1.1.1.6.3 The space beneath the outbuildings located within the street building line(s) referred to in clause 8.1.1.1.6.1 on the lower side of roads on the hillside may be developed and used for any of the purposes permitted for an outbuilding provided that it is not incorporated in the main building or directly accessible therefrom

8.1.1.1.6.4 In the case of any outbuilding permitted to be erected in terms of clause 8.1.1.1.6 no window, door or ventilation opening, other than an airbrick or vehicular garage door shall be inserted in any wall facing a site boundary which is less than 1,5 m from such wall.

8.1.2 Places of instruction, places of public worship and social halls

Except for boundary walls and fences, no building erected or used for these purposes may be nearer than 6 m from any boundary of the site.

8.1.3 Permissible Height of Buildings

8.1.3.1 The maximum height and number of storeys, not including basements, mezzanine floor or attic rooms in the roof space between the eaves and the apex of the roof, of buildings erected in this zone shall not exceed :-

<u>Type of building</u>	<u>Maximum Height</u>	<u>No. of Storeys</u>
Dwelling-house	8 m	2
Places of Instruction	15 m	3
Places of public worship	15 m	-
Social Halls	15 m	-

8.1.3.2 Buildings erected on properties of which the southern or upper boundary abuts a road in the area bounded by South End Road, Simon's Town Road, Kommetjie Road, Harrington Road and Mountain Reserve, or abuts Simon's Town Road, in addition to the provisions of sub clause 8.1.3.1, shall be further restricted such that the top of the parapet or the apex of the roof shall not exceed a level of 4 m above the crown of such abutting road measured on the centre line of the building.

8.1.C.

8.1.3.3 Where, in properties referred to in sub clause 8.1.3.2, the mean natural ground level immediately contiguous to a building is more than 7 m below the crown of the abutting road measured on the centre line of the building, one additional storey may be permitted provided that the level of the top of the parapet, or apex of the roof is not greater than 1 m above the said crown of the road.

8.1.3.4 The height of garages constructed on or in the roof of buildings on properties referred to in sub sections 8.1.3.2 and 8.1.3.3 shall not be included in the measurement of the height of the building, but shall nevertheless not exceed the further height restriction of sub clause 8.1.3.2.

8.1.4 Miscellaneous

8.1.4.1 Parking: Places of public worship and social halls

The requirements in respect of minimum on-site parking prescribed for places of assembly in the business zone shall be complied with.

8.1.4.2 Coverage

Maximum coverage for all buildings in this zone shall be 50%.

8.1.4.3 Bed and Breakfast Establishments

Subject to the conditions listed below, an application can be made to Council for its consent to allow an erf zoned for single residential purposes to be used as a Bed and Breakfast establishment:

POLICY
ONLY - NOT
PROMULGATED

- (i) on-site parking be provided to the ratio of 1.25 bays per rentable room;
- (ii) a maximum of 3 (three) rentable rooms be allowed with a maximum of 5 (five) boarders at any given time;
- (iii) the owner of the property must live on the premises and operate from it; and
- (iv) if the owner is successful in obtaining a liquor licence, the approval for special consent will be withdrawn; and

8.2/...

8.2

8.2 General Residential Zone

8.2.1 The restrictions applying to flats, residential and institutional buildings in this zone shall be :-

		<u>Block of more than 2 flats.</u>	<u>Residential Hotels.</u>	<u>Other-residential and institutional building.</u>
8.2.1.1	<u>Minimum site area</u>	990 m ²	990 m ²	1 980 m ²
8.2.1.2	<u>Minimum continuous road frontage</u>	20 m	20 m	30 m
8.2.1.3	<u>Maximum coverage excluding outbuildings not used for human habitation</u>	25% for a 3-storey building and 37½% for a 2-storey and 1-storey buildings	50%	As for block of more than 2 flats.

8.2.1.4 Building Lines

No buildings except boundary walls or fences may be erected nearer than the distances indicated to the relevant boundaries.

