

KUILSRIVIER MUNICIPALITY

TOWN PLANNING SCHEME REGULATIONS

Approved by the Provincial
Administration on 14 May 1984.

TOWN PLANNING SCHEME REGULATIONS OF THE EASTERN SUBSTRUCTURE OF KUILSRIVIER

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Definitions

In these regulations

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;

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

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

building means in addition to the meaning assigned thereto in paragraphs (a) and (b) of section 2(xxxiv) of Ordinance 18 of 1976, and structure or erection whatsoever irrespective of its nature or size;

building line means the distance between the street-, lateral- or rear boundary of the erf and the nearest wall;

bulk means, with relation to any building or structure, the area which is covered by a roof, slab or projection, excluding a projection not exceeding 760 mm over an outside wall, if such a wall exists, provided that the area which is covered by a balcony or projection on the street side of a business building in the business zone and the local business zone will not be considered as bulk - bulk is measured from the outside surface of the walls of a building, and where a building has more than one floor, the total bulk will be the total of the bulk of all the floors, including basements;

bulk factor means the factor (expressed as a ratio of 1) which is prescribed for the calculation of the maximum bulk of a building or buildings permissible on an erf; that is the maximum bulk as a ratio of the net area of an erf or that portion of the net area of an erf where the bulk factor applies;

business building means a building used or intended to be used as shops and/or offices and includes banks, professional chambers, doctors' surgeries, stock or produce exchanges, restaurants and buildings designed for similar uses, but does not include places of assembly, places of amusement, institutional buildings, public garages, industrial buildings or noxious industrial buildings;

common area means land which is intended for the common ownership and for common use of owners of group housing erven in a group housing site (or sites) and may include private roads which provide access to all of certain of the group housing erven;

Council means the local authority to the area of jurisdiction of which these regulations apply;

coverage means the total percentage area of site that may be covered by buildings, measured over the outside walls and covered by a roof or projection provided that the area covered by a maximum eaves projection of 1 m shall be excluded for the purpose of determining the maximum permissible coverage;

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

dwelling unit means a self-contained interleading group of rooms used only for the

living accommodation and housing of a single family together with such outbuildings as are ordinarily used therewith;

enhancement levy means a levy determined in terms of Section 35 ter of Ordinance No. 33 of 1934;

erection in relation to a building includes -

- (a) the alteration, subdivision or conversion of, or addition to a building, and
- (b) the re-erection or repair of a building which has been completely or partially destroyed or demolished, and **erect** has a corresponding meaning;

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

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

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

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;

industrial building means a building, other than an offensive trade building, used or intended to be used as a factory within the meaning of the Factories Act, No 22 of 1941, and includes any office, 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 No 18 of 1973 for the detention of mentally retarded persons, or
- (c) a mental hospital

land includes land covered with water and any right in or over land. Any reference to land is limited to land in the area to which this town planning scheme applies;

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

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

light industrial building means an industrial building in which the only powerdriven machinery is driven by electricity, no single motor being rated at more than 5 kw with a total maximum of 25 kw for all motors;

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

maximum bulk means the greatest total bulk which is allowed for a building or buildings with all its floors on a site; such bulk is calculated by multiplying the factor with the nett-area of a site or that portion of a site which is situated within the affected zone, provided that where a site is situated 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 the site which falls within the zone concerned; provided that for the purpose of determining the bulk of any building -

- (a) any floor space, including basement areas which is reserved solely for the parking of vehicles shall be excluded, and
- (b) any balconies, terraces, stairs, stairwells, verandahs, common entrances and common passages whether or not covered by a roof, shall be included, except in the case of a general residential building on a general residential site where it shall be excluded;

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

nett erf size means the total area of an erf excluding all land zoned for public purposes;

nursery means a place where plants are cultivated and sold to the public;

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;

open space corresponds with the meaning of **public place**;

outbuilding means a structure either attached to or separate from the main structure and designed to be used only for the housing of servants, the garaging of motor vehicles and for storage purposes, provided that only the housing of servants, the garaging of motor vehicles and storage purposes ordinarily and reasonably required in conjunction with the main structure shall be permitted;

parking bay means an area with minimum dimensions of 5,5 m by 2,5 m which is

clearly outlined and demarcated for the parking of one motor vehicle, and which is accessible to the satisfaction of the local authority;

place of assembly means -

- (a) a public hall, social hall, theatre, cinema, music hall, concert hall, dance hall, exhibition hall;
- (b) a sports ground, 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 definition 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 cloister, public library, art gallery, museum, gymnasium and 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 excludes funeral parlours, including any chapel forming part thereof;

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

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

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 trade or business in respect of which a licence is required in terms of item 45 of the First Schedule to the Registration and Licensing of Businesses Ordinance (Ordinance 17 of 1981, 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;

public housing means dwelling units which are erected with funds made available by the Community Development Board;

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;

register means the document required to be prepared in terms of clause 4.7;

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

resident - relation to any buildings, structure of 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 dwellinghouse, block of flats or licensed hotel) for human habitation, together with such outbuildings as are ordinarily used therewith and includes tenements, residential clubs and hostels, but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of **place of instruction** and **institutional building**;

