

MUNICIPALITY OF MILNERTON : CAPE

STATEMENT NO. 2

TOWN PLANNING SCHEME

F O R

METRO AND MONTAGUE GARDENS INDUSTRIAL TOWNSHIPS

*Note : Light purple is
Industrial General*

MUNICIPALITY OF MILNERTON, CAPE

STATEMENT NO. 2 TOWN PLANNING SCHEME FOR METRO AND MONTAGUE GARDENS
INDUSTRIAL TOWNSHIPS.

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CHAPTER 1 : INTRODUCTORY

The Statement

- 1 The provisions hereinafter set forth comprise the Final Statement of the Proposed Town Planning Scheme of that part of the Municipality defined as Metro and Montague Gardens Industrial Townships and delimited in Section 7 below, and shall be read in conjunction with the Map. This Statement is arranged as follows:-

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Definitions

- 2 In this Statement, and in any note on the Map, and in any amendment or addition to either of the foregoing which may hereafter be made or be proposed to be made, and in any provisions hereafter prescribed or proposed to be prescribed by the Administrator in terms of subsection (1) of section 35 bis of Ordinance 33 of 1934, and in any departure from the Scheme or conditions attached to any such departure authorised by the Administrator in terms of the said Ordinance, or any conditions attached to any approval by Council in terms of this scheme, the following words and expressions and words and expressions defined in any other section shall have the meanings hereinafter assigned to them:
- A "Actual Floor Area" in relation to a building or buildings means the total floor area of such building or buildings, inclusive of the areas covered by walls of such building or buildings, calculated in the manner hereafter prescribed.
- "area of an erf" means the surveyed area of such erf, taking into account any red line, prescribed or re-surveyed areas of such erf, but excludes the area of such erf which
- (a) has been encroached upon by the use of such portion by the public as a street or a part of a street and which in the opinion of the Council should continue to be used as a street or a part of a street; or
 - (b) is reserved under Chapter 11 of this Statement; or
 - (c) is reserved for street purposes under any law; or
 - (d) abuts a street and is in terms of the Scheme required to be surrendered to the Council as a condition precedent to the granting of approval to the proposed erection of a building; and is not land referred to in paragraphs (a), (b), (c) or (e); or
 - (e) has been expropriated under any law;
- provided that for the purposes of calculating Permissible Floor Area the area of any land referred to in paragraph (d) may be included in the area of the erf concerned if such land is surrendered to the Council by the owner free and unconditionally;
- "area of a site" means the area of the erf or the total area of the erven comprising the site of a building;
- B Block of Flats" means:-
- a building which is not a double dwelling house, containing two or more Dwelling Units;
- "boundary", in relation to a site or erf means one of the straight lines separating such site or erf from another site or erf or from a street; provided that where two sites or erven or a site and an erf or a site or erf and a street are separated by a curved or irregular line the Town Engineer may substitute for such line one or more straight lines approximating as closely as possible to the mean position of such curved or irregular line, and such straight lines shall, for the purposes of section 9 be deemed boundaries of such site or erf;

"building" without in any way limiting its ordinary meaning, includes:-

- (a) any roofed structure;
- (b) any external stairs, steps or landings of a building and any gallery, canopy, balcony, stoop, verandah, porch or similar feature of a building;
- (c) any walls or railings enclosing any feature referred to in paragraph (b); and
- (d) any portion of a building;

"building line" means a line between which and a street boundary the erection of buildings or structures is wholly or partially prohibited in terms of this scheme or any

"Business Premises" means a building used for business purposes and includes an Office Building, a building used for wholesale trade and a laboratory, but does not include a Shop, Service Station, Place of Assembly, Institution, Industrial Building or Special Industrial Building;

C "cleanette" means a building used as a dry cleaning works and conforming to the restrictions prescribed for cleanettes in Chapter VII of this statement;

"Combined Building" means a building, not being a building falling into any other category of building defined in this section, the several parts of which fall into two or more such categories;

"common Boundary", in relation to a site, means a boundary of such site other than a street boundary;

"cornice" means a cornice or portion thereof which is not more than 3 feet in horizontal width measured inwards from the outer edge thereof;

"Council" means the Council of the Municipality;

D "division", in relation to a building, means a portion thereof bounded entirely by one or more external walls and one or more imaginary vertical planes each of which extends continuously from the ground to the roof of the building. Where the configuration of the site or the building renders this desirable having regard to the intent of this statement, the Town Engineer may require or permit that a building be deemed to be divided into divisions defined by him and every such division shall be deemed, for the purposes of this statement, a separate building.

"Double Dwelling House" means a single storeyed building containing only two Dwelling Units;

"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 or housing of a single family, and anything appurtenant, accessory and of a nature customarily incidental thereto.

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

- E "erection" in relation to a building structure, includes:-
- (a) the alteration, sub-division or conversion of, or addition to, a building or structure, and
 - (b) the re-erection of a building or structure which has been wholly or partly demolished,

and "erect" has a corresponding meaning;

"erf" means a piece of land -

- (a) registered in the Deeds Registry or in the Office of the Surveyor-General as an erf, stand, lot or plot; or
- (b) shown as an erf, stand, lot or plot on a valid plan of sub-division approved by any competent Authority,

and includes a public place as defined in section 2 of Ordinance 19 of 1951;

- F "feet" and "square Feet", unless the contrary is stated, mean English feet and English square feet;

"first storey" means the first storey, not being a mezzanine storey, above the ground storey, and "second storey" etc., have the corresponding meaning;

"floor" does not include a flat roof or terrace to which all occupants of a building have access;

- G "garage" means a building used for the housing of motor cars or lorries;

"ground floor" means the floor of the ground storey, and "first floor" etc., have a corresponding meaning;

"ground level" in relation to a building means the finished level of the surface of the ground surrounding and immediately adjoining the building when erected;

"ground storey" of a building or division of a building means the lowest storey (not being a mezzanine storey) which is not a basement storey;

- H "height" means :-

- (a) in relation to a point on a building : the height of such point above the mean level of the ground, and
- (b) in relation to a building or a portion thereof: the height of the highest point of such building or portion above the mean level of the ground provided that:

- (i) where the roof of such building or portion is a sloping one the portion thereof which is above the mean level of such roof may be disregarded;
- (ii) where a parapet or gable extends above the roof level the topmost 3 ft. of such parapet or gable

- (iii) any part of the remaining portion of such parapet or gable which is above the mean level of such remaining portion may be disregarded; the topmost 3 ft. of any parapet at the edge of a terrace or flat roof may be disregarded; and
- (iv) lift motor rooms, bulkheads over stairs, water tanks, chimneys, turrets, open railings and other like features above the general roof level may be disregarded;

I "Industrial Building" means -

- (a) a building (not being a Service Station, a Noxious Industrial Building, a laundrette or a cleanette) which in terms of Section 3 of the Factories Act (Act 22 of 1941) as amended, is a factory; and
- (b) a warehouse, depository or store other than a store appurtenant, accessory and of a nature customarily incidental to a Shop, Business Premises or other building falling into any other category defined in this section; and
- (c) residential accommodation for a caretaker to an Industrial Building and his family;

"Institution" means a hospital, nursing home, clinic, homes for aged, indigent, handicapped or disabled persons or persons otherwise unable to care for themselves, and orphanage and an animal hospital, but does not include a Place of Instruction;

"intersection of streets" means the area of street which is common to such streets and to the imagined prolongations of such streets across one another, together with any area of street forming a splayed corner between such streets; provided that where a street bends in such a way that the centre line thereof on either side of such bend include an angle of less than 135° the portions of the street on each side of the bend shall be deemed separate streets;

L "lateral Boundary" of a site means a common boundary other than a rear boundary;

"laundrette" means a building used as a laundry and conforming to the restrictions prescribed for Laundrettes in Chapter VII of this statement.

