

**MILNERTON PROPER
TOWN PLANNING SCHEME**

MUNICIPALITY OF MILNERTON, CAPE

STATEMENT OF THE TOWN PLANNING SCHEME FOR MILNERTON PROPER

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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 Milnerton Proper 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

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 sub-section (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 any words and expressions defined in any other section shall have the meanings hereinafter assigned to them:

A "Actual Coverage" in relation to a building and any floor level thereof, means the area which is covered by such building above such level, calculated in the manner hereafter prescribed;

"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 II 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 paragraph (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 "balcony" means a floor projecting outside a building at a level higher than that of the ground floor thereof, enclosed only by low walls or railings or by main containing walls of rooms abutting such projecting floors and includes a roof, if any, over such floor and pillars supporting such roof;

"basement storey" in relation to a building or a division of a building, means any storey thereof, the floor level of which is 6 ft. or more below the mean level of the ground;

"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, stoep, verandah, porch or similar feature of a building;
- (c) any walls or railings enclosing any feature referred to in paragraph (b);
- (d) any portion of a building; and
- (e) any structure except a swimming pool not projecting above ground level referred to in the definition of "building" in Section 2 of Ordinance 19 of 1951.

"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 law;

"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 "canopy" means a cantilevered or suspended roof or slab (not being the floor of a balcony) projecting from the wall of a building;

"cleanette" means a building used as a dry cleaning works and conforming to the restrictions prescribed for cleanettes in Chapter IX 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

D 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;

"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;

"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.

E "eaves" means a portion of a roof projecting beyond the face of a building, including any gutters thereto;

"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;

"entrance steps and landings" means steps and landings of a building, including any low walls or railings thereto, if such steps and landings are not within the main containing walls of such building and are of one of the following classes:-

- (a) where the ground floor is above the mean street level at the street boundary at points opposite such steps and landings:
steps and landings which are at or below the ground floor level;
- (b) all other cases:
steps and landings are not more than 4'6" above the mean street level at the street boundary at points opposite such steps and landings.

F "family" means -

- (a) a single person maintaining an independent household, or

- F
- (b) two or more persons related by blood or marriage maintaining a common household, or
 - (c) two, three or four unrelated persons maintaining a common household;
- and subject to the provisions or sections 24, including not more than three persons lodging or boarding with a family;
- "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 and 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
- "habitable" applied to a room shall mean a room constructed or adapted to be inhabited.
- "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 division thereof; the height of the highest point of such building or division above the mean level of the ground; provided that -
 - (i) where the roof of such building or division is a sloping one the division 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 (measured vertically) may be disregarded, and any part of the remaining portion of such parapet or gable which is above the mean level of such remaining division may be disregarded;
 - (iii) 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;

H "hotel" means a hotel or boarding house, but does not include any Shop, Business Premises or Place of Assembly attached to or adjoining a hotel if such Shop, Business Premises or Place of Assembly are ordinarily accessible to or used by non-residents of such hotel and does not include a Lincensed Hotel;

I "Industrial Building" means -
 (a) a building (not being a Service Station, a Special 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 IX of this Statute.

"level of the ground" means the ground level;

"licensed hotel" means a building licensed as a hotel under the Liquor Licensing Act of 1928;

"low wall or railing", in relation to a stoep, verandah, porch, balcony, terrace, flat roof, stair, steps, landing or similar feature, means an enclosing wall or railing of not more than 3 feet 6 inches above the floor level of such stoep, verandah, porch or other feature;

M "Map" means:-

(a) The maps and plans listed in Schedule 1 of Appendix A;
 (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;

- M (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 on 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 division 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.

"Milnerton Proper" means the area defined as such in Section 7 of this Statement and as indicated on the Map.