		<u>Block of more than 2 flats.</u>	<u>Residential Hotels.</u>	<u>Other residential and institutional building.</u>
8.2.1.4.1	<u>Street Boundaries</u>	8 m	8 m	8 m
8.2.1.4.2	<u>Lateral Boundaries</u>	4,5 m	4,5 m	4,5 m
8.2.1.4.3	<u>Rear Boundaries</u>	4,5 m	4,5 m	4,5 m

8.2.1.4.4 Notwithstanding these building lines, but subject to Council's consent and such conditions as it may impose outbuildings not exceeding 3 m in height measured from the floor to the wall-plate may be erected in the lateral and rear spaces for a distance of 11 m reckoned from the rear boundary or in the case of corner sites from a point furthest from the streets abutting the site.

8.2.A.

8.2.1.4.5 Boundary Walls

No building may be erected in this zone on any site unless 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 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 permissible bulk on the remainder of the site. The Council shall pay the cost of survey and transfer.

8.2.1.5 On-site Parking

8.2.1.5.1 Flats and Residential Buildings

The requirements in respect of minimum on-site parking prescribed for flats and residential buildings in the central business zone shall be complied with.

8.2.2 Permissible Height of Buildings

The maximum height and number of storeys, not including basements, mezzanine floor or attic rooms in the roof space between the eaves and the apex of the roof, of buildings erected in this zone shall not exceed :-

<u>Type of Building</u>	<u>Maximum Height</u>	<u>No. of Storeys</u>
Block of more than 2 flats	11 m	3
Residential Building	11 m	3
Institutional Building	15 m	3

8.2.B.

8.2.3 Miscellaneous

8.2.3.1 The restrictions prescribed for places of instruction, public worship and dwelling houses in the single residential zone shall apply to such buildings in this zone.

8.2.3.2 The restrictions prescribed for maisonettes and blocks of two flats in the intermediate residential zone shall apply to such buildings in this zone.

8.2.3.3 The restrictions prescribed for group housing in the Group Housing Zone shall apply to such buildings in this zone.

8.3

8.3 Intermediate Residential Zone

8.3.1 Dwelling Houses

The restrictions applying to dwelling houses in the single residential zone shall apply to such buildings in this zone.

8.3.2 Flats and Maisonettes

The restrictions applying to flats and maisonettes in this zone shall be :-

8.3.2.1 Coverage

Maximum coverage excluding outbuildings shall be 37½%.

8.3.2.2 Building Lines

The restrictions applying to dwelling houses in the single residential zone shall apply to the buildings permitted in this zone.

8.3.2.3 Outbuildings

8.3.2.3.1 An outbuilding used solely for the housing of motor vehicles shall be provided for each flat or maisonette.

8.3.2.3.2 The provisions applying to outbuildings in the Single Residential Zone shall apply to outbuildings in this zone provided further that the total area of the site covered by such outbuildings shall not exceed 12.5% of the site area.

8.3.2.4 Further Restrictions

One block of two flats or maisonettes may be erected on a site with a minimum area of 495 m² provided that an additional flat or maisonette may be added to the block for each additional 245 m² of site area.

8.3.2.5 On-Site Parking

One parking bay for each flat or maisonette.

8.3.A.

8.3.3 Miscellaneous

8.3.3.1 The restrictions prescribed for places of instruction and public worship in the single residential zone shall apply to such buildings in this zone.

8.3.4 Permissible Height of Buildings

The maximum height and number of storeys, not including basements, mezzanine floor or attic rooms in the roof space between the eaves and the apex of the roof, of buildings erected in this zone, shall not exceed :-

<u>Type of Building</u>	<u>Maximum Height</u>	<u>No. of Storeys</u>
Flats & Maisonettes	8 m	2
Places of Public Worship	15 m	-
Social Halls	15 m	-

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 intermediate residential zone in which case the side and rear building lines shall be 1,5 m.

8.4.7

Permissible Height of Buildings

The maximum height and number of storeys, not including basements, mezzanine floor or attic rooms in the roof space between the eaves and the apex of the roof of all buildings erected in this zone shall not exceed 8 m and 2 respectively.

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 in 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 provided where applicable.

