

GORDON'S BAY MUNICIPALITY

ZONING SCHEME REGULATIONS

GORDON'S BAY MUNICIPALITY

ZONING SCHEME

REGULATIONS

TO BE READ IN CONJUNCTION WITH THE ZONING MAP

C O N T E N T S

<u>CLAUSE</u>	<u>PAGE</u>	
1.	1	Definitions
2.	6	Area of Scheme
3.	6	Reservation of Land for Government, Local Authority and Public Purposes
3.2	7	Table 'A' - Indication on Map of Land Reserved
4.	7	Use of Reserved Land
5.	8	Use of Land in Specified Use Zones
5.2	8	Table 'B.1' - Indication on Zoning Map of Land Use-Zoned
5.3	8	Erection and Use of Buildings in Specified Use Zones
5.4	9	Table 'B.2' - Purposes for which Buildings may be Erected and Used
5.5	9	Imposed Conditions
5.6	10	Application for Special Consent
5.7	10	Compliance with Regulations
6.	10	Advertisement of Intended Application for Special Consent
7.	10	Saving for Special Purposes
8.	11	Planning Control
8.1	11	Agricultural Zone
8.2	11	Single Residential Zone
8.3	13	General Residential Zone
8.4	15	Business Zone
8.5	19	Minor Business Zone
8.6	20	Undetermined Zone
8.7	20	Group Housing Zone
8.8	22	Industrial Zone 1
8.9	23	Informal Residential Zone
9.	23	Miscellaneous
9.1	23	Number of Buildings per Erf
9.2	24	External Appearance of Buildings
9.3	24	Loading and Off-Loading Facilities
9.4	24	Use of Outbuildings Prior to Completion of Main Building
9.5	24	Council's Duties under this Scheme
9.6	24	Service of Documents
9.7	25	Approved Townships
9.8	25	General Amenity and Convenience
9.9	25	Advertisements

9.10	26	Ramps over Pavements
9.11	27	Awnings
10.	28	Approval of Departures and Subdivision by Council
10.1	28	Definitions
10.2	28	Departures
10.3	29	Subdivision
10.4	30	Removal of Restrictions
10.5	30	General
10.6	30	Procedure in applying for a Departure, Rezoning or Subdivision
10.7	32	Appeal to Administrator
10.8	33	Appeal Committees
10.9	34	Subdivision: Land and Services

GORDON'S BAY MUNICIPALITY : ZONING SCHEME

1.

Definitions

In this scheme -

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

'Appeal committee' means an appeal committee as defined in the Ordinance;

'Basement' means that portion of 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, and provided that no basement ceiling shall project more than 1 m above natural ground level;

'Block of flats' means a building containing two or more dwelling units;

'Building' means in addition to the meaning assigned thereto in section 2(viii) of Ordinance 18 of 1976, any structure or erection whatsoever irrespective of its nature or size;

'Bulk' 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 but shall not in any event exceed the 'maximum bulk' as herein defined; provided that for the purposes of determining the bulk of any building -

- (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.

'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, industrial building or noxious industrial building;

'Chief Director' means the Chief Director: Land Development Co-ordination, or any other designation by which such official may be known;

'Chief Executive Officer' means the Town Clerk, Secretary or Chief Executive Officer of a municipality, divisional council or regional services council, as the case may be;

'Council' means the Municipal Council of Gordon's Bay;

'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;

'Date of application' means the date of submission of an application to a Chief Executive Officer, as referred to in regulations 5, 6, 7, 8 and 10;

'Dwelling unit' means a selfcontained 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;

'Erection' in relation to a building includes -

- (a) the alteration, subdivision and 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;

'Ground floor' means the lowest floor of a building not being a basement;

'Group housing' means a group of separate and/or coupled and/or linked individual dwellings on smaller than conventional erven, 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 dwelling unit 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;

'Home-owners' association means an association with jurisdiction registered in terms of the Companies Act, No. 61 of 1973, membership of which shall be compulsory for all owners of group housing erven in the group site (or sites) for which it was established;

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

'Industrial building' means a building, other than an offensive trade building, used or intended to be used as a factory within the meanings of the Factories Act, No. 22 of 1941, and includes an 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 used or intended to be used as a charitable institution and/or the administration thereof, and includes a hospital, clinic or dispensary, whether private or public, used in connection therewith but does not include -

- (a) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;
- (b) premises licensed under Act 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 of the Gordon's Bay Municipality;

'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 or a building used or constructed or designed or adapted to be used as an industrial building in which the power machinery installed is only driven by electricity, no single motor being rated at more than 3,7 kW and with a maximum of 22,4 kW for all motors per site, and in which the maximum number of employees is restricted to twenty, and includes a shop for the sale of products manufactured on the premises;

'Local Authority' means a Local Authority, as defined in the Ordinance;

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

'Maximum bulk' means the factor prescribed in these regulations for a specified zone multiplied by the nett area of the site, or by the nett area of that portion of the site which falls within the zone to which such factor applies; provided that where a site falls within two or more zones to which different factors apply, the maximum bulk for the whole site shall be the total of the maximum bulk for each portion of such site as falls within the zone concerned;

'Mean level' is the mean level between the highest and lowest points on the boundaries of the erf;

'Motor vehicle' means any vehicle designed or intended for propulsion by other than human or animal power and includes a motorcycle and a trailer or caravan but does not include a vehicle moving exclusively on rails;

'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 of whose whereabouts is unknown;

'Offensive trade 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 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;

'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;

'Parking bay' means an area measuring not less than 5,5 m by 2,5 m which is clearly outlined and demarcated for the parking of one motor vehicle, and which is accessible to the satisfaction of the Council;

'Place of assembly' means -

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

'Place of 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, crèche, 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;

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

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

'Public garage' means a trade or business in respect of which a license is required in terms of Item 27 of the First Schedule to the Registration and Licensing of Business Ordinance (No. 15 of 1953, as amended) and shall include the trade or business of fuelling motor vehicles for payment or reward;

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

'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;

'Resident' - in relation to any building, structure or land means and includes any person habitually physically residing in or upon such building, structure or land;

'Residential building' means a building (other than a dwelling-house, block of flats or hotel) for human habitation, together with such outbuildings as are ordinarily used therewith and includes tenements, boarding-houses, 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';

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

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

'Service usage' means a building or usage, whether it is an industry or not, which is primarily included in the rendering of a service; which can reasonably be regarded as being out of character in the residential or business area of the town; which is exclusively directed towards the local environs, where at most ten people are employed, and which is exempted from section 2 of the Physical Planning Act, 1967 (Act 88 of 1967), but does not include a service station or public garage;

'Shelter' means a unit of accommodation, situated within an informal town or settlement, of any material whatsoever, which does not comply with the standards of durability intended by the National Regulations, as applicable to the area of jurisdiction of the Council, and includes any land use complying with clause 8.5.9

'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. 22 of 1941;

and includes a laundrette and a dry-cleanette but does not include any other industrial building or a public garage;

'Site' means the area of the erf less any land required for road purposes;

'Street' shall have the meaning assigned thereto by section 2 of Ordinance 20 of 1974;

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

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

- (a) a density requirement;
- (b) the conditions and stipulations contained in these regulations;
- (c) the planning stipulations of any applicable structure plan, and
- (d) any other conditions laid down at the time of the approval of the rezoning has been rezoned to a subdivisional area.