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

shop means a building for the purpose of carrying on a retail trade and includes a launderette, dry cleanette and a retail trade where goods which are sold in such a trade, are manufacturing and/or repaired, provided that the floor area related to such manufacturing and/or repairs, occupies not more than 50% of the retail trade floor area related to the sale of the goods which are manufactured and/or repaired but does not include any other business constituting a factory within the meaning of the Factories Act No 22 of 1941, and also does not include a public garage;

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

special recreation facility means an outdoor recreation facility which is chiefly aimed at providing informal and unorganised recreation by the general public, and of which the most important feature is that it requires specialised structures and equipment, that the land use requirement thereof is not excessive, that it requires minimal development and that the public who utilises the facility does so outside of any buildings there may be on the site, and that it includes a drive-in restaurant, putting course, golf driving range and outdoor skating rink but excludes a drive-in cinema;

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 of the site or erf is the boundary of such proposed new street or proposed street widening;

transportation firm means a business of which the intent is the provision of a transportation service for reward to other instances;

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.

2.0 General

2.1 Area of Scheme

The area to which this scheme applies is the whole area of jurisdiction of the local authority to which area of jurisdiction these regulations apply. The extent of the scheme is shown on the map with a dark blue outline 5 mm in width.

2.2 Reservation of Land for Government, Local Authority and Public Purposes

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 (4) of Table "A" and except as hereinafter provided, shall not be used for any other purpose whatsoever.

2.3 Use of Reserved Land

2.3.1 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 2 hereof other than buildings, works, or excavations required for or incidental to the purpose for which the land is reserved, provided that nothing herein contained shall be deemed to absolve any person from due compliance with the provisions of the Council's regulations in so far as they are not in conflict herewith.

2.3.2 Save as provided in subclause 2.3.1 no person shall spoil or waste land reserved under clause 2.2 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.

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

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

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

2.4 Use of land in specified use zones

2.4.1 The land specified by colour on the zoning map in column (1) of Table B.1 is zoned for the respective purposes indicated in column (4) of Table B.1 and shall not be used for any other purpose whatsoever.

2.4.2 Erection and use of Buildings in specified use zones

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.

2.4.3

Imposed Conditions

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

TABLE A

1	2	3	4
NOTATION ON MAP	BASE COLOUR (INK)	BASE COLOUR (PENCIL)	USES FOR WHICH LAND IS RESERVED
Red	Red 2	426	Street-widening and proposed streets
White with red hatching	Red 2	426	Street closure (use of land to be indicated after closure)
Green	Green 1	464	Public open space
Light green	Yellow-green 1	469	Private open space
Light green with black hatching	Yellow-green 1	469	Cemetery
Pink	Red-brown 1.3	629	Local Authority
Orange-red	Red 1	617	Government
Turquoise with dark blue outline	Blue-green 1.2	457	Education
White with blue-purple outline	Blue-purple 1.2	437	Railway
Brown	Brown 1.2	480	Public Parking
Light Brown	Brown 1.3	487	Street

The ink base colours are in accordance with the Windsor-Newton series and the pencil base colours are in accordance with the Faber-Castell series. Any other series may be used provided the colours are the same. All hatching must be done at an angle of 45° ON THE EDGE OF THE MAP, except in the case of street closures, where the hatching must be done at an angle of 45° on the affected street.

All outlines must be 2 mm in width.

TABLE B.1

1	2	3	4
NOTATION ON MAP	BASE COLOUR (INK)	BASE COLOUR (PENCIL)	USE ZONES
White with olive green outline	Green-brown 2.2	467	Agricultural zone
Yellow	Yellow 1.1	407	Single residential zone
Orange	Orange 1	415	General residential zone
Orange with black hatching	Orange 1	415	Group housing zone
Blue	Blue 2.2	443	Business zone A
Blue with black hatching	Blue 2.2	443	Business zone B
Blue with black cross hatching	Blue 2.2	443	Local business zone
White with red-purple hatching	Red-purple 1.2	434	Commercial zone
Red-purple	Red-purple 1.2	434	Light industrial zone
Red-purple with black hatching	Red-purple 1.2	434	Industrial zone
Red-purple with black checkpattern hatching	Red-purple 1.2	434	Offensive Trade zone
Blue-purple	Blue-purple 1.2	436	Service Station zone
Aquamarine	Green 2.1	463	Worship zone
White with black hatching	.	.	Conservation zone
Grey	Grey 1.2	496	Special zone
White with dark brown outline	Brown 1.1	476	Undetermined zone

The ink base colours are in accordance with the Windsor-Newton series and the pencil base colours are in accordance with the Faber-Castell series. Any other series may be used provided the colours are the same. All hatching must be done at any angle of 45° ON THE EDGE OF THE MAP, except in the case of street closures, where the hatching must be done at an angle of 45° on the affected street.

All outlines must be 2 mm in width.