8.4.12

Television antennae and radio aerals

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 Central Business Zone

The restrictions applying to buildings in this zone shall be:-

8.5.1 Coverage

8.5.1.1 In this zone 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 :-

<u>Purpose</u>	<u>Coverage</u>
Flats and residential buildings above the ground floor	50%
Business premises	100%
Service Stations	80%
Places of assembly and amusement	80%
Places of instruction	80%

8.5.2 Building Lines8.5.2.1 Street Boundaries

8.5.2.1.1 Subject to the provisions of Section 17 of Ordinance No. 19 of 1976, as amended, business premises, flats and residential buildings above the ground floor, may be erected on the street boundary, except that all such buildings shall be set back 4,5 m from the street boundary of First Avenue.

8.5.2.1.2 All other buildings shall be set back 4,5 m.

8.5.2.2 Rear Boundaries

8.5.2.2.1 Subject to paragraph 8.5.2.4.3, buildings on the ground floor may be erected on the rear boundary.

8.5.2.2.2 Buildings above the ground floor shall be set back 4,5 m from the rear boundary.

8.5.2.3 Lateral Boundaries

8.5.2.3.1 Subject to paragraph 8.5.2.4.3, buildings on the ground floor may be erected on the lateral boundary.

8.5.2.3.2 Buildings above the ground floor may be erected on the lateral boundary for a distance of 12,5 m measured from the street boundary and thereafter shall be set back 4,5 m from the lateral boundary.

8.5.A

8.5.2.4 Further Restrictions

8.5.2.4.1 No windows, doors and ventilation openings shall be inserted in any wall facing a lateral or rear boundary which is less than 4,5 m from such wall, provided that Council may relax this restriction where such boundaries abut a passage.

8.5.2.4.2 Flats and residential buildings in this zone may only be erected above the ground floor.

8.5.2.4.3 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 insofar as it is more restrictive.

8.5.2.5 Miscellaneous

8.5.2.5.1 Basements

Subject to the provisions of section 19 of Ordinance No. 19 of 1976, as amended, the building line restrictions need not be complied with insofar as basements are concerned.

8.5.2.5.2 Projections

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

8.5.3 Provisions for Loading and Off-Loading Facilities and On-Site Parking

In this zone, minimum provision shall be made on the site for loading and off-loading facilities and for the parking and garaging of vehicles on the following basis :-

8.5.3.1 Loading and Off-Loading Facilities

For the purpose of preventing obstruction of traffic on any streets 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. 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.

8.5.3.2 On-Site Parking

8.5.3.2.1 Business Premises

central business
* {

In substitution for the requirement to provide on site parking for business premises, other than supermarkets, in this zone, a special owner's rate is levied by Council to defray the costs of providing public parking areas in close proximity to this zone. Supermarkets must provide one public parking bay for every 10 m² of nett retail floor area or alternatively 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 Council, provided he registers a notarial deed against such land to the effect that the Council and 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 to be borne by the Council.

8.5.3.2.2 Flats and Residential Buildings

One parking bay for each flat or in the case of hotels, boarding houses and other general residential buildings each two bedrooms.

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 shall be provided uncovered on the site and clearly demarcated and suitably signposted to the Council's satisfaction for the use by visitors to the premises.

8.5.3.2.3 Places of Assembly and Amusement

A minimum area shall be provided on the basis of 30 m² (one gross parking space) for every 8 seats provided in the building.

8.5.3.2.4

Service Stations

Parking exclusive of showroom and workshop areas shall be provided for each service station at the rate of 120 m² per grease bay, or wash bay.

8.5.4

Special Types of Buildings

The provision of this clause relating to certain types of buildings shall be in addition to any other provisions applicable to such building in terms of these regulations.

8.5.4.1

Place of Assembly

Where a building or portion of a building is to be used as a place of assembly, there shall be provided for such place of assembly a foyer with a minimum area of 0,25 m² per seat for one quarter of the total seating capacity and a minimum frontage of 1 m for each 100 seats in the building licensed by the Council.

8.5.4.2

Non-conforming Premises

Before a registration certificate or licence of the Council is issued in respect of any premises for which there is no current licence at the date of coming into force of these provisions, or when additions or alterations are made to any building in this zone, all the buildings on the site as well as the premises itself shall be made to comply with the provisions of the scheme, the regulations of the Council and any other laws which may be applicable.

8.5.4.3

Service Stations

The provisions of the Standard Regulations relating to public garages promulgated under P.N. 871 dated 19th October, 1973, as amended from time to time shall apply insofar as they affect service stations.