'The Ordinance' means the Land use Planning Ordinance, 1985 (Ordinance 15 of 1985).

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

'Warehouse' means a building for the storage of goods and the transaction of wholesale business related to such goods, and

'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.

2. Area of Scheme

- 2.1 The area to which this scheme applies shall be the Gordon's Bay Municipality.

3. Reservation of Land for Government, Local Authority and Public Purposes

- 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.

3.2 Table 'A'

	(1)	(2)
	<u>Indication on Map of Land Reserved</u>	<u>Uses for which Land is Reserved</u>
3.2.1	Dark Brown outline	Main Roads and proposed Main Roads
3.2.2	Light Brown	Existing Streets
3.2.3	Dark Red	New Streets and proposed Street Widenings
3.2.4	Hatched Dark Red	Street Closures - use of land to be as shown between hatching, otherwise to be determined after closure
3.2.5	Light Brown	Public Parking
3.2.6	Ochre	Local Authority
3.2.7	Pink	Government
3.2.8	Light Blue Border	Educational
3.2.9	Dark Green	Public Place or Public Open Space
3.2.10	Light Green Border	Private Open Space
3.2.11	Light Green	Cemetery
3.2.12	Dark Ochre	Sewerage Farm

4. Use of Reserved Land

- 4.1 Save with the consent of the Council and the Administrator no person shall erect a building, or execute works, or make excavations on land reserved under clause 3 hereof other than buildings, works or excavations required for or incidental to the purpose for which the land is reserved, provided that nothing herein contained shall be deemed to absolve any person from due compliance with the provisions of the Council's regulations insofar as they are not in conflict herewith.
- 4.2 Save as provided in subclause 4.1 no person shall spoil or waste land reserved under clause 3 hereof so as to destroy or impair its use for the purpose for which it is reserved, provided that the Council may consent to the deposit on such land of waste materials or refuse.
- 4.3 In giving its consent under this clause the Council may impose such conditions as it thinks fit.
- 4.4 Subject to the provisions of any other law, nothing in this clause shall be construed as prohibiting the reasonable fencing of the land.
- 4.5 Any buildings erected on land reserved under Table 'A' shall comply in all respects with the provisions of the scheme relating to that type of building.

5. 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 use-zoned for the respective purposes indicated in column (2) of Table B.1 and shall not be used for any other purpose whatsoever.

5.2 Table B.1

	(1)	(2)
	<u>Indication on Zoning Map of Land Use-Zoned</u>	<u>Use Zones</u>
5.2.1	Yellow	Single Residential
5.2.2	Yellow with Orange Border	Group Housing
5.2.3	Orange	General Residential
5.2.4	Light Blue	Business
5.2.5	Blank (Uncoloured)	Undetermined
5.2.6	Blue Purple	Industrial I
5.2.7	Blue Green	Special Zone
5.2.8	Yellow with light brown outline	Informal Residential Zone

5.3 Erection and Use of Buildings in Specified Use Zones

5.3.1 The purpose for which buildings may be erected or used or may be erected and/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 that Table respectively. Any use not reflected in columns (2) and (3) may not be permitted in the relative zone. No land shall be used for a purpose for which a building may not be erected or used on such land, provided that where a building may be erected and used for a particular purpose on land with the special consent of the Council, such land may be used for such purpose with such special consent.

5.3.2 The land within any specific area which is depicted on the Map in terms of clauses 5.2.7 and 5.4.8 and described as a Special zone, shall receive a number, e.g. "Annexure 1" and shall in addition to the provisions of the Scheme, be entitled to the uses and further be subject to the special conditions as contained in the relevant annexure.

The instructions, stipulations and restrictions contained in such annexure will take priority over any conflicting regulation of the Zoning Scheme. Where no discrepancies exist, the general stipulations, definitions and provisions of the scheme will also apply to the relevant annexure.

5.4

Table B.2

	(1)	(2)	(3)
	Use Zone	Purposes for which buildings may be erected and used	Purposes for which buildings may be erected and used only with the special consent of the Council
5.4.1	Single Residential	Dwelling-houses, places of instruction	Places of public worship
5.4.2	Group Housing	Group housing development in accordance with clause 8.7	Dwelling-houses
5.4.3	General Residential	Blocks of flats, places of instruction, residential buildings	Places of public worship institutional buildings and group housing provided that group housing shall comply with the requirements laid down in clause 8.7
5.4.4	Business	Blocks of flats and residential buildings above ground floor, business premises, hotel, places of assembly	Public garages, places of instruction
5.4.5	Minor business	Blocks of flats above ground floor, shops, dwelling-houses	None
5.4.6	Undetermined	Existing uses only	None
5.4.7	Industrial I	Service usage	Warehouse, public garage, transport usage, scrap
5.4.8	Special Zone	Uses as defined in Annexure	
5.4.9	Informal Residential Zone	Shelters, dwelling-house	None

5.5

Imposed Conditions

Where permission to erect any building or execute any works or to use any building on 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.

5.7 Compliance with Regulations

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 use the land in clauses 5.4.2, 5.4.3 and 5.4.4 whether wholly or partially for any purpose requiring the Council's special consent shall, before making such application, publish at his own expense, once a week for two consecutive weeks, in English and Afrikaans 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 (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 20 of 1974, as amended.

7. Saving for Special Purposes

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

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

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

- 7.3 The use by any resident of a dwelling-house, flat or residential building or of any portion thereof as medical doctors' or a dentist's surgery, consulting rooms and waiting rooms, as well as a veterinary's consulting room for the purpose of treating only domestic animals (household pets), provided the resident himself is the user.
- 7.4 The use of part of a dwelling-house, flat or residential building by a resident therein for the conduct by himself of a profession or occupation, provided that -
- 7.4.1 such dwelling-house, flat or residential building or any portion thereof shall not be used as a shop, business premises;
- 7.4.2 no goods shall be publicly displayed;
- 7.4.3 no advertising sign or notice shall be displayed other than an unilluminated sign or notice, not projecting over a street and not exceeding 1 858 cm² in area, indicating only the name and profession or occupation of the resident;
- 7.4.4 no activities shall be carried on which are or are likely to be a source of nuisance, disturbance or annoyance to residents of other dwelling-houses, flats or residential buildings or portions thereof.

8. Planning Control

The following restrictions shall apply in the relative zones -

8.1 Agricultural Zone

No buildings or any portion thereof except boundary walls or fences may be erected in this zone nearer than 33 m from any boundary of the site.