1.			
Industrial zone			
	2.	Industrial buildings Light industrial buildings Warehouses Transportation undertakings Public garages Service Stations	3. Special recreational facilities
Offensive Trade zone		Offensive Trade Buildings Public Garages	Industrial buildings Light industrial buildings Transportation undertakings
Motor Garage zone		Service Stations	Public Garage
Worship zone		Public worship buildings	Places of instruction Places of assembly
Conservation zone		As described in clause 3.13	-
Special zone		As described in clause 5.0	-
Undetermined zone		Existing buildings and uses only	-

It must be noted that the buildings and uses permitted in terms of table B.2 or which may be approved with the special consent of the Council, may be subject to exemptions, departures, restrictions or conditions which may affect the use attached to an erf to permit greater or lesser use than may appear from the notation on the map. In such cases the relevant information relating to an erf must be recorded in the register which will be kept for this purpose (see clause 4.7).

TABLE B.2

1.	2.	3.
USE ZONE	BUILDINGS AND USES PERMITTED	BUILDINGS AND USES PERMITTED WITH THE SPECIAL CONSENT OF THE COUNCIL
Agricultural zone	Agricultural buildings	A second dwelling house per erf Nurseries
Single residential zone	Dwelling houses Places of instruction	Places of public worship Medical Practitioners
General residential zone	Blocks of flats Dwelling houses Licensed hotels which do not conduct off-sales establishments Places of instruction	Institutional buildings Professional buildings Group housing Places of assembly Places of public worship
Group housing zone	Group housing	Places of instruction Dwelling houses
Business zone A and B	Business buildings Licensed hotels Blocks of flats (above the ground floor only) Residential buildings (above the ground floor only) Places of Assembly	Places of instruction Dwelling House Blocks of flats Places of Public Worship Special recreational facilities Public garages
Local business zone	Shops Blocks of flats (above the ground floor only) Dwelling houses	Group housing
Commercial zone	Warehouses Business buildings	Light industrial buildings Special recreational facilities
Light industrial zone	Light industrial buildings Warehouses	Transportation undertakings Special recreational facilities Public garages

2.4.4

Application for special consent

Subject to the provisions of clause 2.5 of these Regulations, the Council may, where 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 should be given to the question whether the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood including (in the case of an industrial building) injury due to the emission of smoke, fumes, dust noise or smell.

2.4.5

Compliance with regulations

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

2.5

Advertisement of intended application for special consent

2.5.1

Any person intending to make application to the Council for its consent to the erection and use of a building or to the use of land 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.

2.5.2

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.

2.5.3

Any decision of the Council given in terms of this section shall be by special resolution of the Council as defined in Ordinance 19 of 1974, as amended.

2.6

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:-

- 2.6.1 The letting, subject to the Council's regulations relating to lodging and boarding-houses, by any occupier of a dwelling-house, of any part of the house, excluding a tenement.
- 2.6.2 The occasional use of a place of public worship, place of instruction or institution as a place of amusement or social hall.
- 2.6.3 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 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.
- 2.6.4 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 -
 - 2.6.4.1 such dwelling-house, flat or residential building or any portion thereof shall not be used as a shop, business premises, light industrial building, industrial building or offensive trade building;
 - 2.6.4.2 no goods shall be publicly displayed;
 - 2.6.4.3 no advertising sign or notice shall be displayed other than an unilluminated sign or notice, not projecting over a street and not exceeding 2 000 cm² in area, indicating only the name and profession or occupation of the resident;
 - 2.6.4.4 no activities shall be carried on which are likely to be a source of nuisance disturbance or annoyance to residents of other dwellinghouses, flats or residential buildings or portions thereof.

2.7 **Purpose of zoning**

It must be noted that the colour notations on the map intends planned uses only and not ownership of land. Government-owned land must only be shown as "Government" or "Local Authority" if the present or planned use is such that no other zone in table A or B applies. If any zone in tables A or B does apply the land must be zoned for that purpose notwithstanding the fact that the land is owned by the government or the local authority.

2.8 **Components of the Town Planning Scheme**

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

3.0 **Density Control**

The following restrictions shall apply in the relative zones:-

3.1 **Agricultural Zone**

No building or any portion thereof except boundary walls or fence may be erected in this zone nearer than 33 m from any boundary of the site of 33 m from the middle of the Kuils- and Bottelary Rivers, whichever is the greater distance, provided that dwellings in accordance with the provisions of the regulations applicable to the Single Residential zone may be erected in this zone if a preliminary plan of subdivision is submitted by the owner to prove to the satisfaction of the Council that the dwelling if erected in accordance with the provisions applicable to the Single Residential zone, will

not complicate the future subdivision of the property.

3.2 Single Residential Zone

3.2.1 Dwelling-houses

3.2.1.1 Building Lines

No building or any portion thereof except the roof-overhang, boundary walls and fences shall be erected on a site nearer that -

3.2.1.1.1 5,0 m to any street boundary;

3.2.1.1.2 3 m to the rear boundary;

3.2.1.1.3 if the frontage of an erf exceeds 22 m in length, 2,50 m to any lateral boundary provided that the aggregate side space shall be not less than 6 m;

3.2.1.1.4 if the frontage of an erf is between 19 and 22 m in length, 1,50 m to any lateral boundary provided that the aggregate side space shall be not less than 5 m;

3.2.1.1.5 if the frontage of an erf is less than 19 m in length, 1 m to any lateral boundary provided that the aggregate side space shall be not less than 3,50 m and further than no windows are inserted in any wall which is less than 1,50 m from any lateral boundary;

3.2.1.1.6 notwithstanding the above requirements the roof-overhang may not encroach more than one third of the lateral building line.