8.5.4.4

Combined Buildings

In the case of combined buildings, the provisions shall be calculated 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 one floor of a building for more than one use, the more restrictive provision shall apply.

8.5.4.5

Blocks of Flats

The restrictions applicable to blocks of flats in the general residential zone are applicable in this zone.

8.5.D

8.5.4.6 Dry Cleaners and Laundrettes

Dry cleaners and laundrettes may be established in this zone provided that they comply with the following provisions :-

- 8.5.4.6.1 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.
- 8.5.4.6.2 The minimum distance between the boundaries of any two dry cleaners or laundrettes, unless situated on opposite sides of a street shall be 60 m.
- 8.5.4.6.3 Only gas, electricity or illuminating paraffin shall be used for the production of steam or hot water.
- 8.5.4.6.4 The solution used in the cleaning process shall be non-inflammable.
- 8.5.4.6.5 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.
- 8.5.4.6.6 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.
- 8.5.4.6.7 In any establishment comprising either a dry cleaner or a laundrette or a combination of both, the maximum personnel shall be 12.
- 8.5.4.6.8 Each individual application for the establishment of a dry cleaner or a laundrette in this zone shall be submitted to the Council for its 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.
- 8.5.4.6.9 If the Council is of the opinion that the site of a proposed dry cleaner 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.

8.5.5 Permissible Height of Buildings

The maximum height and number of storeys, not including basements, mezzanine floor or attic rooms in the roof space between the eaves and the apex of the roof, of buildings erected in this zone, shall be :-

8.5.E

8.5.5 (Contd)	<u>Type of Building</u>	<u>Maximum Height</u>	<u>NO. of storeys</u>
	Business premises	12 m	3
	Combined Buildings	12 m	3
	Place of Assembly	15 m	-
	Place of Amusement	15 m	-
	Place of Instruction	15 m	3
	Service Station	8 m	2

8.6

Minor Business Zone

The restrictions applying to shops and flats in the central business zone and dwelling-houses in the single residential zone shall apply in this zone, except insofar as they are superseded by the following amended restrictions.

8.6.1

Coverage

8.6.1.1

The coverage of business premises shall not exceed 80%.

8.6.2

On-Site Parking

8.6.2.1

Business Premises other than Supermarkets

One parking bay for every 60 m² of the gross floor area of that portion of the building devoted to such use.

8.6.2.2

Supermarkets

One parking bay for every 10 m² of net retail floor area.

8.6.3

Permissible Height of Buildings

The maximum height and number of storeys, not including basements, mezzanine floor or attic rooms in the roof space between the eaves and the apex of the roof, of buildings erected in this zone, shall be :-

<u>Type of Building</u>	<u>Maximum Height</u>	<u>No. of storeys</u>
Business premises	8 m	2
Combined buildings	8 m	2
Service stations	8 m	2
Places of instruction	15 m	3

8.7 Light Industrial Zone**8.7.1 Coverage**

The maximum coverage in this zone shall be 75%.

8.7.2 Building Lines

No buildings except boundary walls or fences shall be erected nearer than 3 m from any boundary of the site.

8.7.3 Provisions for Loading and Off-Loading Facilities and On-Site Parking

In this zone, minimum provision shall be made on the site for loading and off-loading facilities and for the parking and garaging of vehicles on the following basis :-

8.7.3.1 Loading and Off-Loading Facilities

The provisions for providing loading and off-loading facilities in the Central Business Zone shall apply in this zone.

8.7.3.2 On-Site Parking

One parking bay for every 100 m² of gross floor area.

8.7.4 Permissible Height of Buildings

The maximum height of all buildings erected in this zone shall be 15 m.

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 9th June, 1958, without the consent of the Council, which can only be given with the approval of the Provincial Administrator.

8.9

Special Zone

Land may be zoned for any of the specified uses, either separately or combined, contained in these regulations but subject to special conditions which shall supercede the other conditions contained in these regulations. Such land which is specially zoned shall be specified in the following table.