8.2 Single Residential Zone

8.2.1 Dwelling-Houses

8.2.1.1 Building Lines

No building or any portion thereof, except,

- (a) boundary walls and fences,
- (b) buildings or storeys of buildings the ceiling levels of which are below ground level,
- (c) open and uncovered stoeps,
- (d) entrance steps and landings,
- (e) eaves, for a distance of 1 m,
- (f) cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative projections not projecting more than 300 mm from a wall of a building,
- (g) screenwalls not exceeding 2,0 m in height above ground provided that it is not less than 4,50 m from the street boundary and swimming pools not above ground level and

(h) drying yards

shall be erected on a site nearer than -

- (i) 4,50 m to any street boundary; except that on steeply sloping ground the street building line may be reduced subject to the approval of the Council to 1,5 m on the upper side and 3 m on the lower side of the street;
- (ii) 3 m from the rear boundary;
- (iii) 2,50 m from any lateral boundary if the frontage of any erf exceeds 22 m in length, provided that the aggregate side space shall not be less than 6 m;
- (iv) 1,5 m from any lateral boundary if the frontage of an erf is between 19 and 22 m in length, provided that the aggregate side space shall not be less than 5 m;
- (v) 1 m from any lateral boundary if the frontage of an erf is less than 19 m in length, provided that the aggregate side space shall not be less than 3,50 m and further than no windows or doors are inserted in any wall which is less than 1,50 m from any lateral boundary.

8.2.1.2 Relaxations of Building Lines

Notwithstanding these building lines but subject to the consent 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 -

a means of access of 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;

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.

8.2.1.3 Outbuildings

Notwithstanding these building lines but subject to the Council's consent, an outbuilding used solely for the housing of motor vehicles may be erected within such side and rear spaces and any other outbuilding 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' consent has been obtained in writing and subject further to the street building line being complied with and

8.2.1.4 an outbuilding in terms of subparagraph 8.2.1.3 may only be erected nearer to a lateral or rear boundary of a site than the distance laid down for dwelling-houses, if no windows or doors are inserted in any wall facing such boundary.

8.2.1.5 Building Lines for Garages on Steep Sites

Notwithstanding the provisions of the previous restrictions, a garage may be erected nearer to the street boundary than the distance prescribed by such provisions if all the following conditions are complied with -

A. For Site Above the Road

- (a) The height of such garage shall not exceed 3 m;
- (b) The portion of the site that will be excavated for the erection of such garage shall be situated above the mean street level at points opposite such garage;
- (c) The garage shall not be nearer to the street boundary than 1,5 m.

B. For Sites Below the Road

- (a) The height of such garage, measured as though the floor level thereof were the ground level, shall not exceed 3 m;
- (b) The mean natural ground level of the site at points directly below such garage and 10,5 m from the street boundary concerned shall be at least 2 m below the mean street level at points opposite that side of the garage which is most nearly parallel to the street boundary;
- (c) Such garage shall not be erected nearer than 1,5 m to the street boundary.

8.2.1.6 No building in this zone north of Van der Byl Street, School Street or Sir Lowry's Pass Road shall exceed two storeys or 8,5 m above the street level. No building in this zone south of Van der Byl Street, School Street or Sir Lowry's Pass Road situated below a road shall exceed one storey or 4 m above the crown of the abutting road to the highest point of such building while those situated above the road shall not exceed a height of 4 m above the normal ground level at the rear of the property, without the special consent of the Council.

8.2.2 Places of Instruction, Places of Public Worship

Except for boundary walls and fences no building erected or used for these purposes may be nearer than 10 m from any boundary of the site.

8.2.3 Places of Public Worship

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

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

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

8.3 General Residential Zone

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

		Blocks of Flats	Duplex Flats	Hotels	Other Residential and Institutional Buildings				
8.3.1	<u>Minimum size of site</u>	1 000 m ²	1 000 m ²	4 000 m ²	2 000 m ²				
8.3.2	<u>Maximum coverage</u>	25%	40%	25%	25%				
8.3.3	<u>Maximum bulk</u>	0,75	0,75	0,75	0,75				
8.3.4	<u>Spaces about buildings</u>								
8.3.4.1	No buildings or structure, except boundary walls and fences, shall be erected nearer than 8 m from any street boundary (vide definition of 'street boundary') of the site or the new street boundary provided for in subclause 8.3.7.2, whichever is the more restrictive on the site or erf.								
8.3.4.2	<u>Lateral Space</u>)	4,5 m or ½ the height of the building, whichever is the greater							
8.3.4.3	<u>Rear Space</u>)								
8.3.4.4	<u>Outbuildings</u>	Outbuildings with the consent of the Council 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 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' consent has been obtained in writing and subject further to the street building line being complied with.							
8.3.4.5	An outbuilding may only be erected nearer to any lateral or rear boundary of a site than the distance laid down for the main building if no windows or doors are inserted in any wall facing such boundary.								
8.3.5	<u>Height</u>								
	No building in this zone shall exceed a height of 3 storeys. (2 storeys for Farmview)								
8.3.5.1	Notwithstanding the provisions of this clause, no general residential building of a total height of more than 9 m, measured from the crown of Beach Road to the highest point of such building, shall be allowed to be erected on erven 1388, 1389, 1709, 267, 268, 1408, 269, 270, 277, 278, 1546, 1545, 1775, 286, 301, 300, 299 and 304, without the prior approval in writing having been obtained to such erection from the Administrator.								
8.3.6	<u>Parking</u>	The requirements in respect of minimum on-site parking prescribed for flats and residential buildings in the business zone shall be complied with in all respects.							
8.3.7	<u>Street Widths</u>								
	No building may be erected in this zone on any site unless -								

8.3.7.1 the site abuts a street of at least 13 m in width which street shall be connected by a street or streets of not less than 13 m in width to a street of greater width and

8.3.7.2 all street boundary walls or fences of the site are erected at a distance of not less than 8 m from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary is made up as part of such street. The portion(s) of the site falling within 8 m of the centre line of the abutting street(s) shall be excluded for the purpose of determining the coverage and bulk on the remainder of the site provided, however, that if the owner transfers the said portion(s) of the site to the Council free of compensation, such portion(s) may be included for the purpose of determining the permissible bulk on the remainder of the site. The Council shall pay the cost of survey and transfer.

8.3.8 Other Buildings

The provisions prescribed for places of instruction and public worship in the single residential zone, including the provision of on-site parking, shall apply to such buildings in this zone.

8.4 Business Zone

8.4.1 Coverage

In this zone that area at the respective floor levels of all the buildings on any site in relation to the site shall not exceed the following percentages -

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

8.4.1.1 Maximum Bulk Factor

No building in this zone shall exceed a bulk factor of 2,00 of which not more than 1,00 may be utilized for residential accommodation above the ground floor.

8.4.2 Maximum height

No building in this zone shall exceed a height of 3 storeys or 10 m.

8.4.3 Building Lines

8.4.3.1 Street Boundaries

8.4.3.1.1 Subject to the provisions of section 17 of Ordinance 19 of 1976, as amended, business premises and flats above the ground floor may be erected on the street boundary (vide definition of 'street boundary;').