3.2.1.2 Relaxation 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 -

3.2.1.2.1 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;

3.2.1.3 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. No outbuilding erected in terms of this clause may exceed a height of one storey.

3.2.1.4 An outbuilding in terms of clause 3.2.1.3 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 which is less than 1,5 m from and facing such boundary.

3.2.2 Places of Instruction and 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

3.2.3 Places of Public Worship

The requirements pertaining to the minimum provision for parking on the site, prescribed for places of assembly in the business zone, must be adhered to.

3.2.4 Medical Practitioners

Above and beyond the provisions of clause 2.6.3 medical practitioners (not dentists) may establish consulting rooms, with the special consent of Council even if they do not reside on the site, on condition that -

3.2.4.1 approval for only one medical practitioner per single residential site may be given, and

3.2.4.2 the Council satisfies itself that no offence or inconvenience will be caused to the surrounding residents.

3.2.5 Coverage

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

3.3 General Residential Zone

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

		Blocks of flats	Licensed hotels	Other residential and institutional buildings	Professional buildings
3.3.1	Minimum size of site	1000 m²	4 000 m²	2 000 m²	None
3.3.2	Maximum coverage	33,33%	33,33%	33,33%	50%
3.3.3	Maximum bulk factor	0,75	0,75	0,75	0,75
3.3.4	Spaces about buildings				
3.3.4.1	No buildings or structure, except boundary walls and fences, shall be erected nearer than 8 m from any street boundary of the site or the new street boundary provided for in clause 3.3.6.2, whichever is the more restrictive on the site or erf.				
3.3.4.2	Lateral Spaces:	4,5 m or half the height of the building, whichever is the greater.			
3.3.4.3	Rear Spaces:	4,5 m or half the height of the building, whichever is the greater.			
3.3.4.4	Outbuildings				

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.

- 3.3.4.5 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.

3.3.5 **Parking**

- 3.3.5.1 30 m² (one gross parking space) for every dwelling unit (flat) or in the case of hotels, boarding-houses, and other dwellings, for every two bedrooms. In addition to the parking area and parking spaces described above a further 30 m² (one gross parking space) for every four dwelling units (flats) or every five bedrooms in the case of hotels, boarding-houses and other dwelling, and 600 m² (20 gross parking spaces) for a licensed hotel, shall be provided uncovered on the site clearly demarcated, for visitors by means of a notice board to the satisfaction of the council.

- 3.3.5.2 In the case of professional buildings at least 180 m² (6 gross parking places) per practising professional shall be provided on the site, of which 90 m² (3 gross parking places) per practising professional shall be clearly demarcated for use by visitors (clients, patients, etc).

3.3.5.3 **Places of Public Worship**

Parking requirements as set out in clause 3.5.7.1.3 must be adhered to.

3.3.6 **Street widths**

No buildings may be erected in this zone on any site unless -

- 3.3.6.1 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 16 m in width, and

- 3.3.6.2 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.

3.3.7 **Places of Instruction and Public Worship**

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

3.3.8 **Dwelling Houses and Group Housing**

The restrictions to which dwelling houses in the single/residential zone and group

housing in the group housing zone are subject to, are applicable in this zone, provided that certain group housing standards may be relaxed as set out in clause 3.3.10

3.3.9 Professional Buildings

3.3.9.1 No one shall be permitted to reside on the site with the exception of a caretaker (who may not be one of the professionals practising on the site). The above does not apply to persons who are permitted to practise in their homes in terms of clauses 2.6.3 and 2.6.4.

3.3.9.2 The provisions of clauses 2.6.4.1 to 2.6.4.4 shall be applicable to all professional uses in this zone.

3.3.10 Relaxations in respect of Group Housing

The Council may apply the following relaxations of standards in the case of group housing developments in this zone:

3.3.10.1 Density

The maximum density is 40 units per gross hectare (where gross hectare is the area of the group site in hectare).

3.3.10.2 Open Space

This requirement may be disregarded should the provision of open space be considered unreasonable for the reason that the group housing density is lower than the general residential density.

3.4 Group Housing Zone

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

3.4.2 Density

The maximum density shall be 30 units per gross hectare of 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.

3.4.3 Open Space

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

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

3.4.3.2 in cases where it may be impractical to provide open space (or to provide all the open space required) in which event a cash endowment to be determined by the

Administrator may be paid in lieu of the required open space (or the shortfall).

3.4.4 Service Yard and Private Outdoor Space

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

3.4.5 Street building lines

The provisions of clause 3.2.1.1.1 applies.