8.9.1

Schedule of Land Subject to Special Zoning

8.9.1.1

DescriptionReference to Special Conditions

Erf 13407

AF.210/6/102

(Valleyland)

13 March 1969

8.9.1.2

Erven 6032 & 6039

AF 210/6/129

(Now erf 13705)

20 March 1973

(Checkers)

- See
Annexed

9. MISCELLANEOUS9.1 External Appearance of Buildings

Any person intending to erect any building shall furnish the Council 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 or samples of the materials to be used for that purpose. The Council may require such alteration to the external appearance and building materials as it may deem necessary.

9.2 Use of Outbuildings

No outbuilding may be used for any purpose other than that for which the plans have been approved by the Council and no such outbuilding may be used until the main buildings are completed or occupied.

9.3 Projections in Front of Building Lines

Eaves and guttering shall be permitted to project beyond the permitted building lines for a total distance not exceeding 750 mm.

9.4 Structures Permitted within Set Back Spaces

9.4.1 Outbuildings permitted within setback spaces in terms of these regulations shall not extend for a distance greater than 50% of the length of the abutting boundary.

9.4.2 Notwithstanding the restrictions herein contained but subject to Council's consent and such conditions as it may impose, unroofed structures, fences, walls, pools, awnings and canopies may be erected within setback spaces.

9.5 Number of Buildings per Erf

Except in cases of places of instruction, places of public worship and social halls, or in cases outside the single residential zone where the harmoniously planned simultaneous development is approved with the intention to permit buildings on an erf, no erf shall form the site of more than one building together with such outbuildings as are permitted in terms of these regulations.

9.6 Council's Duties Under these Regulations

9.6.1 The Council shall keep 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 and of refusals by the Council or the Administrator and the name of the applicant in connection therewith.

9.6.2 The register shall consist of a list of the relevant erf numbers, in numerical order, with the information required in terms of clause 9.6.1, opposite each erf number.

9.6.3 The council shall permit any person to inspect at any reasonable time the scheme, the map and the register 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.

9.7 Service of Documents

The provisions of section 211 of Ordinance No. 20 of 1974, as amended, shall mutatis mutandis apply to this scheme.

9.8 Approved Townships

9.8.1 Notwithstanding the foregoing provisions, the conditions relating to use, building lines and maximum coverage and height imposed by the Administrator in the approval of townships, shall apply in so far as such conditions are more restrictive than the provisions of the town planning scheme.

9.8.2 The layout plan of a township approved by the Administrator subsequent to the coming into operation of these provisions, shall form part of the town planning scheme and the map, regulations and register shall be amended accordingly in terms of the provisions of Ordinance No. 33 of 1934.

9.9 Subdivisions

Subdivisions in the areas scheduled hereunder shall conform basically to the master plan indicated.

SCHEDULE

<u>AREA</u>	<u>MASTER PLAN REFERENCE</u>
(1) Area South of Kommetjie Road	16(1)
— bounded by Quarry Road,	(23.12.71)
Harrington Road and	
Carmichael Road.	

8.9.1.2

PROVINSIALE ADMINISTRASIE
VAN DIE KAAP DIE GOEIE HOOP
PROVINSIE GEBOU WAALSTRAAT, KAAPSTAD



TELEGRAMADRES:
TELEGRAPHIC ADDRESS:
"PROVADMIN"

PROVINCIAL ADMINISTRATION
OF THE CAPE OF GOOD HOPE
PROVINCIAL BUILDING, WALE STREET, CAPE TOWN
POSTAL ADDRESS: P.O. BOX 659, CAPE TOWN

POSADRES: POSBUS 659, KAAPSTAD

The Town Clerk,
FISH HOEK.

NAVRAE ENQUIRIES Mr Paul.
TELEFOON TELEPHONE 45-9321.
VERWYSING REFERENCE AF.210/6/129.

20-8-1973

Sir,

TOWN PLANNING SCHEME: REZONING AND SALE OF ERVEN BOUNDED BY FIRST AVENUE, DUNSTER, MAIN AND DALTON ROADS TO ROHOEK (PTY) LTD.

1. Your letter No. B.1/2/2 dated 20th November, 1972.
2. The Administrator has, after due consideration of all the facts -
 - (a) amended your Council's town planning scheme, in terms of section 35 bis of Ordinance No. 33 of 1934 by the rezoning of erven 6032 to 6039, to "special zoning" which will permit approximately 2565 m² to be used for business purposes and the remainder for parking in accordance with Plan No. 401.A.11 (except as provided in the following conditions), subject to the imposition of a development contribution in terms of section 35 ter of the Ordinance and the following conditions -

(1)/.....