"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 sub-section (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;

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

P

"Pergola" means any horizontal or approximately horizontal grille or framework such that the area in horizontal projection of the solid portions thereof does not exceed 10% of the total area thereof;

"Permissible Coverage", in relation to a site means an area which may not be exceeded by the Actual Coverage of buildings on such site;

"Permissible Floor Area", in relation to a site, means a floor area which may not be exceeded by the Actual Floor Area of buildings on such site;

"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;

"porch" means a roof (not being the floor of a balcony) projecting or extending from a building for the sole purpose of forming a sheltered approach to an entrance of such building at or below the ground floor thereof, together with any paved area thereunder and any low walls or railings enclosing such paved area and any pillars supporting such roof;

"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;

R "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;

- S "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 37 shall be deemed uncovered;

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

- (a) all parts of a storey below the ceiling level thereof;
- (b) in the case of a topmost storey, also the roof thereof;
- (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 and the designation of a particular storey, the following provisions shall apply:-

- (i) Basement storeys 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 the storey immediately below it, it shall be regarded as a storey,
- (ii) 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

- S (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 paragraphs (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 an included angle or 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, steps, landing, terrace, swimming pool, petrol pump or underground tank, and any division of a structure ;

"Sub-zone" means an area of land represented on the Map in a distinctive manner for the purpose of controlling, inter alia, the coverage, floor area, height, and spaces about buildings;

- 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;

- V "verandah" means a covered paved area (not being an area which is part of a yard or a parking area) or projecting floor outside and immediately adjoining a building, at or below the level of the ground floor thereof, and includes both such area or floor and the roof or other feature covering it, as well as any low walls or railings enclosing such paved area or floor; provided that for the purposes of this definition an area or floor covered only by features referred to in paragraph (d) of section 37 shall be deemed uncovered;
- 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 or Sub-zone;
- "Zone boundary" means a line forming the boundary between two different Use Zones or Sub-zones.

Purpose 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 MP1 of the Map.

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/.....

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 that area of the Municipality of Milnerton situated between Race Course Road on the North, Boundary Road on the South, Koeberg Road on the East and the sea on the West, being known as and hereinafter described as Milnerton Proper.

Map and Schedules : Reference by Public.

- 8 A copy of the Map and of each of the Schedules listed in Appendix A of this Statement 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.

Public Open Spaces

- 10 The pieces of land so specified on the Map or in Schedule 2 of Appendix A are reserved for use as public open spaces for the purposes specified on the Maps or in such Schedule.

New Streets and Street Widenings, Improvements or Closures

- 11 (1) The pieces of land so specified on the Map or specified in Schedule 3 or Appendix A are reserved for the creation of new streets and the widening or improvements of existing streets or comprise streets which are to be closed.
(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)
- (2) Any piece of land which was previously part of a street but has become the property of an abutting owner through prescription is reserved for the widening or improvement of such street; provided that where the Council specifically resolves that such piece of land is no longer required for street purposes such land shall be deemed to fall into the same Use Zone and Sub-zone as those into which the abutting land owned by such owner falls.
- (3) Where any piece of land, other than land referred to in sub-section (2), which was previously a street or a public place vested in or owned by the Council, is closed and transferred to an abutting owner, such piece of land shall be deemed to fall into the same Use Zone and Sub-zone as those into which the abutting land owned by such owner, falls.

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.

- 12 (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 and Sub-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) single dwelling residential
 - (b) general residential
 - (c) special business
 - (d) general business
 - (e) stabling purposes
 - (f) private open space
 - (g) public open space
 - (h) undetermined.
- (2) The General Residential Use Zone is further divided into Sub-zones for the purpose of controlling inter alia the permitted buildings, coverage, floor area, height and spaces about buildings. The designations of the Zones and Sub-zones are set out in Column 2 of the following table (Table III.1).