3.4.6 Side and rear building lines

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

3.4.7 Height of buildings

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

3.4.8 Storeroom

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

3.4.9 Parking

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

3.4.10 Roads

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

than 10 m:-

3.4.10.1 Cul-de-sac of less than 10 m in width -

Maximum length: 70 m

Maximum units to be served: 10

3.4.10.2 Crescents and loops of less than 10 m in width

Maximum length: 100 m

Maximum units to be served: 16

3.4.11 Joint Services

The provisions 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.

3.4.12 Television antennae and radio aerials

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

3.4.13 Aesthetics and Environmental Care

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

3.4.14 Educational Places

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

3.5 Business Zones "A" and "B"

3.5.1 Coverage

3.5.1.1 Business Zone "A"

In this zone the area at the respective floor levels of all the buildings on any site in relation to the site area zoned for business purposes shall not exceed the following percentages:

<u>Purpose</u>	<u>Coverage</u>
Blocks of flats and residential buildings above the ground floor	50%
Licensed hotels	80%
Business premises	100%
Public garages	80%

Places of assembly 80%

Places of instruction 80%

Provided that for business premises and licensed hotels provision to the satisfaction of the Council shall be made for the loading and off-loading of goods on that portion of the site zoned for business purposes and further that no vehicular access to such loading areas shall be provided directly from Van Riebeeck Road or Nooiensfontein Road.

3.5.1.2 **Business Zone "B"**

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

Purpose

Blocks of flats and residential buildings above the ground floor 50%

Licensed hotels 80%

Business premises 80%

Public garages 80%

Places of assembly 80%

Places of instruction 80%

3.5.2 **Maximum Bulk Factor**

3.5.2.1 **Business Zone "A"**

The maximum bulk shall be 4.2 of which a factor of not exceeding 1,5 may be utilised for residential accommodation above the ground floor, provided that -

3.5.2.1.1 the maximum bulk for erven situated between Mikro Street and Station Road shall be 2,5 of which a factor not exceeding 1,00 may be utilized for residential accommodation above the ground floor;

3.5.2.1.2 such maximum bulk shall be calculated on only the extent of that portion of the site zoned for business purposes.

3.5.2.2 **Business Zone "B"**

The maximum bulk shall be 2,1 of which a factor of not exceeding 0,75 may be utilized for residential accommodation above the ground floor.

3.5.3 **Height**

No part of a building shall project above a line drawn from a point on the centre of the adjoining road level at an angle of 63° 26' to the horizontal.

3.5.4 **Building Lines**

- 3.5.4.1 Street Boundaries**
- 3.5.4.1.1 Subject to the provisions of section 17 of Ordinance No 19 of 1976, as amended, flats above the ground floor and business premises may be erected on the street boundary.
- 3.5.4.1.2 All other buildings shall be set back 5,0 m from the street boundary.
- 3.5.4.2 Lateral Boundaries**
- 3.5.4.2.1 Buildings on the ground floor may be erected on the lateral boundaries of an erf subject to clause 3.5.4.4.2
- 3.5.4.2.2 Buildings above the ground floor may be erected on the lateral boundaries 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 clause 3.5.4.1 and thereafter shall be set back at least 4,5 m or ½ the height of the building (whichever is the greater) from the lateral boundary subject to clause 3.5.4.4.2.
- 3.5.4.3 Rear Boundaries**
- 3.5.4.3.1 Buildings on the ground floor may be erected on the rear boundary of an erf subject to clause 3.5.4.4.2.
- 3.5.4.3.2 Flats and residential buildings above the ground floor shall not be erected nearer than 4,5 m or ½ height of the building, measured from the top of the ground floor, whichever is the greater, from the rear boundary of an erf.
- 3.5.4.4 Further Restrictions**
- 3.5.4.4.1 A building or portion of a building may only be erected on the lateral or rear boundary of a property if no windows, doors or ventilation opening.
- 3.5.4.4.2 In the event of the common boundary between two erven forming the boundary between this zone and a residential zone, the side or rear space, as the case may be, applicable to the latter shall apply on both sides of the boundary in so far as it is more restrictive.
- 3.5.5 Basements**
- Subject to the provisions of section 17 of Ordinance No 19 of 1976, as amended, the building line provisions need not be complied with in so far as basements are concerned.
- 3.5.6 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 a projection shall be less than 3 m above the pavement and there shall be no access from the building to the canopy.
- 3.5.7 Provisions for On-site Parking**
- (For loading and off-loading facilities see clause 4.3)
- 3.5.7.1 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:-

3.5.7.1.1 Business premises in Business Zone "B" (including shops)

30 m² (one gross parking space) for each dwelling unit (flat) or, in the case of hotels, boarding houses and other residential buildings, for every 2 bedrooms. In addition to the parking area and parking spaces described above, 30 m² (one gross parking space) for every four dwelling units (flats) or every five bedrooms in the case of hotels, boarding houses and other residential buildings and 600 m² (20 gross parking spaces) for a licensed hotel, shall be provided uncovered on the site and clearly demarcated and suitably sign-posted to the Council's satisfaction for use by visitors.