8.4.3.1.2 All other buildings shall be set back 4,5 m from the street boundary.

8.4.3.2 Lateral Boundaries

8.4.3.2.1 Buildings on the ground floor may be erected on the lateral boundary of an erf (but see 8.4.3.4.2).

8.4.3.2.2 Buildings above the ground floor may be erected on the lateral boundary of an erf for a maximum distance of 12,5 m measured from the street boundary or the street building line, whichever applies in terms of subparagraph 8.4.3.1 and thereafter shall be set back 4,5 m or $\frac{1}{2}$ the height of the building, whichever is the greater, from the lateral boundary (but see 8.4.3.4.2).

8.4.3.3 Rear Boundaries

8.4.3.3.1 Buildings on the ground floor may be erected on the rear boundary of an erf (but see 8.4.3.4.2).

8.4.3.3.2 Buildings above the ground floor shall not be erected nearer than 4,5 m or $\frac{1}{2}$ the height of the building, whichever is the greater, from the rear boundary of an erf.

8.4.3.4 Further Restrictions

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

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

8.4.4 Basements

Subject to the provisions of section 17 of Ordinance 19 of 1976, as amended, the building line provisions need not be complied with insofar as basements are concerned.

8.4.5 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.

8.4.6 Provisions for On-Site Parking (For Loading and Off-Loading Facilities, see clause 9.3)

8.4.6.1 In this zone minimum provision shall be made on the site to the Council's satisfaction for parking and garaging at all times or as it may please the Council of Vehicles of the owner and the general public, on the following basis -

8.4.6.1.1 Business Premises (Including Shops)

30 m² for every 60 m² of the gross floor area of that portion of the building devoted to these uses;

8.4.6.1.2 Blocks of Flats and Residential Buildings

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

8.4.6.1.3 Places of Assembly

A minimum area shall be provided on the basis of one parking bay for every twenty seats provided in the building.

8.4.6.2 Further Parking and Site Access Requirements

8.4.6.2.1 No parking area in the case of the general residential zones to which these provisions also apply by virtue of clause 8.3.6 shall be laid out within 4,5 m of a street boundary (vide definition of 'street boundary').

8.4.6.2.2 The vehicular access/exit ways to the site shall be restricted to not more than one each per site per street abutting the site, provided that in the case of public garages the provisions of clause 8.4.9 shall apply.

8.4.6.2.3 The vehicular access/exit ways to the site shall be restricted to a maximum width of 6 m where they cross the street boundary, provided that in the case of public garages the provisions of clause 8.4.9 shall apply.

8.4.6.2.4 No vehicular crossing over the pavement shall be located nearer than 5 m to any street corner (i.e. the point of intersection of two street boundaries) provided that in the case of public garages, the provisions of clause 8.4.9 shall apply where more restrictive than the provisions of this subclause.

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

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

- 8.4.6.2.7 The manner in which it is intended that vehicles shall park or stand on such parking areas and the means of gaining access and exit shall be shown on a plan to be submitted to the Council which may approve, disapprove or impose such conditions as it may deem fit. The Council may impose more restrictive requirements than those of subclause 8.4.6.2 if considered necessary from any traffic point of view.

8.4.6.3 Parking Alternatives

- 8.4.6.3.1 As an alternative to the provisions of paragraph 8.4.6.1.1, the owner may, with the consent of the Council where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on the site, acquire the prescribed area of land for the parking facilities elsewhere in a position approved by the Council, provided he registers a notarial deed against such land to the effect that the Council and the public shall have a free access thereto for the purpose of parking and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the Council; the cost of registration of the servitude to be borne by the Council.

- 8.4.6.3.2 As an alternative to 8.4.6.3.1 the owner may, with the consent of the Council, pay a cash sum to the Council equal to the ratable valuation per square metre of the land on which the building is erected, multiplied by the area of the land which is required to be provided in terms of paragraph 8.4.6.1.1, in which event the Council shall itself acquire the necessary land for such parking purposes.

8.4.7 Places 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.

8.4.8 Non-Conforming Premises

Before a registration certificate or license of the Council is issued in respect of any premises for which there is no current license 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.

8.4.9 Public Garages

The provisions of the Standard Regulations relating to Public Garages promulgated under P.N. 871 of 20 October 1973, as amended from time to time, shall apply.

8.4.10 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 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 respective provision shall apply.

8.4.11 Blocks of Flats and Residential Buildings

Flats and residential buildings, other than licensed hotels in this zone may only be erected above the ground floor.

8.4.12 Dry Cleanettes and Laundrettes

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

8.4.12.1 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;

8.4.12.2 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;

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

8.4.12.4 The solution used in the cleaning process shall be non-inflammable;

8.4.12.5 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 halfhour cycle;

8.4.12.6 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;

8.4.12.7 In any establishment comprising wither a dry cleanette or a laundrette or a combination of both, the maximum personnel shall be 12;

8.4.12.8 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;

8.4.12.9 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.

8.5 Minor Business Zone

The restrictions applying to shops and flats in the business zone and dwelling-houses in the single residential zone shall apply in this zone, provided -

8.5.1 no erf shall form the site of both a dwelling-house and a shop and

8.5.2 not more than one floor of business premises and one floor of flats shall be erected on a site in this zone;

8.5.3 the provisions of clause 8.4.6 shall not apply.

8.6 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 it was not used on the day of 26 June 1955, without the consent of the Council and the Administrator.

8.7 Group Housing Zone

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

8.7.2 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.

8.7.3 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) -

8.7.3.1 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;

8.7.3.2 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).

8.7.4 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 wellfounded considerations based on architectural design, reduction of the 50 m minimum standard may be considered by the Administrator. Lock-up garages shall be excluded from the calculations for the purpose of determining the areas of the service yard and outdoor space.

8.7.5 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 to 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 relaxation must be obtained.

8.7.6 Side and Rear Building Lines

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

8.7.7 Height of Buildings

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

8.7.8 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.

8.7.9 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.

8.7.10 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 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 -

8.7.10.1 Culs-de-Sac of less than 10 m in width

Maximum length	: 70 m
Maximum units to be served	: 10 m

8.7.10.2 Crescents and Loops of less than 10 m in width

Maximum length	: 100 m
Maximum units to be served	: 16

8.7.11 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.

8.7.12 Television Antennae and Radio Aerials

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

8.7.13 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.

8.8 Industrial Zone I

The land-use restrictions applicable to service usages, warehouses, transport undertakings, scrap yards and light industries in this zone shall be:

8.8.1 Maximum bulk: 1,5

8.8.2 Maximum coverage: 75%

8.8.3 Spaces about buildings

8.8.3.1 All street boundary walls or fences of the site shall be 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 shall be 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 that if the owner transfers the said portion(s) to the Council free of charge, such portion(s) may be included for the purpose of determining the coverage on the remainder of the site. The Council shall pay the cost of the survey and transfer.

8.8.3.2 No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 3 m from any street boundary (vide definition of 'street boundary') or the new street boundary as determined in clause 8.8.3.1, whichever is the more restrictive on the site.