"level of the ground" means the ground level;

"licenced hotel" means a building licenced as a hotel under the Liquor Licencing Act of 1928;

"light industrial building" means an industrial building in which the only power-driven machinery is driven by electricity, no single motor being rated at more than 5 horsepower with a total maximum of 30 horsepower for all motors per site.

M "Map" means :-

- (a) the map marked IPl;
- (b) any supplementary detailed maps or plans approved by the Council in amplification or clarification of any map or plan referred to in paragraph (a) or in order to give practical effect to any proposal embodied therein;
- (c) any map or plan referred to or included in this statement; and
- (d) any map or plan approved by the Council and the Administrator and referred to in any annotation or any map or plan referred to in paragraph (a), (b) or (c);

"mean level of the ground" means:-

- (a) for the purpose of defining which storey of a building or a division thereof is the basement storey, the ground storey and so on : the mean level of the ground immediately abutting such building or division, averaged around the perimeter of such building or division;
- (b) for the purposes of determining the height of a building or portion thereof in order to apply any provision of the Scheme other than one referred to in paragraph (c) : the mean level of the ground as determined as in paragraph (a); and
- (c) for the purpose of determining the height of a point on a building or a division thereof in order to apply any provision of the Scheme which limits the height of such point in relation to its distance from the boundary : the mean level of the ground immediately abutting that elevational plane of such building or division which contains such point or lies between such point and the boundary concerned, averaged along such elevational plane.

"Municipality" means the Municipality of Milnerton;

O

"Office Building" means a building comprising offices, consulting rooms, waiting rooms and anything ancillary thereto;

"opposite" has the meaning thereto assigned by subsection (2) of section 9;

"Outbuilding" means a building or division of a building, not being defined a building or division falling into any other category defined in this Section, which is appurtenant, accessory, and of a nature customarily incidental to any building or division of a building falling into such other category, and is on the same site as such building or division of a building; provided that no division of a building shall be deemed an Outbuilding to another division of such building unless every room or compartment in the former division is accessible from the outside without the necessity for passing through the latter division of such building.

IMPORTANT PROVISIONS OF TOWN PLANNING SCHEME

(Thorough perusal of STATEMENT No.2 is essential).

1. Maximum coverage:

75% of site area.

2. Height restriction:

Nil.

3. Building Lines:

Street boundaries 7500 mm. (* The area from the street boundaries measured 4500 mm therefrom, shall not be developed in any way or used for the parking of vehicles, except for driveways, pathways across this area or for the planting with grass, shrubs, plants, or trees.)

* No fence or other structure, other than low walls or hedges not exceeding 450 mm in height, shall be permitted on the street boundaries.

4. Screening:

No part of the site may be used for the storage of scrap or empty containers, such as oil drums and packing cases, of assembly, repairs, painting or dismantling of equipment, unless enclosed by a building or wall at least 2100 mm high.

5. No corrugated iron may be used externally on any building.

6. No noxious or offensive trades shall be conducted on this erf.

7. An industry on this erf shall be limited to the use of electrically-driven machinery, provided that oil fired furnaces may be used as stand-by plant in the event of failure of the electrically-driven machinery.

8. Loading:

For the purpose of loading and unloading vehicles, there shall be left on this erf a space or spaces amounting to not less than

- (i) 20% of the total floor area of the building or
- (ii) 25% of the area of the erf on which the building is to be erected,

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 7500 mm.

THESE RESTRICTIONS ONLY
APPLY TO PRE ERF'S
ON MONTAGUE DRIVE
IN MONTAGUE GARDENS
TOWNSHIP

Such space or spaces shall have vehicular access to the street, which form of access shall not be less than 4500 mm wide and, if carried through a building, not less than 3000 mm in height.

9. On Site Parking:

Category of building or portion concerned	Required combined extent of parking and garaging areas for visitors, patrons and occupants	Required extent of parking area for visitors or patrons
1	2	3
Industrial buildings	One bay for every 100 m ² of Actual Floor Area of the building or buildings concerned, up to an Actual Floor Area of 1500 m ² plus one bay for every 200 m ² of Actual Floor Area in excess of 1500 m ² .	25% of the bays required in terms of column 2 with a minimum of three bays.

In the case of garaging and parking areas required to be provided for Industrial Buildings, it shall be permissible for the parking bays to be so arranged that some of such bays cannot be left until others are left, except for parking bays to be provided in terms of Column 3 of the foregoing table.

10. Vehicular Access:

The manner in which vehicles are to be accommodated in any proposed parking, garaging or loading areas and the access areas thereto, shall be shown on building plans submitted to the Council, and the Council shall have the right to approve or disapprove of such plans.

All parking, garaging, loading and access areas at any site, shall comply with the following requirements:-

- (a) Where four or more vehicles are to be accommodated on a site, the layout of such areas shall be such that vehicles can readily leave the site without reversing across the footway;
- (b) Except in the case of a Service Station, entrances and exitways across the footway, shall be limited to one each not exceeding 4500 mm in width per site, or alternatively, to one combined entrance and exitway not exceeding 7500 mm in width per site; provided that where the total length of the street frontages of

a site exceeds 30480 mm or where a site abuts two different streets additional exitways and entrances or combined entrances and exitways shall be permitted, provided that no two entrances or exitways are closer together than 15240 mm; such additional exitways, entrances or combined entrances and exitways shall not exceed 4500 mm or 7500 mm in width respectively;

- (c) No crossing over the footway shall be nearer than 9000 mm to an intersection of streets;
- (d) Suitable walls or fences shall be erected along the street boundaries of the site, where necessary, to ensure that vehicles do not cross such boundaries elsewhere than at the entrances and exitways prescribed in paragraph (b). Fences or walls may not exceed 450 mm in height.
- (e) Access areas serving four or more motor cars shall have a minimum clear width of 2750 mm if used for oneway movement; or 5500 mm if used for two-way movement; provided that any such two-way access area which is less than 15240 mm long and which links a parking or garaging area directly with the street need not be wider than 2750 mm.

Parking and access areas to be at least 7500 mm in any horizontal direction minimum.

- (f) All access to parking areas shall be uncovered, and all garaging areas and access areas thereto, if covered, shall have a minimum headroom of 2133 mm.
- (g) All parking bays and access areas shall be suitably graded, shall be surfaced with asphalt, concrete or other hard, durable, dustless, impervious surface laid on firm, compacted ground and shall be effectively drained, and the bays shall be marked out in white lines 100 mm wide in approved traffic paint. Such surface shall conform to the following minimum specifications:

Asphalt surface: 25 mm finished thickness of asphalt macadam on 100 mm finished thickness of well consolidated gravel or hard core.