TABLE III 1 : DESIGNATIONS OF ZONES AND SUB ZONES

Zone	Designations of Zones & Sub-Zones
1	2
Single Dwelling Residential	SD1
General Residential	GR1 GR2 GR3
Special Business	SB1
General Business	GB1 GB2
Stabling Purposes	SP
Public Open Space	POS
Private Open Space	S
Undetermined	U

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	shop
double dwelling house	business premises
block of flats	service station
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

- (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
- may be erected and used;
 - may be erected and used only with the special consent of the Council, and
 - may not be erected.
- in each of the Use Zones and Sub-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 12 are headed with the Zone and Sub-zone designations prescribed in column 2 of Table III.1. In the body of the table the designation 'P' denotes buildings which are permitted; the designation 'X' denotes buildings which are permitted only with the special consent of the Council, and the designation 'O' denotes categories of buildings which are not permitted.

- 15 (2) The erection and use of a Double Dwelling House shall be permitted only where the Council is satisfied that such erection and use will not conflict with the existing or intended character of the locality concerned.
- (3) No residential accommodation may be provided on the ground floor in Zones SBl, GB1 and GB2.

Special Buildings

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

Buildings in Private Open Space Use Zone

- 17 Except with the special consent of the Council no building shall be erected or used on any site in the Private Open Space Use Zone. The Council shall not permit any building which is not required in connection with the predominant use of such site.

Prohibited uses of Buildings

- 18 (1) The erection and use of buildings otherwise than as is permitted in terms of sections 15, 16 and 17 are prohibited.
- (2) Notwithstanding anything to the contrary in the Scheme, the erection and use of buildings for the following purposes are prohibited: -
- public garages
 - drive-in cinemas
 - fishmeal factories
 - truckers inns
 - industrial and special industrial buildings

Combined Building or more than one building on site

- 19 (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 18 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.

Outbuilding

- 20 (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.

- 20 (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.

- 21 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 division falls.

Subsidiary Uses : when permitted

- 22 (1) Notwithstanding anything to the contrary in this Chapter the erection and use of a division of a building in contravention of sections 18 and 19 shall be permitted in the case of the following divisions of a building:-

(a) a division of a Dwelling Unit used by an occupant thereof for the conduct of a profession or occupation, may be permitted with the special consent of the Council provided that :-

- (i) such division shall not be used as a Shop, Business Premises, Industrial Building or Special Industrial Building;
- (ii) no goods shall be publicly displayed;
- (iii) no advertising sign or notice shall be displayed other than an unilluminated sign or notice not projecting over a street, and not exceeding 2 sq.ft. in area, indicating only the name and profession or occupation of the occupant;
- (iv) no activities shall be carried on which are or are likely to be a source of nuisance, disturbance or annoyance to occupants of other Dwelling Units.

- (2) Notwithstanding anything to the contrary in this Chapter, the sale of mineral waters to residents of a Hotel or residential club in a General Residential Use Zone shall be permissible provided that no advertisements in connection therewith are publicly displayed.

Use of Land and Change of Use.

- 23 (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 purposes with such special consent.

- 23 (3) No land shall be used for parking of vehicles in conjunction with, or as a means of vehicular access to and 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 ~~division 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) Removal of injurious conditions in private gardens, etc. Where the amenity of Use Zones SD1, GR1, GR2, GR3, SB1 GB1 and GB2 or of any private or public open space is injured by the conditions of any garden or curtilage in the area, the Council may serve a notice on the owner or occupier of the premises on which the injurious conditions exist, requiring him, within such period, not being less than twenty-eight days from the date of service of the notice as may be specified in the notice, to take such action as may be necessary to abate the injury, and the said notice may specify the measures to be taken to abate the injury.
- (8) 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 46 hereof, no goods, merchandise, wares or other obstructions shall be placed deposited, kept or displayed between the building line and street boundary.

Letting of rooms in Dwelling Units.

- 24 (1) Nothing in sections 13 and 19 shall be construed as prohibiting the occupation of rooms in a Dwelling Unit by lodgers.
- (2) Where rooms in a Dwelling Unit are occupied by lodgers the following conditions shall be complied with:-
 - (a) every such room shall have an entrance inside the Dwelling Unit;
 - (b) such rooms shall not be converted to or used as separate Dwelling Units;
 - (c) not more than three lodgers shall be permitted to lodge in any one Dwelling Unit.
- (3) The terms "lodge" and "Lodger" shall include "board" and "Boarder".