Endorsements:

- (1) THE PROVINCIAL AUDITOR.
- (2) FILES AF.210/6/0/1/2.
- (3) AF.210/6/0/26.
- (4) AA.210/83/1.

[Handwritten signature]

- (i) no advertising or sale of goods shall take place on the forecourt fronting onto the Main Road pavement;
- (ii) the municipal pump station site shall be landscaped by the developers to the satisfaction of your Council;
- (iii) a 1,7 m high wall shall be erected on the boundaries of the site surrounding the parking area;
- (iv) the total area, approximately 4527 m² shall be consolidated into 1 erf;
- (v) approximately 2565 m² of the site shall be used for business purposes with a coverage of 2034 m²;
- (vi) the remainder of the site shall be used for on-site parking and the general implementation of the project. The parking area shall be constructed, lighted and maintained to your Council's satisfaction and such parking shall be available to the public in general, free of charge and not subject to any restriction without the consent of your Council;
- (vii) vehicular access to the parking and loading area shall be confined to Dalton Road, and
- (viii) access to the loading bays shall be improved.

(b)/.....

(b) authorised your Council, in terms of section 145 of Ordinance No. 19 of 1951, to sell portion of erf 6032 and erf 6035, approximately 1 038 m² to Messrs Rohoek (Pty) Ltd at a price of R50,42 per m², provided -

- (i) the conditions of sale shall be submitted for approval;
- (ii) the proceeds of the sale be paid direct to your Council and credited to the Revolving Fund;
- (iii) the purchaser pays all costs in connection with the sale, including the cost of advertising, survey and transfer of the land, and
- (iv) your Council satisfies itself that it has the right to sell the land.

3. Kindly comply with the requirements of section 35 bis (5) of Ordinance No. 33 of 1934.

4. Regarding the development contribution mentioned in paragraph 2(a) above, I must draw your attention to the contents of my letter dated 12th March, 1973. Please note that no building plans must be approved or rates clearance certificate issued until the development contribution has been determined and paid.

Yours faithfully,

DIRECTOR OF LOCAL GOVERNMENT.

AMS/MEF.

PA. End
18/7/74

15/6

5



3034 AVENUE FIRST

D A L T O N R O A D

6039

EXISTING CYCLE AREA

EXISTING: SELLING AREA

5037+

6035

1037.

6033

PARKING

$$\pm 43 \text{ (Fr. / Scans)} >$$

• D U H S T L R , R O A D

FISH HOEK/KOMMETJIE/NOORDHOEK
TRANSITIONAL METROPOLITAN SUBSTRUCTURE:

PROPOSED AMENDMENT OF TOWN PLANNING SCHEME
REGULATIONS PROMULGATED IN P.N. 4303,
DATED 27 JANUARY 1984:

Notice is hereby given that it is the intention of the Council to apply in terms of section 9(2) of the Land Use Planning Ordinance, 1985, for the above-mentioned regulations to be amended by —

1. the addition of the following subsection

"8.1.4.3 Bed and Breakfast Establishments"

Subject to the conditions listed below, an application can be made to Council for its consent to allow an erf zoned for single residential purposes to be used as a Bed and Breakfast establishment:

- (i) on-site parking be provided to the ratio of 1.25 bays per rentable room;
- (ii) a maximum of 3 (three) rentable rooms be allowed with a maximum of 5 boarders at any given time;
- (iii) the owner of the property must live on the premises and operate from it; and
- (iv) if the owner is successful in obtaining a liquor licence, the approval for special consent will be withdrawn," and

2 - by adding the following in the section marked "Definitions":

"Bed and Breakfast establishment means: a dwelling unit used to house at a predetermined rate, travellers for a minimum period of one night and provide them with a breakfast the next morning."

Objections to this proposal, if any, must be lodged with the undersigned not later than Friday, 19 April 1996. — H. K. Chapman,
Chief Executive/Town Clerk, Municipal Offices, Civic Centre, Central Circle, Private Bag X1, Fish Hoek 7975. 14175

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12 APRIL 1996