3.5.7.1.3 Places of Assembly

A minimum area shall be provided on the basis of 30 m² (one gross parking space) for every 10 seats provided in the building subject to a minimum of 450 m² (15 gross parking spaces) for each funeral parlour which has a chapel. Funeral parlours without a chapel shall provide parking space on the same basis as a business building. (Clause 3.5.7.1.1)

3.5.7.1.4 Public garages

120 m² exclusive of showroom and workshop areas for every grease bay or wash bay.

3.5.7.2 Further parking and site access requirements

3.5.7.2.1 No parking area in the case of the general residential zones to which these provisions also apply by virtue of clause 3.3.5 shall be laid out within 4,50 m of a street (vide definition of "street boundary").

3.5.7.2.2 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 3.5.10 shall apply. In Business Zone "A" no vehicular access/exit ways to any site is allowed directly from Van Riebeeck Road or Nooiensfontein Road, with the exception of the existing access/exit ways to and from the service station of erf 2381.

3.5.7.2.3 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 3.5.10 shall apply.

3.5.7.2.4 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 3.5.10 shall apply where more restrictive than the provisions of this sub-clause.

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

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

3.5.7.2.7 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 more restrictive

requirements than those of sub-clause 3.5.7.2 if considered necessary from any traffic point of view.

3.5.7.3 Parking Alternatives

3.5.7.3.1 As an alternative to the provisions of Clause 3.5.7.1.1, 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.

3.5.7.3.2 As an alternative to Clause 3.5.7.3.1, the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the estimated market value 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 Clause 3.5.7.1.1, in which event the Council shall itself acquire the necessary land for such parking purposes.

3.5.8 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 1 m² in respect of every 16 seats and a minimum frontage of 1 m in respect of every 100 seats in the building licensed by the Council.

3.5.9 Non-conforming Premises

Before registration certificate or licence of the Council is issued in respect of any premises for which there is no current licence at the date of coming into operation 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.

3.5.10 Public garages

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

3.5.11 Combined Buildings

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

3.5.12 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.

3.5.13 Dry Cleanettes and Launderettes

Dry cleanettes and launderettes may be established in this zone provided that they comply with the following provisions:

- 3.5.13.1 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.
- 3.5.13.2 The minimum distance between the boundaries of any two dry cleanettes or launderettes, unless situated on opposite sides of a street, shall be 60 m.
- 3.5.13.3 Only gas, electricity or illuminating paraffin shall be used for the production of steam or hot water
- 3.5.13.4 The solution used in the cleaning process shall be non-inflammable.
- 3.5.13.5 The combined capacity of the dry cleaning machines that may be installed shall not exceed 20 kg dry weight of clothing or other articles per cleaning operation per half hour cycle.
- 3.5.13.6 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.
- 3.5.13.7 In any establishment comprising either a dry cleanette or a launderette or a combination of both, the maximum personnel shall be 12.
- 3.5.13.8 Each individual application for the establishment of a launderette 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.
- 3.5.13.9 If the Council is of the opinion that the site of a proposed dry cleanette or launderette is unsuitable on the grounds of possible nuisance, danger to public health, etc, it shall submit the application, together with its views and recommendations and the reasons therefore to the Administrator whose decision shall be final.

3.5.14 Funeral Parlours with Chapels

The following additional provisions shall apply:-

- 3.5.14.1 For the purpose of these provisions, "intersection" and "traffic island" shall have the meanings assigned thereto in P N 871 of 19 October 1973, referred to in clause 3.11 relating to public garages.
- 3.5.14.2 No funeral parlour with a chapel shall be permitted on a site abutting a street of less than 13 m in width.
- 3.5.14.3 No funeral parlour with a chapel shall be permitted nearer than 100 m from -
 - 3.5.14.3.1 the intersection of a declared road, proclaimed road, prospective main road, or any other street to which the provisions of section 2(xxiv) of the Divisional Councils' Ordinance, 1976 (Ordinance No 18 of 1976) apply with any other street of like status;
 - 3.5.14.3.2 any road whether existing or provided for in the town planning scheme;
 - 3.5.14.3.3 any intersection where traffic is controlled, or is proposed to be controlled in terms of the town planning scheme, by a traffic island.

3.6 Local Business Zone

The restrictions applying to business premises and blocks of flats in the business zone B, dwelling-houses in the single residential zone and group housing in the group housing zone shall apply in this zone, provided that -

3.6.1 no erf shall form a site of both a residential and business use except in the case of flats above the ground floor;

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

3.7 Commercial Zone

3.7.1 The provisions applicable in the business zone shall apply to business premises and warehouses in this zone, provided that:

3.7.1.1 the maximum bulk shall be 2,0

3.7.1.2 no residential use except for a caretaker's dwelling shall be permitted.

3.7.2 Light Industrial Buildings

The provisions applicable in the light industrial zone shall be applicable to light industrial buildings in this zone.