Other surfaces: 100 mm thick.

- (h) Notice boards shall be erected for the purpose of guiding visitors or patrons to the parking. Such notice boards shall be of durable material, shall be approximately 1800 mm above ground level, and shall bear the words "Parking Area for Visitors - Parkeerterrein vir Besoekers" or the words "Parking area for Patrons - Parkeerterrein vir Klante" as may be appropriate, in clear lettering at least 76 mm high, with a directional arrow; where the parking area is not readily visible from the entrance to the site, such notice boards shall bear such additional information as may be necessary to enable visitors or patrons to find the parking area.

Particulars of such notice boards, including the materials to be used and their proposed positions, shall be shown on the building plans, and shall be subject to the approval of the Council.

(i) Size of parking bays 5500 x 2450 mm.

12. Right Reserved:

Council reserves the right to withhold the approval of any building which it considers the use thereof may give rise to nuisances resulting from noise, fumes, smoke or in any other manner.

13. Lateral and Rear building lines:

The distance from the lateral and rear boundaries are calculated in terms of sections 11, 13 & 14 of the STANDARD BUILDING REGULATIONS, ACT 33 of 1962, and the most restrictive condition will apply.

"owner" has the meaning thereto assigned by Section 49 of the Land Survey Act No. 9 of 1927, as amended;

P

"Place of Assembly" means

- (a) a meeting hall, theatre, cinema, music hall, concert hall, dance hall, church hall or a Show and Exhibition Building;
 - (b) a boxing area, skating rink, billiard saloon, amusement arcade or other building used for indoor sports, games or amusements;
 - (c) a building used in connection with outdoor sports or races, including a grandstand, stadium, dressing room and appurtenant accommodation; and
 - (d) a non-residential club,
- but does not include a Place of Worship, Place of Instruction, Institution or Drive-in Cinema.

"Place of Instruction" means a school, college or other educational building and any boarding establishment appurtenant thereto, whether or not on the same site as such school or other building, and a creche, nursery school, monastery, convent, public library, art gallery, museum or gymnasium;

"place of worship" means a church, chapel, synagogue, mosque or other place of worship but does not include a funeral parlour;

"Public Garage" means a building (not being a Service Station) used for the repair and servicing of motor vehicles;

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

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

R

"rear boundary" in relation to a site, means every common boundary thereof which is parallel to or within less than 45° of being parallel to, every street boundary of such site, and which does not intersect a street boundary

"regulations" means the regulations framed under section 60 of Ordinance 33 of 1934 promulgated under Provincial Notice 460 of 1937, as amended;

"Residential Building" means a building other than a Dwelling house, Double Dwelling House, Block of Flats, or Outbuilding, which is used for human habitation, and includes a Hotel, a building let in rooms and a residential club, but does not include an Institution or Place of Instruction.

S

"Scheme" means the Proposed Town Planning Scheme of the Municipality of Milnerton referred to in sub-regulation (1) of regulation 8 of the regulations and comprises this Statement and the Map;

"Scrap or Salvage Building" means a building used for one or more of the following purposes:-

- (a) the storage, depositing or collection of scrap or waste material or articles whose value lies mainly or entirely in that of the material of which they are composed;
- (b) the dismantling of second-hand vehicles or machines for the purpose of recovering spare parts or material therefrom;
- (c) the storage or sale of second-hand pipes, poles, steel sections, wire, timber, tyres, bricks, containers or other articles capable of being left in the open without serious detriment thereto;

"Service Station" means a building for the retail supply of petrol or other liquid fuel to motor vehicles, and carrying out of servicing and minor repairs and adjustments to such vehicles;

"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.

"Show and Exhibition Building" means a building used for exhibitions of trade, industry or agriculture or for fairs or shows;

"site" in relation to a building or structure means the erf on which such building or structure is erected and any other erven required to be combined with such erf in order that the provisions of the Scheme may be complied with;

"site area" means the area of a site;

"Special Building" means any electricity sub-station, pumping station or other building required in connection with the provision of public services;

"Special Industrial Building" means any building which is used for or in connection with

- (a) the carrying on of a scheduled process, as defined in section 1 of the Atmospheric Pollution Prevention Act 1965 (Act No. 45 of 1965); or
- (b) the manufacture of explosives, as defined in section 1 of the Explosives Act (Act No. 26 of 1956); or
- (c) any of the industries, businesses or trades referred to in the Offensive Trades Regulations promulgated under Government Notice No. 1606 of 1934, as amended".

"stoep" means an uncovered paved area or projecting floor outside and immediately adjoining a building at or below the level of the ground floor thereof and includes any low walls or railings enclosing such paved area or floors; provided that for the purposes of this definition an area or floor covered only by features referred to in paragraph (d) of section 27 shall be deemed uncovered

meaning, includes:

- (a) all parts of a storey below the ceiling level thereof; and
- (b) in the case of a topmost storey, also the roof thereof; and
- (c) in the case of a lowest storey, also any foundation walls or other sub-structure; and
- (d) part of a storey;

and in determining the number of storeys in a building at the designation of a particular storey, the following provisions shall apply:-

- (a) Basement storey and mezzanine storeys shall be disregarded in counting the number of storeys, provided that if a mezzanine storey exceeds 25% of the floor area of floor of the storey immediately below it, it shall be regarded as a story;
- (b) any storey (not being a basement or mezzanine storey) having a floor-to-ceiling height exceeding 16 feet shall be taken as two storeys; if exceeding 24 feet, three storeys, and so on; provided that where the floor or ceiling of a storey is not level, or has different levels, the mean level shall be taken.

"street" means a public street as defined in section 2 of Ordinance 19 of 1951;

"street boundary" means a boundary of an erf which forms the boundary of a street, provided that

- (a) where a portion of an erf has been encroached upon by the use of that portion by the public as a street and it is necessary in the opinion of the Council that that portion should continue to be used as a street or part of a street, the street boundary is the line separating that part of the erf encroached upon from the remainder of the erf; and
- (b) where the portion of an erf is reserved under Chapter II of the Statement or under any law for use as a new street or a street widening the street boundary is the line separating that portion from the remainder of the erf; and
- (c) where land, other than land reserved in Chapter II of the Statement or under any law, is or is to be used as a new street, the street boundary is the boundary of an erf which forms the boundary of such new street; and
- (d) where a portion of an erf abutting a street is in terms of the Scheme, required to be surrendered to the Council, as a condition precedent to the granting of approval to the proposed erection of a building, the street boundary is the line between the portion of the erf so to be surrendered and the remainder of the erf;

provided further that where in terms of paragraph (a) to (d) two or more different positions for the street boundary are prescribed, the street boundary is the line or lines which is or are such that none of such positions is further from the centre-line of the street than such line or lines;

"street frontage" in relation to a site, means each street boundary thereof between points where such street boundaries change direction, provided that where two or more consecutive street boundaries intersect with

included angles exceeding 135° , so that the angle included between the first and last of such consecutive boundaries also exceeds 135° , such consecutive boundaries shall be deemed to be one street boundary; and any street boundary which is less than 10 ft. in length may be deemed part of one other street boundary which intersects it;

"street level" in relation to a particular site, means the level of the surface of a constructed street, or the proposed level, as prescribed by the Town Engineer, of the surface of a street which has not been constructed or is to be re-constructed, such level being taken at the street boundary abutting such site;

"structure" without in any way limiting its ordinary meaning, includes any building, wall, fence, pillar, pergola, step, landing, terrace, swimming pool, petrol pump or underground tank, and any portion of a structure;

T "terrace" means a floor area created on a flat roof over portion of a storey of a building resulting from the setting back of portion of the storey above such storey;

"this Statement", means the Final Statement as referred to in section 1;

"Town Engineer" means the Town Engineer of the Municipality.