8.8.3.3 Side building lines may be zero; provided that the Council may require side building lines in the interest of public health or in order to enforce any law or right.

8.8.3.4 Where the boundary of a site forms the common boundary between this zone and any residential or business zone, the relevant building line applicable in such residential or business zone shall apply on both sides of such common boundary insofar as it is more restrictive.

8.9.2

8.1

8.8.4

Height

No building in this zone shall exceed a height of 3 storeys or 10 m, whichever is the more restrictive, above the average natural ground level on the higher side of the building. This height shall be calculated at the line where the building may be erected in terms of the prescribed building lines.

8.8.5

Parking

In this zone, minimum provision shall be made for parking on the site to the satisfaction of the Council on the basis of 1 parking bay per 200 m² of floor area.

8.8.6

Loading and Unloading

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

Total floor area of building (to nearest m ²)	Required loading and unloading area
0 - 499	1 bay
500 - 1 500	2 bays
1 500 +	3 + 1 bay for every additional 1 000 m ² of floor area

Vehicular access to the loading bays shall be to the satisfaction of the Council, each bay having a minimum width of 5 m and, if carried through a building, a minimum height of 3 m.

8.8.7

Fencing

The Council may require any land used in connection with a scrap yard, builder's yard or transport undertaking to be completely or partially fenced to its satisfaction.

8.8.8

Public Garages

The provisions of the Standard Regulations relating to Public Garage promulgated under P.N. 871 dated 19 October 1973, as amended from time to time, shall apply.

8.9

Informal Residential Zone

In this zone any words have the meaning attached to it in the scheme regulations made in terms of section 8 of Ordinance 15 of 1985 published in Provincial Notice 1048 of 5 December 1988. The land-use restrictions applicable to shelters and dwelling houses in this zone shall

Shelters

Dwelling-houses

no restriction

no restriction

no restriction

20%

Floor factor

8.9.3 Spaces about buildings

8.9.3.1 Street building lines

- (a) Shelters - at least 1 m, if required by the Council,
- (b) Dwelling-house - at least 1 m, provided that there shall be no restriction in respect of a garage with a roll-up door,

8.9.3.2 Height

Maximum 3 storeys.

- 8.9.3.3 Side building lines for shelters and dwelling-houses in this zone shall be at least 1 m on one boundary, provided that where a building is erected less than 1 m from a side boundary, no doors or windows shall be permitted in the wall concerned, provided further that if a midblock sewage system is provided a rear building line of up to 2 m can be required by Council.

8.9.4 Parking requirements

Shelters

Dwelling-houses

no restriction

at least 1 parking bay per land unit, on the land unit if so required by Council

8.9.5 Additional rights pertaining to residential usage

8.9.5.1 Notwithstanding any provisions to the contrary in the zoning scheme -

- (a) any occupier of any unit of accommodation may utilise such unit for any social, educational, religious, occupational or business purpose subject to the following conditions:
 - (i) the dominant use of the property shall remain residential;
 - (ii) the use concerned shall not be disturbing to neighbours, and
 - (iii) the use concerned shall not interfere with the amenity of the direct neighbourhood.
- (b) land zoned for street purposes may be utilised for business purposes without the erection of any permanent structures, provided that the council may terminate such utilisation if in its opinion interference with pedestrian or vehicular movement, or with the amenity of the neighbourhood, is caused.

8.9.5.2 If anybody with a direct interest is of the opinion that any condition referred to in clause 8.9.5.1 is contravened, such person may lodge a written complaint with the Council requesting action in terms of section 39(1)(b) of the Ordinance.

8.9.5.3 The Council must consider a complaint mentioned in regulation 8.9.5.2 and, if in the opinion of the Council a condition mentioned in regulation 8.9.5.1 is contravened, such Council must act in terms of section 39(1)(b) of the Ordinance, either by instructing that the activity be stopped or that the contravention be rectified with the continuation of the activity, but subject to any restrictive conditions that the Council may impose.

9. Miscellaneous

9.1 Number of Buildings per Erf

Except in the case of places of instruction no erf shall form the site of more than one building together with such outbuildings as are permitted under the scheme.

9.2 External Appearance of Buildings

Any person intending to erect any building shall furnish the Council for its consideration, if it so requires, (in addition to any plans and particulars required to be submitted under any of the Council's regulations) with drawings or other sufficient indication of the external appearance of the proposed building, including such description of the materials to be used for that purpose. The drawings shall be upon suitable and durable material to a scale of not less than 1:100 except that where the building is so extensive as to render a smaller scale necessary, the drawings may be to a scale of 1:200. The Council may require such alteration to the external appearance and building materials as it may deem necessary.

9.3 Loading and Off-Loading Facilities

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

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

9.4 Use of Outbuildings Prior to Completion of Main Building

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

9.5 Council's Duties under This Scheme

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

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

9.6 Service of Documents

The provisions of section 211 of Ordinance 20 of 1974, as amended, shall mutatis mutandis apply to this scheme.

9.7 Approved Townships

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

9.7.2 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 shall be amended accordingly.

9.8 General Amenity and Convenience

- (a) Where the amenity of any area is injured by the condition of any garden or curtilage in the area, the Council may serve a notice on the owner or occupier of the premises on which the injurious conditions exists, requiring him within such period not being less than twenty-eight (28) days from the date of service of the notice, to take such action as may be deemed necessary to abate the injury and the said notice may specify the measure to be taken to abate the injury.
- (b) The Council may take similar action to require the owner or occupier of a building to attend to the upkeep, cleanliness and renovation of the building if the Council considers it necessary.
- (c) Any person on whom a notice is served under this clause may appeal.
- (d) The hanging of clothing or the depositing of objects and goods in places that are not the proper ones for that purpose or that are visible from a public road is forbidden.

9.9 Advertisements

- (a) No advertisement boardings shall be erected or advertisements displayed without the consent of the Council. Provided that the consent of the Council granted under this clause shall not in any way be taken to excuse compliance with the by-laws of the Council, if any, relating to the erection and display of advertisement boardings and advertisements.
- (b) If an application is made to the Council for its consent under this clause the Council shall be entitled to impose such conditions as it may deem fit for governing the erections and use of any such boarding.
- (c) The Council may, subject to the provisions of this clause, authorise the display of any particular class of advertisement wither unconditionally or subject to conditions in respect of the position or manner which or the period in which the advertisement may be displayed.

(d) Notwithstanding anything contained in this clause, advertisement boardings and advertisements shall be subject to the following conditions -

- (i) They shall not be allowed where their use is likely to cause injury to the amenities of the neighbourhood;
- (ii) Advertisements which project over the carriageways of roads shall have a minimum clearance above the ground of 6 m and those over pavements a minimum clearance of 2,5 m above the pavement;
- (iii) The Council may require that lettering employed on buildings must be in harmony with the buildings;
- (iv) If the Council so requires, drawings with details must be submitted of proposed advertisements;
- (v) No advertisement may obstruct or intercept doors or windows above the ground floor;
- (vi) When placed on buildings they shall be incorporated in the architectural design of the building;
- (vii) All advertisement boardings and advertisements shall be maintained in a clean and orderly condition;
- (viii) Any alteration to advertisement or boarding shall be subject to the approval of the Council;
- (ix) Posters and programmes may be fixed to the outside of public buildings and places of assembly as long as they refer exclusively to the entertainments provided therein and if they are placed in suitable positions and of a size approved by the Council.