3.8 Light Industrial Zone

3.8.1 The maximum coverage in this zone shall be 75%

3.8.2 Loading and unloading

For the purpose of loading or unloading vehicles there shall be left on the site a space or spaces amounting to not less than -

3.8.2.1 20% of the total floor area of the building; or

3.8.2.2 25% of the area of the site,

whichever is the lesser and the linear dimensions of such space or spaces shall be such that the shortest distance measured at right angles between any two sides thereof is in no case less than 8 m;

such space or spaces shall have vehicular access to a street, which shall be to the satisfaction of the Council and shall not be less than 5 m wide and, if carried through a building, not less than 3 m in height.

3.8.3 Parking

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

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

30 m² (1 gross parking bay) for every 100 m² of floor area up to 1 500 m².

30 m² (1 gross parking bay) for every 200 m² of floor area in excess of 1 500 m².

25% of the bays shall be set aside and sign-posted for use by visitors.

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

Up to 25 employees30 m² (1 gross parking bay) for every 4 persons or part thereof

Thereafter, for the next 25 persons30 m² (1 gross parking bay) for every 5 persons or part thereof

Thereafter, for the next 50 persons30 m² (1 gross parking bay) for every 10 persons or part thereof

Thereafter, for any further number of 30 m² (1 gross parking bay) for every 25 persons employed persons or part thereof

3.8.4 Street widths and building lines

3.8.4.1 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 made up as part of such street. The portion(s) of the site falling within 8 m of the centre line of abutting street(s) shall be excluded for the purpose of determining the coverage on the remainder of the site, provided, however, that if the owner transfers the said portion(s) of the site to the Council free of compensation such portion(s) may be included for the purpose of determining the permitted coverage on the remainder of the site. The Council shall pay the cost of survey and transfer.

3.8.4.2 No building or any portion thereof, except boundary walls and fences, shall be erected nearer than 3 m from any street boundary of the site or the new street boundary in the preceding subclause 3.8.4.1, whichever is the more restrictive on the site.

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

3.8.5 Height

No building in this zone shall exceed a height of two storeys. Basement storeys are not taken into account for purposes of this clause.

3.8.6 Further development provisions applicable

- 3.8.6.1 Over and above the provisions in par. 4.2 regarding the external appearance of buildings, all industrial buildings must be of brick or as otherwise determined by the Council;
- 3.8.6.2 the front view of all new industrial buildings to be erected may not be built from corrugated iron or asbestos;
- 3.8.6.3 only new implements, vehicles, machinery, etc., may be displayed on the street front and scrap metal and other unsightly material may not be visible from adjoining streets;
- 3.8.6.4 all new boundary walls and boundary fences to be erected shall be subject to the approval of the Council;
- 3.8.6.5 in the case of scrap yards, a site must be enclosed by a 2 m high barrier wall;
- 3.8.6.6 where the slope of a site is of such a nature that a scrap yard site is visible from adjoining streets in spite of the barrier wall, the use as a scrap yard will not be permitted;
- 3.8.6.7 the quality and materials of a barrier wall for scrap yards must be to the satisfaction of the Council, especially in view of eliminating unsightliness and the provision of trees and shrubs to beautify street fronts can be required by the Council.
- 3.9 **Industrial Zone**
- 3.9.1 The applicable in the light industrial zone shall be applicable in this zone, with exception of the height restriction.
- 3.9.2 **Public garages**
The provisions applicable in the motor garage zone shall be applicable in this zone.
- 3.10 **Offensive Trade Zone**
The provisions applicable in the industrial zone shall be applicable in this zone.
- 3.11 **Public Garage Zone**
- 3.11.1 Only public garages that comply with the definition of "public garage" in Clause 1, and which have been approved in terms of the Regulations relating to Public Garages (P N 871 of 19 October 1973 as amended) are permitted in this zone.
- 3.11.2 **Building lines**
- 3.11.2.1 **Street boundaries**
All buildings must be erected at least 3 m from any street boundary.
- 3.11.2.2 **Side and rear boundaries**
The provisions applicable to light industrial buildings in the Light Industrial Zone shall be applicable in this zone.
- 3.11.2.3 **Height**
No building in this zone shall exceed a height of two storeys. Basement storeys are

not taken into account for the purpose of this clause.

3.12 Worship Zone

3.12.1 The restrictions applicable to places of public worship in this zone are as follows:

3.12.1.1 Maximum coverage of 50%.

3.12.1.2 Building lines on all boundaries are 10 m.

3.12.1.3 On-site parking shall be provided with a minimum requirement of 30 m² (1 gross parking bay) for every 10 seats which are provided in all buildings on the site.

3.13 Conservation Zone

In this zone no buildings may be erected, or uses permitted, which do not comply with regulations as accepted by the Council and approved by the Administrator after reference thereof to the National Monuments Council for its comments. If such regulations are approved, they are added to this clause and become part of these regulations.

3.14 Special Zone

If special factors justify the creation of a new zone on the zoning map for a site or sites without justifying the creation of a new zone in the regulations such site shall be zoned a special zone on the zoning map. Every such portion of land which has been zoned as a special zone and of which the parameters differ from other land which has been zoned as special zones, shall be given a separate number on the zoning map. A subzone of the special zone may consist of more than one portion of land provided the parameters are the same. Each special zone of which the parameters differ from other special zones is given a separate number (from 1 and further) and each number with accompanying parameters is dealt with as a separate subclause of clause 5 of these regulations.