"Truckers' Inn" means a building primarily intended for use as a restaurant or cafe by lorry drivers.

U "used", in addition to its ordinary meaning, includes "designed or intended to be used";

"Use Zone" means an area of land represented on the Map in a distinctive manner for the purpose of controlling the purposes for which buildings may be erected and used and for which land may be used, provided that any land not so represented shall be deemed to fall into an Undetermined Use Zone;

W "width" in relation to a street means the shortest distance between the street boundaries thereof; provided that for the purposes of this definition the provisions of paragraphs (a) to (d) of the definition of "street boundaries" shall be disregarded except where the land referred to in any such paragraph has become vested in the Council;

Z "Zone" means a Use Zone;

"Zone boundary" means a line forming the boundary between two different Use Zones.

Purposes of the Scheme

- 3 The general purpose of the Scheme is a co-ordinated and harmonious development of the area of the Municipality (including where necessary the reconstruction of any part thereof which has already been sub-divided and built upon, in such a way as will most effectively tend to promote health, safety, order; amenity, convenience and general welfare as well as efficiency and economy in the process of such development.

Notations on Map

- 4 The meanings to be assigned to the various distinctive notations employed on the Map are set out in plan marked IP 1.

Conflict of Laws

- 5
- (1) Nothing in the Scheme or in any consent given in terms thereof shall be deemed to retract from any rights the Council possesses by virtue of any servitude, contract or agreement.
- (2) Except where the contrary is specifically stated in the Scheme, nothing in any provision of the Scheme shall be deemed to override or absolve compliance with any other provision of the Scheme.

(NOTE: The Scheme does not override or supercede any law nor does it absolve compliance therewith or with any condition registered against the title deeds of any land or imposed and in force under Ordinance 10 of 1912, Ordinance 13 of 1927, Ordinance 33 of 1934, Ordinance 19 of 1951 or any other law. When the Scheme is approved by the Administrator and such approval is proclaimed in the Provincial Gazette in terms of Section 41(2) of Ordinance 33 of 1934, the approved Scheme will in terms of Section 43 of the said Ordinance override the requirements of any other Ordinance or regulations framed thereunder which may be in conflict with such provisions, subject to the provisions of Section 35(3) of the said Ordinance relating to the widths and boundaries of certain roads).

Evasion of Intent of Scheme

- 6 The Council shall refuse its consent to anything requiring such consent which in its opinion constitutes or facilitates an evasion of the intent of the Scheme or of any of its provisions.

Area of Scheme

- 7 The provisions of this Statement shall apply to those areas of the Municipality of Milnerton defined, in terms of Ordinance No. 33 of 1934, as Metro and Montague Gardens Industrial Townships.

Map and Schedules : Reference by Public

- 8 A copy of the Map shall be available at the offices of the Town Engineer for reference by the public during such hours as may be prescribed by the Council for this purpose.

Method of Measuring Distances, etc.

- 9
- (1) Where reference is made or implied in this Statement to the distance between a building and a boundary, such distance shall be measured in the following manner:-
 - (a) Such boundary and all points of such building shall be projected onto a horizontal plane, and all measurements shall be made in such plane.
 - (b) The distance between a point on a building and a boundary shall be measured at right angles to such boundary.
 - (2) Where reference is made in this Statement to a portion of a boundary "opposite" a building, such portion shall be defined by drawing lines in the manner prescribed in sub-section (1), from points on such building, at right angles to such boundary.
 - (3) Where reference is made in this Statement to the mean level of the ground or of a roof, parapet or other thing, such mean level shall be calculated in accordance with recognised geometric principles; provided that in any case where the levels involved are so irregular that calculation in accordance with such principles is impracticable or leads to a result which is not in accordance with the intent of the Scheme, the Town Engineer shall determine such mean level in accordance with such intent.

CHAPTER II : RESERVATIONS OF LAND

Public Open Spaces

- 10 The pieces of land so specified on the Map are reserved for use as public open spaces for the purposes specified on the Maps.

New Streets

- 11 The pieces of land so specified on the Map are reserved for the creation of new streets.
- (NOTE: In terms of section 35 (3) of Ordinance 33 of 1934, the provisions of Ordinance 15 of 1952, as amended, and of any other ordinance, insofar as they relate to the determination of the boundaries and widths of proclaimed roads and declared roads, are deemed and taken to be part of the Scheme, except insofar as the Scheme provides for a proclaimed road or a declared road a width greater than that determined by or under the said ordinances).

Restrictions on reserved land

- 12 (1) Except with the special consent of the Council no building or structure shall be erected and no works or excavations shall be executed on land referred to in sections 10 and 11 other than buildings, structures, 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.
- (2) No such land shall be used in such manner or for such purpose as in the opinion of the Council is likely to destroy or impair its use for the purpose for which it is reserved.
- (3) In giving its consent under sub-section (1) the Council may prescribe requirements in respect of any proposed building or structure to be erected or works or excavations to be executed on such land, and may impose conditions with respect to the removal or alteration of such building or structure or works, or the reinstatement of the land, or the removal of waste materials or refuse, or otherwise as it thinks fit, and all such requirements and conditions shall be deemed to be provisions of the scheme.
- (4) Nothing in this section shall be construed as prohibiting the reasonable fencing of any such land, subject to the provisions of any other law.

CHAPTER III : USE ZONING

Use Zones

13

(1) The area of the Scheme is divided into the following Use Zones for the purpose of controlling the use of buildings and land:-

- a) Industry - Light
- b) Industry - General
- c) Industry - General Business
- d) Public Open Space.

(2) The designations of the Zones are set out in Column 2 of the following table (Table III).

TABLE III : DESIGNATIONS OF ZONES

Zone	Designations of Zones
1	2
Industry Light	IL
Industry General	IG
Industry General Business	IGB
Public Open Space	POS

Classification of Buildings

14

(1) Every building shall for the purposes of the Scheme be classified in terms of Section 2 into one or more of the following categories:-

Dwelling House	business premises
double dwelling house	service station
block of flats	light industrial building
residential building	industrial building
place of instruction	special industrial building
institution	show and exhibition building
place of worship	combined building
place of assembly	special building
Licensed hotel	outbuilding
shop	

(2) Where a building is used for different purposes simultaneously or at different times it shall be deemed to fall into each of the categories concerned.

(3) Where there is doubt or dispute as to the category into which a building falls, such building shall be deemed until the contrary is proved, to fall into such category as the Town Engineer shall determine having regard to the intent of the Scheme.