(e) Any person aggrieved by the decision of the Council or the conditions imposed by the Council, may appeal.

9.10

Ramps over Pavements

- (1) Ramps over pavements for the passage of vehicles may only be erected under the following conditions -
 - (a) The approval of the Council must be obtained;
 - (b) They may not be of a greater width than 4,5 m with curbed corners of a maximum radius of 1 m and
 - (c) No ramp shall be less than 9 m from the road intersection.
- (2) Existing ramps not in accordance with the provisions of this clause must be altered to comply within one year after approval of the scheme unless Council permits otherwise.

9.11

Awnings

The use of awnings or vertical blinds over pavements installed at the end of verandahs and parallel to the facade of the building shall only be permitted in the business zone if they conform to the following conditions -

- (a) The minimum height above the floor of the pavement when completely stretched out shall be 2,2 m;
- (b) Their upkeep and cleanliness must be maintained;
- (c) Any writing, legends or the like thereon shall be subject to the approval of the Council;
- (d) They may not be made fast to the pavement by means of ropes - the necessary equipment must be used.

10.

Approval of Departures and Subdivisions by Council

10.1

Definitions

The words and expressions used in these regulations or in any approval granted by the Administrator in terms of the Ordinance shall have the meanings assigned thereto in section 2 of the Ordinance.

10.2

Departures

10.2.1

The Council may in terms of subsections (1)(b) and (5) of section 15 of the Ordinance respectively grant or refuse an application for a departure, or determine an extended period after which such department shall lapse; provided that, where the Council authorises the utilisation of land on a temporary basis as contemplated by section 15(1)(a)(ii), such concession shall be granted for a maximum period of five years, with the exception of a departure for which a permit is required in terms of section 6B of Act 88 of 1967, in which case the concession may be granted for such number of years as is related to the expected lifetime of the mine concerned.

10.2.2

The Council may, in respect of any land unit on which there is the right to erect one dwelling house, grant an application for a departure in terms of section 15(1)(a)(i) of the Ordinance for the erection of a second dwelling unit, subject to the following conditions:

- (a) except in the case of farms and small-holdings, the total floor space of the second dwelling unit shall not exceed 120 m².
- (b) notwithstanding the provisions of regulation 10.2.2(a) the total floor space of all of the buildings on a land unit shall not exceed 66% of the area of the land unit concerned.
- (c) the building lines applicable to the second dwelling unit shall be the same as those applicable to outbuildings, as laid down in the Council's zoning scheme.
- (d) in the case of a farm or small-holding, approval shall not be granted for a second dwelling unit within 1 km of the highwater mark of the sea.

- (e) *Bona fide* staff quarters or a dwelling unit related to *bona fide* farming activities shall not be regarded as a second dwelling unit for the purpose of these regulations.
- (f) whenever the Council grants an application for a second dwelling unit in terms of these regulations, it shall not use its power in terms of section 15(1)(c) of the Ordinance to determine that such building shall for the purposes of the Sectional Titles Act, 1971 (Act 66 of 1971), be deemed to comply with the provisions of the zoning scheme concerned.

10.3 Subdivision

- 10.3.1 The Council may grant or refuse an application for the subdivision of land in terms of section 25(1) of the Ordinance within, and subject to the conditions applicable to, a subdivisinal area, as well as an application for the subdivision of land involving no change in zoning.
- 10.3.2 Whenever the Council has granted a subdivision in terms of section 25(1) of the Ordinance, it may act in terms of section 30 of the Ordinance.
- 10.3.3 The granting of an application for subdivision in terms of section 25(1) of the Ordinance with a view to permitting two or more attached dwelling units to be held under separate title shall be subject to the following conditions which shall be complied with before the issuing of a written authority by the Council, as contemplated by section 31(1) of the Ordinance:
 - (a) where restoration or improvement is considered necessary by the Council, the buildings shall be fully restored or improved to its satisfaction.
 - (b) where considered necessary by the Council, one parking bay shall be provided and constructed to the satisfaction of the Council on each of the land units.
- 10.3.4 Subsequent to the granting of a subdivision in terms of section 25(1) of the Ordinance with a view to permitting two or more attached dwelling units to be held under separate title, the person who at any time is the owner of any land unit directly involved in the subdivision shall -
 - (a) maintain such part of any retaining wall, roof, pipe, gutter, wiring or other structure or thing as is common to such land unit and any other land unit;
 - (b) maintain every part of such wall, roof, pipe, gutter, wiring or other structure or thing which is on or traverses such land unit;
 - (c) permit access to such land unit for the purposes of maintaining, cleaning, renovating, repairing, renewing, altering and adding to any wall, roof, pipe, gutter, wiring or other structure or thing, and shall not do anything which will prevent or hinder any such access or work from being done, and
 - (d) not make any alterations or additions to or demolish any part of the buildings erected on such land unit, including boundary walls and fences, or change the exterior colour scheme or materials of such buildings without the written consent of the Council, nor shall he permit the exterior of the buildings to deteriorate and become untidy

10.3.5

Subsequent to the granting of a subdivision in terms of section 25(1) of the Ordinance, the person who at any time is the owner of any land unit directly involved in the subdivision shall be required, without compensation -

(a) to allow gas mains, electricity, telephone and television cables and/or wires, main and/or other waterpipes and foul sewers and stormwater pipes, ditches and channels of any other land unit or units to be conveyed across the land unit concerned, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if considered necessary by the Council, in such manner and position as may from time to time be reasonably required; this shall include the right of access to the land unit at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above, and

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

10.3.6

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

10.4

Removal of Restrictions

Notwithstanding regulations 10.2 and 10.3, all conditions restricting subdivision, the number of buildings that may be erected or the utilisation of the land or any other restrictive conditions which may have a bearing on the subdivision or departure applied for and registered against the land unit shall, where applicable, first be removed prior to an application being granted.

10.5

General

Subject to the provisions of section 9 of the Ordinance, wherever regulations made by the Administrator in terms of section 60 of the Townships Ordinance, 1934 (Ordinance 33 of 1934), have been made part of any zoning scheme in force in terms of section 7(1) of the Ordinance, such regulations shall continue to be in force as part of such scheme.

10.6

Procedure in applying for a Departure, Rezoning or Subdivision

10.6.1

Any person who applies in terms of section 15(1), 17(1) or 24(1) of the Ordinance shall do so on a form required by the Chief Director or Chief Executive Officer.

10.6.2

The Chief Director or Chief Executive/Officer, as the case may be, may request such additional information or documentation as may be necessary to consider an application.

10.6.3

All information furnished shall be correct and sufficient to make consideration of the application possible.