3.15 Undetermined Zone

In this zone no person shall erect a building or alter, add to or extend an existing building nor shall he use any existing building or land for a purpose for which, or in a manner in which, it was not used on 10 June 1958.

4.0 Miscellaneous

4.1 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.

4.2 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 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.

4.3 Loading and Off-Loading Facilities

4.3.1 Except in the light industrial and offensive trade zones for the purpose of preventing obstruction of traffic on any street or proposed street on which the proposed building would front or abut the Council may require the owner to submit for its approval proposals for securing, 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.

4.3.2 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.

4.4 Use of Outbuildings

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

4.5 Erven which may be utilized for more than one purpose

Where erven have been zoned for either single residential or general residential purposes while the Townships Conditions applying to these erven make provision for the erection thereon of single residential buildings, or, after certain conditions prescribed in such township conditions have been complied with, for flats and other residential buildings, the erection of buildings on such erven for a purpose in conformity with the township conditions may be permitted provided the provisions of the town planning scheme in all respects, other than the use zoning, shall be fully complied with in respect of the type of building erected on the property where more restrictive than the township conditions.

4.6 Conditions

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

4.7 Council's duties under this scheme

4.7.1 The Council shall keep a record of approvals, consents, authorities or permissions granted by it, or on appeal from its decision under any provisions of this scheme, and of any conditions imposed or agreed between the Council or approved or imposed by the Administrator and of refusals by the Council or the Administrator and the name of the applicant in connection therewith.

4.7.2 The register shall consist of a list of the relevant erf numbers, in numerical order, with the information required in terms of clause 4.7.1, opposite each erf number.

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

4.8 Service of Documents

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

4.9 Approved Townships

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

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

4.10 Special Recreational Facilities: Special Provisions

4.10.1 No special recreational facilities shall be established or operated except in accordance with the provisions of this clause.

4.10.2 No special recreation facilities and the necessary parking area shall be permitted on a site abutting a road of less than 13 m in width. No vehicular entrance/exit for these undertakings shall be nearer than 100 m from an intersection as defined in P N 871/1973 referred to in Clause 3.11, where two proclaimed roads meet or where traffic is controlled by robots or traffic islands.

4.10.3 Provisions shall be made on the site of every putting course for a parking area on the basis of 90 m² (3 gross parking bays) for every 2 holes in a putting course, and in the case of other special recreational facilities where competitors leave their motor vehicles to make use of the facility, 30 m² (1 gross parking bay) shall be provided for every 4 persons which may use the facility at maximum capacity. Where a drive-in restaurant is adjacent to another special recreational facility and the parking areas for the two undertakings are not clearly separated, 1 500 m² (50 gross parking bays) shall be provided for the drive-in restaurant in addition to the parking facilities prescribed for the special recreational facility. The provisions of Clause 3.5.7.2 shall be applicable, mutatis mutandis, to any parking area required in terms of this clause.

4.10.4 The boundary of a special recreational facility which may reasonably be expected to arouse public interest (even by of passers-by) shall be set back at least 3 m from the statutory boundary of any street abutting the facility to provide suitable standing room for spectators off the street and pavement.

4.10.5 Sanitary facilities shall be provided on the site of every special recreational facility, as prescribed by the Medical Officer of Health and shall be located in positions approved by the Council.

4.10.6 Where the Council deems it necessary in the interest of amenity, the site of every special recreational facility shall be screened and landscaped in a manner prescribed by the Council.

4.10.7 A special recreational facility shall not be operated later than such closing hour as the Council may prescribe.

- 4.10.8 All buildings or structures erected on the site of a special recreational facility shall fully comply with the provisions stipulated in the town planning scheme for the zone in which the site is located.
- 4.10.9 Any public address or sound system at a special recreational facility shall at all times be operated in such a manner that the Council is satisfied that no nuisance whatsoever is caused to the occupants of nearby properties.
- 4.10.10 In addition to the advertising of the proposed establishment of a special recreational facility for the purpose of the Council's special consent, the notice of surrounding owners shall be drawn in writing to the aforesaid advertisement.
- 4.10.11 For the purpose of determining whether a specific facility may be viewed as special recreational facility for the purposes of these Regulations, the Council is authorised to interpret and implement the objectives of the definition.

4.11 **River reserve**

Notwithstanding the foregoing provisions, no building or structure, except boundary walls or fences, may be erected nearer than 4,50 m from the boundary of any public open space along the banks of the Kuils- and Bottelary Rivers and, with the exception of the open spaces provided for in Kuilsrivier Township Extension Nos 2,6 and 13, open spaces must be provided along both sides of the rivers for a distance of at least 27 m measured from the centre line of the said rivers.

5.0 **Special zones on the scheme map**

The special zones created in terms of Clause 3.14 of these regulations and the specifications of every such zone, are as follows:-

- 5.1 Number 1:
- 5.2 Number 2:
- 5.3 Number 3:
etc

/dvb