Permitted uses of buildings

15

(1) The categories of buildings which

(a) may be erected and used;

(b) may not be erected

in each of the Use Zones specified in Table III.1 are indicated in Table III.2 below. In the table, column 1 contains the building categories defined in sub-section (1) of section 14, and columns 2 to 5 are headed with the Zone Designations prescribed in column 2 of Table III.1. In the body of the table the designation 'P' denotes buildings which are permitted; and the designation 'O' denotes categories of buildings which are not permitted.

TABLE III.2 : BUILDINGS PERMITTED IN VARIOUS USE ZONES

Building Categories	Use Zone Designations			
	IL	IG	IGB	POS
1	2	3	4	5
dwelling house	O	O	O	O
double dwelling house	O	O	O	O
block of flats	O	O	P	O
residential building	O	O	O	O
place of worship	O	O	O	O
place of instruction	O	O	O	O
institution	O	O	O	O
place of assembly (<i>disco, dance</i>)	O	O	O	O
licensed Hotel	O	O	O	O
shop (<i>restaurant, liquor shop</i>) <i>retail</i>	O	O	P	O
light industrial building	P	P	P	O
business premises	O	O	P	O
scrap or salvage building	P	P	O	O
service station	P	P	P	O
funeral parlours	P	P	P	O
industrial building	O	P	O	O
special industrial building	O	O	O	O
drive-in-restaurant	P	P	P	O
show and exhibition building	P	P	P	O
special building	O	O	O	O
putting course	P	P	P	O
combined building	P	P	P	O
outbuilding	P	P	P	P
public garage	P	P	P	O

- (2) In Zone IGB, shops and Business Premises may be erected on the ground floor, offices on the 1st floor and flats on the 2nd floor.
- (3) In Zones IL, IG and IGB residential accommodation for a caretaker may be provided on each site.
- (4) Subject to the special consent of the Council other buildings than those permitted may be erected in Zones IL, IG and IGB.

(5) Subject to the special consent of the Council, a Convenience Store may be erected on Zones IL and IG, subject to the following conditions:-

(a) Not more than one Convenience Store shall be permitted on any erf.

(b) Only the following items shall be permitted to be sold from the property concerned:-

Mineral Waters, milk, tea, coffee, soup and other beverages, all of which are to be sold in sealed containers.

Sweets.

Fruit.

Ready-to-eat prepared food products; and

Tobacco, cigarettes and matches, provided that -

(c) The gross floor area of the Convenience Store inclusive of both the total storage area and the actual floor area shall not exceed 80 square metres.

(d) Not more than 3 persons may be employed at any one time; and

(e) The permission to erect and operate the Convenience Store shall be at the pleasure of the Council.

Special Buildings

- 16 Special buildings may be erected and used in any Use Zone with the consent of the Council.

Prohibited uses of Buildings

- 17 The erection and use of buildings otherwise than as is permitted in terms of sections 15 and 16 are prohibited.

Combined Building or more than one building on site

- 18
- (1) Subject to the provisions of section 22, the erection and use of a Combined Building shall be deemed to comply with sections 15 and 17 only if the erection and use of each of the several divisions of such building as fall into different categories specified in section 14 are wholly in conformity with the provisions of the Scheme applicable to the erection and use of a building of each of the categories in question.
 - (2) Notwithstanding the provisions of sub-section (1) it shall not be permissible to erect a Combined Building containing both an Industrial Building and a Dwelling House, Double Dwelling House, Block of Flats or Residential Building, or to erect on the site of an industrial Building a Dwelling House or other building mentioned in this sub-section, other than as provided in Section 15 (3).

Outbuildings

- 19
- (1) For the purposes of this Chapter, an Outbuilding to a building falling into any category specified in section 14 shall be deemed to fall into such category.
 - (2) Except with the consent of the Council, no person shall use or occupy an Outbuilding before the erection of the building to which it is an Outbuilding.

Building in more than one Use Zone.

- 20 Where different divisions of a building are situated in different Use Zones, the erection and use of each such division shall be in conformity with the provisions applicable to the Use Zone into which such part falls.

Use of Land and Change of Use.

- 21
- (1) In this section the verb "to use" in relation to land shall include "to erect structures (not being buildings) on such land".
 - (2) No land falling into a Use Zone (whether or not such land is or is not part of the site of a building) 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.

- (3) No land shall be used for parking of vehicles in conjunction with, or as a means of vehicular access to or egress from, any building or land used for a particular purpose if the land first mentioned may not in terms of sub-section 2 be used for that particular purpose.
- (4) No persons shall use or cause or allow to be used any building or portion thereof for use other than that for which it has been erected unless such building has been altered for any such proposed new use and any necessary consent of the Council has been obtained therefor.
- (5) No building for use or occupation by non-european domestic servants shall be erected in any use Zone in a position which would be likely to cause injury to the amenities of the neighbourhood.
- (6) No land comprised in any use zone shall be used for the purpose of refuse-tipping, motor graveyard, store yard, scrap yard, or cemeteries, without the consent of the Council.
- (7) Where shops, business premises and (if permitted) industrial buildings erected in a business zone conform to a building line shown on the map or fixed under Clause 31 hereof, no goods, merchandise, wares or other obstructions shall be placed, deposited, kept or displayed between the building line and street boundary.

Advertisement in certain cases

22

- (1) Any person intending to make application to the Council for its consent to the erection and use of a building or to the use of land in Zones (a),(b),(c) and (d) as defined in section 13(1) 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) 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.
- (3) Any decision of the Council given in terms of this section shall be by special resolution of the Council as defined in Ordinance No. 19 of 1951, as amended.

Restrictions on coverage

- 23 The Actual Coverage of the building on any site shall not exceed the Permissible Coverage for such buildings on such site.

Permissible Coverage

- 24 (1) Except as hereinafter provided, the Permissible Coverage for buildings erected on a site situated in a Use Zone specified in Columns 2 to 5 of the following Table (Table IV:I) and falling into a category specified in Column 1 of such Table is equal to the area of the site multiplied by the factor f specified in such Table for such Zone and category.

TABLE IV:I : FACTOR f FOR CALCULATION OF PERMISSIBLE COVERAGE

Building Categories	Values of Factor f by Use Zone Designations			
	IL	IG	IGB	POS
1	2	3	4	5
dwelling house	-	-	-	-
double dwelling house	-	-	-	-
block of flats	-	-	0.3	-
residential building	-	-	-	-
drive-in-restaurant	0.75	0.75	0.75	-
licensed hotel	-	-	-	-
putting course	0.75	0.75	0.75	-
shop	-	-	0.8	-
drive-in-restaurant	0.75	0.75	0.75	-
business premises	-	-	0.8	-
service station	0.75	0.75	0.75	-
industrial building	-	0.75	0.75	-
light industrial building	0.75	0.75	0.75	-
special industrial building	-	-	-	-
funeral parlours	0.75	0.75	0.75	-
show and exhibition bldg.	0.75	0.75	0.75	-
scrap and salvage building	0.75	0.75	0.75	-
special building	-	-	-	-
combined building	(see section 38)			
outbuilding	included in the permissible coverage of the building to which it is an outbuilding			
public garage	0.75	0.75	0.75	-

- (2) An outbuilding to a building falling into a category of buildings specified in this section shall for the purposes of this Chapter be deemed to fall into that category.
- (3) The factor f for buildings other than those specified in sections (1) and (2) shall be determined by the Council.