- 10.6.4 Where, in the opinion of the Chief Executive Officer, the application does not comply with regulation 10.6.3, he shall within two weeks of the date on which he received the application advise the applicant accordingly, failing which the date of application shall be the date of submission thereof in terms of regulation 10.6.1.
- 10.6.5 Where an application has not been completed to the satisfaction of the Chief Executive Officer, the said Chief Executive Officer and the applicant shall come to an agreement as to the content of the application, as required by regulation 10.6.3, within six weeks of the date of submission of the application.
- 10.6.6 If agreement is reached as contemplated by regulation 10.6.5, the date on which the application shall be resubmitted in accordance with such agreement shall be the date of application.
- 10.6.7 The Chief Executive Officer shall within one month of the date of application act in terms of section 15(2)(a), 17(2)(a) or 24(2)(a) of the Ordinance, and if he does not so act, the application may, on application by the owner, be advertised by the Chief Director.
- 10.6.8 If an application in terms of the Ordinance is subject to authorisation in terms of other legislation, the advertising of such application, if the said legislation also requires advertising or notification, shall be done simultaneously with the advertising in terms of the Ordinance.
- 10.6.9 Where section 15(2)(c), 17(2)(c) or 24(2)(c) of the Ordinance is applicable, the Chief Executive Officer shall notify the applicant within one month of the date of application to which state departments and interested bodies the application is being referred or shall be referred by the owner.
- 10.6.10 Where an application for subdivision in terms of section 25 of the Ordinance is preceded by a rezoning application in terms of section 17 of the Ordinance, liaison with state departments and interested bodies shall first take place in terms of section 17(2)(c) of the Ordinance to clarify aspects of principle before the rezoning is granted.
- 10.6.11 Where sections 15(2)(d), 17(2)(d) and 24(2)(d) of the Ordinance are applicable and relevant comment as contemplated by sections 15(2)(c), 17(2)(c) and 24(2)(c) of the Ordinance has not been invited, the Chief Executive Officer shall notify the applicant and any person who has objected to the granting of the application, of the decision of the Council within four months of the date of application; provided that, in calculating the above-mentioned period of four months, any period taken by the owner to comment in terms of section 15(2)(b), 17(2)(b) or 24(2)(b) of the Ordinance shall not be taken into account.
- 10.6.12 Where sections 15(2)(d), 17(2)(d) and 24(2)(d) of the Ordinance are applicable and relevant comment as contemplated by sections 15(2)(c), 17(2)(c) and 24(2)(c) of the Ordinance has been invited, the Chief Executive Officer shall notify the applicant and any person who has objected to the granting of the application, of the decision of the Council within seven months of the date of application; provided that, in calculating the above-mentioned period of seven months, any period taken by the owner to comment in terms of section 15(2)(b), 17(2)(b) or 24(2)(b) of the Ordinance shall not be taken into account.

- 10.6.13 Where sections 15(2)(e), 17(2)(e) and 24(2)(e) of the Ordinance are applicable and relevant comment as contemplated by sections 15(2)(c), 17(2)(c) and 24(2)(c) of the Ordinance has not been invited, the Chief Executive Officer shall notify the Chief Director of the recommendations of the Council within four months of the date of application.
- 10.6.14 Where sections 15(2)(e), 17(2)(e) and 24(2)(e) of the Ordinance are applicable and relevant comment as contemplated by sections 15(2)(c), 17(2)(c) and 24(2)(c) of the Ordinance has not been invited, the Chief Executive Officer shall notify the Chief Director of the recommendations of the Council within seven months of the date of application.
- 10.6.15 The date of resubmission of the application to the Chief Executive Officer in accordance with the directions of the Administrator after consideration of an appeal in terms of regulation 10.7.1 shall be the date of application.
- 10.7 Appeal to Administrator
- 10.7.1 Where an agreement is not reached within the prescribed period as contemplated by regulation 10.6.5, there shall be a right of appeal to the Administrator in terms of section 44(1)(d) of the Ordinance.
- 10.7.2 Where the applicant is not notified of the decision or recommendations of the Council within the prescribed periods referred to in these regulations, there shall be a right of appeal to the Administrator in terms of section 44(1)(d) of the Ordinance.
- 10.7.3 A Council shall, in terms of section 15(2)(d), 17(2)(d) or 24(2)(d) of the Ordinance, notify the applicant and the objectors, if any, of its decision by certified or registered post and shall invite their attention to their right of appeal in terms of section 44(1)(a) of the Ordinance, read with these regulations.
- 10.7.4 Where a Council grants an application in respect of which objections have been received, it shall point out to the applicant not to act on the said approval until such time as it is confirmed in writing that no appeal has been received; provided that where an appeal is received, the said approval shall be suspended.
- 10.7.5 Where no appeal from an objector is received within the period prescribed by regulation 10.7.6, the Council shall notify the applicant accordingly.
- 10.7.6 If there is a right of appeal in terms of section 44 of the Ordinance, the appellant shall exercise his right within two weeks of the date on which he is notified of the decision of the Council by certified or registered post and at the same time serve a copy of his appeal on the Council.
- 10.7.7 An appeal in terms of section 44 of the Ordinance shall be in writing and directed to the Chief Director and shall be accompanied by all relevant documents submitted to the Chief Executive Director, together with a confirmation that a copy of the appeal has been served on the Council.
- 10.7.8 The Chief Executive Officer shall submit his Council's comments and recommendations, if any, to the Chief Director within one month of the date on which the copy of the appeal referred to in regulation 10.7.6 reaches his office.

10.7.9 If no comments or recommendations in terms of regulation 10.7.8 are received within the prescribed period, the Chief Director may act as if the Council has no comments or recommendations.

10.8 Appeal Committees

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

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

10.8.3 The applicant shall at the time of advising the respondent of his intention, referred to in regulation 10.8.2 above, notify him of the question concerned as well as his views, comments and arguments as to how such question should be considered and settled, and afford the respondent an opportunity of stating his views, comments and arguments as to how the question should be considered and settled.

10.8.4 The applicant shall, after regulation 10.8.3 has been complied with, call upon the respondent in writing to arrange to meet with him so as to reach an agreement in writing relating to the points in dispute as well as the points of agreement with regard to any aspect of the question concerned.

10.8.5 Both the applicant and the respondent shall then have an opportunity of putting in writing their comments and arguments regarding the points in dispute contemplated by regulation 10.8.4.

10.8.6 The written comments and arguments as contemplated by regulation 10.8.5 shall be exchanged by the two parties, who will then have an opportunity of responding thereto in writing.

10.8.7 All the documents prepared in compliance with regulations 10.8.3, 10.8.4, 10.8.5 and 10.8.6 shall be submitted to the Chief Director by the applicant for submission to an appeal committee.