(1) The provisions of sub-section (2) shall apply in the case:

- (a) the site of a Combined Building, to the several divisions of which different factors f as prescribed in section 24 apply; and
- (b) a site on which are erected two or more separate buildings to which (or to the several divisions of which) different factors f as aforesaid apply;

where the site of such building or buildings falls within one Use Zone.

(2) The Permissible Coverage for a site referred to in sub-section (1) is equal to the area of the site multiplied by -

- (a) the larger or largest of the factors f applicable to the several divisions or separate buildings referred to in sub-section (1), if the total Actual Coverage of the divisions or buildings to which such larger or largest factor applies is not less than 90% of the total Actual Coverage of all the divisions or buildings in question; or
- (b) the smaller or smallest of such factor f in all other cases.

Site falling into two or more Zones.

26

Where the site of a building or buildings falls into two or more Use Zones, the Permissible Coverage for such site is the sum of the Permissible Coverage for each portion of such site which falls into a different Use Zone, such Permissible Coverages being determined in accordance with sections 24 and 25 as though each such portion constituted a separate site.

Coverage restrictions to apply at every floor level.

27

The provisions of section 23 shall be complied with at every floor level of the building or buildings concerned.

Actual Coverage

28

(1) Except as prescribed in section 29, Actual Coverage at any floor level shall include the area covered at such floor level by all parts of all buildings on the site concerned, and in particular the areas covered by the following portions of buildings:-

- (a) walls of buildings
- (b) roofs
- (c) stairs, steps and landings (except entrance steps and landings,) galleries, passages and similar features, whether internal or external.
- (d) Canopies, verandahs, porches, balconies, terraces and similar features.

(2) Actual Coverage shall also include the area of every internal courtyard, light well or other uncovered shaft, where the area of such courtyard, light well or shaft does not exceed 100 sq.ft..

Exclusions from Actual Coverage

29

The areas covered by the following buildings or portions of buildings shall be disregarded in the calculation of Actual Coverage:-

area within the Interpretation Scheme, as defined on Drawing Nos. AW/47/170/S dated 24th February, 1960 and AW/47/171/1 dated 9th April 1960, issued by the Secretary for Defence, and such restrictions shall be deemed and to be part of the Scheme.

CHAPTER VI : PARKING, GARAGING AND LOADING AREAS

36 Loading and Parking Required

- (1) For the purposes of this Chapter :

"access" includes "egress", and "access to" includes "egress from";

"access area" means an area giving access to a parking, garaging or loading area, and includes an area for manoeuvring of vehicles;

"bay" means a portion of a parking area intended as a parking bay for one vehicle, or a garage or a portion of a garage, intended for the garaging or parking of one vehicle, or a portion of a loading area intended for the accommodation of one vehicle, but does not include a lubricating bay or wash-bay at a Service Station;

"garaging area" means a garage or an area for parking which is wholly or partly covered;

"loading area" means an uncovered or covered area set aside for the accommodation of vehicles on to which goods or materials are to be loaded or from which they are to be offloaded, and for such loading and offloading;

"parking area" means an uncovered parking area.

- (2) In Zones IL and IG for the purpose of loading or unloading vehicles there shall be left on each site a space or spaces amounting to not less than -

- (i) 20% of the total floor area of the building; or
- (ii) 25% of the area of the erf on which the building is to be erected,

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 ~~25 feet~~.

7.5m

Such space or spaces shall have vehicular access to a street, which form of access shall not be less than ~~15~~ feet wide, 4.5 and if carried through a building not less than ~~10~~ feet in 3.05 height.

- (3) In Zone IGB no residential accommodation shall be provided unless provision shall simultaneously be made, for parking bays to accommodate not less than one motor-car for every flat or in the case of other residential accommodation for every 2 bedrooms contained in the building, provided that:-

- (a) if situated under the building the said parking area shall not be enclosed for more than 50% of its perimeter.

- (b) the said parking area and the access and exit thereto shall be located, hardened and surfaced to the satisfaction of the local authority;
- (c) if in erecting his buildings the owner provides lock-up garages on the erf, the required parking area may be reduced by one parking bay for each garage up to a maximum of 75% of the original area required in terms of the foregoing;
- (4) Where an addition is made to an existing building, or where an existing building or its use is so altered as to require a greater extent of parking, garaging or loading areas than that required in terms of this Chapter prior to such alteration, the provisions of this Chapter shall apply only in respect of the increase in such extent required as a result of such addition or alteration as the case may be.

Extent of Parking and Garaging areas required

37

- (1) In addition to the requirements of the previous paragraph, provision shall be made on the site of every building falling into a category specified in Column 1 of the following Table (Table VI:1) for parking or garaging or parking and garaging areas for motor cars to an extent not less than that prescribed in Columns 2 and 3 of such Table:-

TABLE V : I : PARKING AND GARAGING AREAS FOR MOTOR CARS FOR VARIOUS CATEGORIES OF BUILDINGS

Building Categories	Required combined extent of parking and/or garaging areas for visitors, patrons or occupants	Required extent of parking areas for visitors or patrons
1.	2	3
Shops	$600 \div 10.764 = 55.7$	1 bay for every 600 sq.ft. of gross shopping floor space
Business Premises	5 bays + 1 bay for every 600 sq.ft. of gross office floor space	
Service Stations and Public Garages		4 bays for every lubricating bay 4 bays for every wash bay with a minimum of 8 bays
Funeral Parlours		15 bays

Requirements applicable to all Parking, Garaging and Loading areas

38

- (1) The manner in which vehicles are to be accommodated in any proposed parking, garaging or loading areas, whether or not such areas are required in terms of section 37, and the access areas thereto, shall be shown on building plans submitted to the Council, and the Council shall have the right to approve or disapprove of such plans.
- (2) All parking, garaging, loading and access areas at any site, whether or not such areas are required in terms of section 37 shall comply with the following requirements:-
 - (a) Where four or more vehicles are to be accommodated on a site the layout of such areas shall be such that vehicles can readily leave the site without reversing across the footway;
 - (b) Except in the case of a Service Station, entrances and exitways across the footway shall be limited to one each, not exceeding 15 ft. in width per site, or alternatively, to one combined entrance and exitway, not exceeding 25 feet in width per site; provided that where the total length of the street frontages of the site exceeds 100 ft. or where a site abuts two different streets additional exitways and entrances or combined entrances and exitways shall be permitted, provided that no two entrances or exitways are closer together than 50 ft.; such additional exitways, entrances or combined entrances and exitways shall not exceed 15 ft. or 25 ft. in width respectively;
 - (c) No crossing over the footway shall be nearer than 30 ft. to an intersection of streets;
 - (d) Suitable walls or fences shall be erected along the street boundaries of the site, where necessary, to ensure that vehicles do not cross such boundaries elsewhere than at the entrances and exitways prescribed in paragraph (b).

Requirements applicable to compulsory parking and garaging areas

39

Parking and garaging areas required in terms of section 37 and access areas thereto shall comply with the following requirements:-

- (a) Every parking area or combined access and parking area shall be at least ~~25~~ ^{7.5 m} ft. wide in every direction
- (b) Every bay required in terms of section 37 shall be at least ~~18~~ ^{5.5 m} ft. long and ~~8~~ ^{2.5} ft. wide;
- (c) The layout of bays and access areas shall be such that they can be entered and left at all times by a motor car of the following specifications:-

Overall length
 overall width
 distance of rear axle from rear of car
 distance of centre of rotation of car from
 midpoint of rear axle at full lock of
 steering

~~17~~ ft. ^{5.0 m}
 6 ft. ^{0.2 m}
 4 ft.

- (d) Access areas serving 4 or more motor cars shall have a minimum clear width of ~~8~~⁵ ft. if used for one-way movement; or ~~10~~⁵ ft. if used for two-way movement provided that any such two-way access area which is less than 50 ft. long and which links a parking or garaging area directly with the street need not be wider than 9 ft.
- (c) All access to parking areas shall be uncovered, and all garaging areas and access areas thereto, if covered, shall have a minimum headroom of 7 ft.
- (f) In the case of a building erected in Zone IGB such parking bays shall at all times be accessible to the public except in the case of parking areas provided for residents of a Block of Flats, and any private parking areas which may be necessary shall be provided in addition to the requirements of section 37.
- (g) All bays and access areas shall be suitably graded, shall be surfaced with asphalt, concrete or other hard, durable, dustless, impervious surface laid on firm, compacted ground, and shall be effectively drained, and the bays shall be marked out in white lines 4" wide in approved traffic paint. Such surface shall conform to the following minimum specifications:
Asphalt surface : 1" finished thickness of asphalt macadam on 4" finished thickness of well consolidated gravel or hard core.
Other surfaces: 4" thick.
- (h) Notice boards shall be erected for the purpose of guiding visitors or patrons to the parking area prescribed by column 3 of Table V:I in section 37. Such notice boards shall be of durable material, shall be approximately 6 ft. above ground level, and shall bear the words "Parking area for Visitors - Parkeerterrein vir Besoekers" or the words "Parking Area for Patrons - Parkeerterrein vir Klante", as may be appropriate, in clear lettering at least 3" high, with a directional arrow; where the parking area is not readily visible from the entrance to the site such notice boards shall bear such additional information as may be necessary to enable visitors or patrons to find the parking area. Particulars of such notice boards, including the materials to be used and their proposed positions, shall be shown on the building plans, and shall be subject to the approval of the Council.

Duties of owner

40

The owner of any building for which in terms of section 37 the provision of parking, garaging or loading areas is required, shall -

- (a) provide, construct and mark out such area, including access areas, as may be necessary, in accordance with the approved plan and the requirements of this Chapter;
- (b) maintain all such areas in a usable condition and such marking out in a legible condition at all times;
- (c) ensure that no markings are made on any parking area prescribed by Column 3 of Table V:I in section 37 which would discourage, interfere with or prevent its use by visitors.

- (d) ensure that access to any parking area prescribed by Column 3 of Table V:I in section 37 is kept free and unencumbered at all times and that such parking area is not used for purposes of business trade or any other purpose than the parking of visitors or patrons;
- (e) provide and erect the notice boards referred to in section 39, maintain them in a legible condition at all times and ensure that no notice boards are erected which would discourage, interfere with or prevent the use of any parking area prescribed by Column 3 of Table V:I in section 37 by visitors or patrons;

Combined Buildings

- 41 In the case of a combined building, parking, garaging or loading areas shall be provided in respect of the several divisions thereof in conformity with the provisions of this Chapter, and the arrangement of such areas shall be such as to ensure that each such area is convenient of access to occupants, visitors or patrons of the parts of the building concerned.

CHAPTER VII : SPECIAL TYPES OF BUILDINGS

Special Types of Buildings

- 42 The provisions of this Chapter relating to certain types of buildings shall be in addition to any other provisions applicable to such buildings in terms of any other Chapter.

Service Stations

- 43 In this section -

"access way" means a vehicular ingress to or egress from any portion of the site of a Service Station, being a portion where petrol or other liquid fuel is supplied;

"pump" means a fuel pump at a Service Station;

"Service Station" includes the site of any premises where petrol or other liquid fuel for motor vehicles is supplied in retail, whether or not servicing, repairs or adjustments are carried out to such vehicles;

"traffic island" means a raised area in a roadway intended for the physical separation of traffic or for the use of pedestrians or both.

- (2) No Service Station shall be erected or established on a site unless every street frontage of the site containing one access way is at least 75 Cape feet in length, and every street frontage containing two or more access ways is at least 100 Cape feet in length; provided that where a portion of such site is occupied at ground level by a building other than a Service Station, and such building is less than 25 feet from a street boundary, the portion of the street boundary opposite such building shall not be included in

following:-

- (a) An intersection of streets, two or more of which are declared roads, proclaimed roads, prospective roads, or any other roads to which the provisions section 146 of the Divisional Council's Ordinance 1952 (Ordinance No. 15 of 1952) apply, or any other road of like status;
 - (b) Any robot, whether existing or intended to be erected;
 - (c) Any intersection of streets where traffic is controlled or is intended to be controlled by a traffic island.
- (4) Access ways shall comply with the following requirements:-
- (a) No access way shall be nearer than 20 ft. to a lateral boundary of the site concerned;
 - (b) No access way shall be nearer than 30 ft. to an intersection of streets;
 - (c) The width of any access way shall not exceed 25 ft.;
 - (d) The site of a Service Station shall not have more than two access ways; provided that this number may be exceeded if no two access ways are closer together than 50 ft.;
 - (e) A wall at least 4½" thick and 9" high shall be erected along the entire street boundary except at the access ways.
- (5) No pump shall be erected so that the base or island on which such pump stands is less than 12 ft. from the nearest street boundary, such measurement being taken at right angles to such boundary through the central vertical axis of such pump.
- (6) The following provisions shall apply to any Service Station erected or established in the area of the scheme:-
- (a) No panel beating, spray painting or retreading of tyres shall be carried out at such Service Station;
 - (b) Any workshop accommodation provided in such Service Station shall have an Actual Floor Area not exceeding 1,500 sq.ft. (exclusive of any lubrication or wash bays) and shall be physically demarcated from the remainder of the Service Station by 9" walls at least 7 ft. high, such walls shall have the minimum area of openings required for reasonable access to such workshops;
 - (c) No Service Station shall be erected or established on any such site if such site is less than 600 feet from the site of another Service Station on the same side of the street;
 - (d) Any part of the site of a Service Station used for the storage of empty containers or any other articles or materials used for or incidental to the conduct of such Service Station (other than articles or materials normally kept on the driveway of a Service Station), or for carrying on any work in connection therewith, shall be screened from view from any street or public place by a wall at least 7 ft. high.

Funeral Parlours

No funeral parlour shall be erected on a site which is less than 300 ft. from an intersection of streets referred to in sub-section (3) of section 43.