10.8.8 The applicant shall, whenever he requires the respondent to furnish or exchange written comments or arguments, or to meet with him, as contemplated by regulation 10.8.4 above, prescribe a period within which the respondent shall do so; provided that such periods shall be not less than 30 days and that the applicant may extend the periods at the request of the respondent. Should the respondent fail to comply with any of the above-mentioned regulations or the periods prescribed by the applicant, the applicant may, notwithstanding such non-compliance, submit the question to the Chief Director for submission to an appeal committee, which may consider and settle the question without the comments or arguments of the respondent, unless the committee is of the opinion that the periods prescribed by the applicant were unreasonable.

10.8.9 An appeal committee shall apportion to and recover from the appellant, the local authority and any other party which may be involved, its expenses and remuneration as determined by it in terms of regulation 10.8.1.

10.8.10 The decisions of an appeal committee in regard to its expenses and remuneration and the apportionment and recovery thereof as prescribed by regulations 10.8.1 and 10.8.9 shall be final and binding on the parties referred to in regulation 10.8.9.

10.9 Subdivision: Land and Services

10.9.1 Where a subdivision is approved for housing purposes to be financed with the aid of funds provided by the State, any land unit therein which is intended for use by the State shall be made available for use by the State at cost price in terms of policy adopted from time to time by the state department responsible for the appropriation of such funds.

10.9.2 Where land in a subdivision is required by a local authority in connection with the supply of services for purposes directly related to the needs arising from the said subdivision, such land shall be surrendered to the local authority free of charge.

10.9.3 Where land in a subdivision is required by any other authority for a purpose other than that referred to in regulation 10.9.2 (excluding land required to be surrendered in terms of section 28 of the Ordinance), it shall be purchased by the relevant authority at the market value applicable to the total land unit; provided that such authority shall not be obliged to purchase the land until such time as the owner can prove that 50% of the total number of saleable land units in the relevant subdivision have already been sold; provided further that if any dispute arises between the owner of the relevant land and any authority over any matter in terms of this regulation, any of the parties involved may refer such dispute to the Chief Director for submission to an appeal committee in terms of section 43(2)(c) of the Ordinance.

10.9.4 Whenever an application for the subdivision of land is granted in terms of section 25 of the Ordinance, the standard of the services to be provided in connection with such subdivision and the division of the costs of such services between the developer and the local authority shall be in accordance with guidelines, laid down from time to time by the Chief Director, which will constitute the conditions to which such subdivision shall be subject.

1 Contents: This annexure contains special zoning provisions pertaining to the area as indicated on the Zoning Scheme map and bearing the inscription 'Annexure 1'. The annexure consists of these regulations as well as the incidental map, both marked as 'Annexure 1'.

2 Definitions: Unless the context otherwise indicates the undermentioned words shall have the following meanings:

- (i) 'Access streets' means streets which give access to different sites in the special residential zone, notwithstanding whether it is situated on private land and subject to access control.
- (ii) 'Garaging facilities' means single and/or multi-storey structures to be used for the garaging of motor vehicles and boats and which are reasonably required in conjunction with the development of the special residential zone.
- (iii) 'Harbour area' means land which has been set aside for utilisation primarily as a private site for a small craft harbour and includes public land which is, or will be, leased on a long term basis.
- (iv) 'Home-owners' Association' means a home-owners' association as set out in terms of section 29(1) of the Land Use Ordinance (No 15, 1985) and being constituted in respect of the area included under Annexure 1 and is registered in terms of the Companies Act, No 61 of 1973.
- (v) 'Private open space (Waterways)' means those areas within the special residential zone that are to be filled with water for use as canals and mooring facilities for small craft.
- (vi) 'Small craft harbour' means a harbour facility for small craft including facilities for the mooring and launching of boats, fuelling of boats parking facilities and such buildings as are normally associated with, and incidental to, a small craft harbour. These may include a boat club providing limited overnight accommodation and catering facilities restricted to bona fide members, and a harbour restaurant.
- (vii) 'Storey' in relation to the height of a building, 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.

(viii) 'Town housing' means a row or group of linked and/or attached dwelling units planned, designed and built as a harmonious architectural entity; such dwelling units may be cadastrally subdivided.

3 Planning control: The following provisions shall apply in the relevant subzones:

3.1 Special residential zone

3.1.1 Colour notation: orange with black hatching.

Primary use: Blocks of flats, group housing, town housing, garaging facilities, private open space (waterways), access streets.

Consent uses: business premises, place of assembly.

3.1.2 Land use restrictions

Density: as laid down by Council up to a maximum of 55 units per gross hectare.

Coverage: at most 40%.

Height: Blocks of flats - at most 6 storeys.
Group housing - at most 2 storeys.
Town housing - at most 3 storeys.

Parking: at least 1,2 parking bays per dwelling unit.

Street building line: 5,0 m from Faure Marine Drive
4,0 m on all other existing streets.

3.1.3 Further requirements

(i) Subject to compliance with subclause 3.1.2, the final layout and land-use combination of any development in this zone shall be decided by the Council according to a development plan submitted by the developer and approved by the Council. Such development plan shall comply with modern planning principles and shall illustrate fully the aesthetic appearance of buildings and the landscaping of the site in detail as described in subclause (ii).

(ii) Development plans:

Prior to the commencement of any earthworks or landscaping on any part of the site or the erection of any building, fence or structure of any kind whatsoever, development plans, drawings and specifications shall be submitted for approval by the Council, including the following:

(a) a dimensioned site development plan indicating the proposed land gradients, buildings and other structures, landscaped areas, roads and parking areas, entrances and exits, fences, signage, canals and boat mooring places as well as all other improvements, including underground services;

- (b) elevations with dimensions, including aspects of buildings, structures, fences, signage and other furnishings;
- (c) a schedule of all the external materials, finishes and colour schemes;
- (d) a landscape plan giving a description of the locality and types of plant material, design of earthworks, paving, street furniture and other appurtenant structures.

The Council may approve or reject the above-mentioned development plans and may instruct changes to be effected in respect of the layout, materials, finishes or colour schemes as may be deemed necessary from an aesthetic viewpoint and/or from the functional co-ordination as well as the general amenity and efficiency of the development. The Council may lay down such conditions as deemed necessary upon approval of the site development plan.

If the site is to be subdivided into different erven, it shall be a condition that site development plans shall be drawn up for each separate erf and that these shall be co-ordinated by a master plan prepared for the total project, all to the entire satisfaction of the Council.

3.2 Harbour Area

3.2.1 Colour notation: dark blue with hatching.

Primary use: small craft harbour.

Consent uses: business premises.

3.2.2 Land use restrictions

The development of the Harbour Area shall be in accordance with detailed designs to be approved by the authorities concerned, and the use of the facilities shall be subject to the relevant regulations and controls of the Council.

3.3 Business Zone

3.3.1 Colour notation: Light blue with hatching.

Primary use: The site shall be used for the purposes of a hotel in accordance with the applicable provisos of the Gordon's Bay Town Planning Scheme but further subject to the proviso that the requisite parking facilities may be provided in the form of open parking located on the adjacent Erf No 2615 Strand.

Consent use: None.

3.3.2 Land Use restrictions

Set-back: Where the business zone abuts any other zone, excluding the special residential zone, a 4,5 m building line shall apply to the common boundary.