The following provisions shall apply to every establishment which is a laundrette or a cleanette or a combination of both, erected or established on a site which is wholly or partly in the Industrial General Business Use Zone:-

- (a) No such establishment shall be erected or established if any of its boundaries would be less than 200 ft. from any boundary of any other such establishment in any such zone unless the two establishments concerned are on opposite sides of a street;
- (b) The Actual Area of the portions of such establishment which comprise the shop for receiving and returning clothes, the workshops and the space occupied for storage of clothes shall not exceed 2,750 sq.ft;
- (c) Only gas, electricity or illuminating paraffin may be used for the production of steam or hot water;
- (d) The solution used in the cleaning process shall be non-inflammable;
- (e) The combined capacity of any dry-cleaning machines that may be installed shall not exceed 42 lbs. dry weight of clothing or other articles per cleaning operation per half-hour cycle;
- (f) The combined capacity of any washing machines that may be installed shall not exceed 60 lbs. dry weight of clothing or other articles per washing operation;
- (g) The number of employees in any such establishment shall not exceed 14;
- (h) Each application for approval of any such proposed establishment on any such site shall be accompanied by full information on the maximum capacity of the machines, the number of employees and the floor space to be occupied by the undertaking;
- (i) The working hours in any such establishment shall be limited to the period from 7 a.m. to 7 p.m.;
- (j) The person carrying on the business of such establishment shall ensure that the provisions of paragraphs (c) to (g) inclusive and of paragraph (i) are adhered to at all times.

Putting Courses and Drive-in Restaurants

- (1) In this section -

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

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

- (2) Notwithstanding anything to the contrary in this Statement contained, no putting course or drive-in restaurant shall be established or operated except in accordance with the provisions of this section.
- (3) A putting course or a drive-in restaurant shall not be established or operated in any Zone except with the special consent of the Council. The Council shall not accede to

...y application for such consent until such application has been brought to the notice of the public and of surrounding property-owners by notice in the public press and any objections received have been considered by the Council.

- (4) No vehicular ingress to or egress from a putting course or drive-in restaurant shall be less than 300 ft. from an intersection of streets referred to in sub-section (3) of section 43. Every such ingress and egress shall be from and to a street having a width of 40 Cape feet or greater, connecting with another street or streets of not less than such width and leading to a street of greater width.
- (5) Provision shall be made on the site of every putting course or drive-in restaurant for parking area, as defined in section 36 to an extent not less than that set out hereunder:
 - (a) 3 bays to every 2 holes in a putting course; and
 - (b) 50 bays for a drive-in restaurant.

The provisions of sections 38 to 41 inclusive, shall be applicable, mutatis mutandis, to any parking area required in terms of this sub-section.

- (6) Where in the opinion of the Council, the location of the holes of a putting course in relation to a street is such that spectators would be likely to gather in an abutting street, a standing area for spectators shall be provided on the site. The position, dimensions and points of access to such standing area shall be to the approval of the Council, and the surface of such standing area shall be grade, hardened and drained to the satisfaction of the Council.
- (7) Sanitary facilities shall be provided on the site of every putting course and drive-in restaurant to an extent prescribed by the Medical Officer of Health and shall be located in positions approved by the Council.
- (8) Where the Council deems it necessary in the interests of amenity, the site of every putting course or drive-in restaurant shall be screened and landscaped in a manner prescribed by the Council.
- (9) A putting course shall not be operated later than such closing hour as the Council may prescribe.

CHAPTER VIII : MISCELLANEOUS PROVISIONS

Projections over streets and building lines in Zones IL, IG and IGB

47

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 two feet of the pavement edge, provided no portion of any projection shall be less than 10 ft. above the pavement and there shall be no access from the building to the canopy.

Drying Yards for General Residential Buildings

48

Whenever a block of flats or a residential building is erected, a yard screened to a height of 6'6" from all abutting streets for the drying of washing shall be provided on the site to the satisfaction of the Town Engineer and in particular as to the area of the yard.

Certain buildings or uses prohibited

- 49 Notwithstanding anything contained in this Statement, the erection of any building or structure or the use of any for a particular purpose is prohibited if in the Council's opinion, having regard to the intent of the Scheme, such erection or use would be likely to involve -
- (a) danger to or serious congestion of vehicular or pedestrian traffic; or
 - (b) danger or injury to health; or
 - (c) serious detriment to the amenities of any neighbour.

Screening of Unsightly Sites

- 50 Any land used as or in connection with a builder's yard, a timber yard, a coal yard, a cartage contractor's business premises for the stabling of horses, or for any purpose to be to in the definition of "Scrap or Salvage Building" in section 2 shall be screened from view from any street or public place by a wall at least 7 ft. high.

Ceiling Heights

- 51 In any Dwelling unit or Shop the minimum mean ceiling heights shall be 8 ft. 6 ins. and 9 ft. respectively, and in either case where a sloping ceiling is constructed the lowest point of that slope shall not be less than 7 ft. 6 ins. above the floor level of the room in both cases.

Minimum room Size

- 52 In any Dwelling Unit the minimum size of a habitable room defined in section 2 shall be 100 sq. ft. and in an Outbuilding 80 sq. ft.. In either case the minimum horizontal dimension shall be 7 ft.

Caltex Pipeline Servitude

- 53 In terms of an Agreement between the Council and Messrs. Caltex Oil (S.A.) Ltd. a servitude exists through the area of the Scheme whose approximate route is shown on Map No MP4. The precise location of the servitude is shown on Drawings Nos. SAA-272 Rev 0, SAA-126 REV 1, SAA-127 Rev 0, SAA-128 Rev 1, SAA-129 REV 0, SAA-130 REV 0, SAA-134 Rev 1, SAA-135 Rev 2 and SAA-136 Rev 3, which may be consulted at the Council's offices. No building operations of any description may be carried out on land in the vicinity of this servitude without prior reference to the Council for written permission, and Council shall refuse such permission if it is in contravention of the aforementioned agreement.

Procedure

- 54 (1) Where permission to erect any building or execute any work or to use any building or land for any particular purpose or to do any other act or thing, is granted under this Scheme, and conditions have been imposed, the conditions shall have

APPENDIX A

Form of Amendment to Statement

FINAL STATEMENT : PROPOSED TOWN PLANNING SCHEME :
METRO AND MONTAGUE GARDENS INDUSTRIAL TOWNSHIPS

AMENDMENT NO. TO THE
STATEMENT

Numbers of sections amended
substituted or repealed :

Numbers of new sections
added or inserted :

NOTICE is hereby given that in terms of section 35 bis(1) of Ordinance No. 33 of 1934, the Administrator, on application by or after reference to the Council of the Municipality of Milnerton, has prescribed that the Final Statement No. 2 of the Proposed Town Planning Scheme of Metro and Montague Gardens Industrial Townships, published under Provincial Notice No. dated (as amended), shall be further amended as follows:-

1. By
2. By
etc.

Town Clerk.

APPENDIX B

(Form of Register of Amendments to the Statement of the
Town Planning Scheme)

Reference number of amendment	Sections of Scheme amended, substituted, repealed, added or inserted	Subject	Date Adopted by Council	Date approved by Administrator	Provincial Gazette Reference