Conditions imposed on erection and use of buildings

- 25 (1) Subject to the provisions of section 26, where any application is made to the Council for its consent to the erection and use of a building in a zone in which such a building may be erected and used only with the Council's special consent, the Council may give or withhold its consent, and shall, in giving its consent, be entitled to impose such conditions as it may deem fit governing the erection or use of such building. In considering such applications regard shall be given to the question of whether the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood.
- (2) Nothing contained in this section shall be deemed to exempt or exclude compliance with any of the Council's Regulations.

Advertisement in certain cases

- 26 (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), (e) and (f), 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.

CHAPTER IV : ERVEN : SIZES, ETC.

Minimum Sizes of Sites

- 27 (1) No building comprising or containing a Double Dwelling House shall be erected on a site having an area less than 8,500 Cape sq.ft.
- (2) No building comprising or containing a Block of Flats, Residential Building, Institution or Place of Instruction shall be erected on a site having an area less than 20,000 Cape sq.ft., $1980 m^2$

Number of Buildings on an erf or site

- 28 (1) Not more than one building falling wholly or partly into any of the following categories shall be erected on any erf or on any combination of erven forming a site:-
- dwelling house
double dwelling house.
- (2) Where it is proposed to erect more than one building on an erf or a combination of erven forming a site, and the Council is of the opinion that such proposal is likely to constitute an evasion of the intent of the Scheme or of the Townships Ordinance No. 33 of 1934, and that a plan of subdivision of the land concerned ought first to be submitted, the Council shall refuse to consider such proposal until such plan of subdivision has been submitted and approved.

Subdivision of Erven

- 29 (1) The following subdivisions of land are prohibited:-
- (a) Any subdivision of land specified on the Map as land where subdivision is permanently prohibited;
 - (b) Any sub-division of land in an Undetermined Use Zone;
 - (c) Any sub-division which would give rise to a contravention of or aggravate an existing contravention of the Scheme; and
 - (d) Any sub-division which in the opinion of the Council would constitute or facilitate an evasion of the intent of the Scheme or of any of its provisions.
- (2) The sub-division referred to in sub-section (1) include any sub-division for the purpose of registering a lease, provided that the Council may submit to the Surveyor General for transmission to the Townships Board in terms of section 9 of Ordinance No. 33 of 1934, a recommendation that a minor sub-division for the purpose of registering a lease be approved, subject to such conditions as it may recommend, notwithstanding that such subdivision would contravene paragraph (c) of sub-section (1), if in its opinion no contravention of paragraph (d) would result.

(NOTE : the provisions of paragraph (b) of sub-section (1) do not preclude the submission of an application for the sub-division and simultaneous rezoning of land in an Undetermined Use Zone).

Combination of Erven

- 30 Where two or more erven are to form the site of a building, or where two or more erven are required, in order that the provisions of the Scheme may be complied with, to form the site of a building, such legal steps as may be appropriate in the circumstances shall be taken by the owner of such building as will ensure that such erven cannot be separately sold, leased or otherwise disposed of to any person other than such owner or his successor-in-title.

CHAPTER V : COVERAGE

Restrictions on coverage

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

Permissible Coverage

- 32 (1) Except as hereinafter provided, the Permissible Coverage for buildings erected on a site situated in a Use Zone or Sub-zone specified in Columns 2 to 12 of the following Table (Table V.1) 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. In the Table, in respect of buildings permitted only with the special consent of the Council, values for factor f are replaced by asterisks; such value will be furnished by the Council in the event of their decision in respect of application for such special consent being affirmative.

- 32 (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 sub-sections (1) and (2) shall be determined by the Council.
- (4) In the Zone for stabling purposes the total of factor f including outbuildings shall not exceed 0.5.

Combined building or more than one building on site

- 33 (1) The provisions of sub-section (2) shall apply in the case of:-
- (a) the site of a Combined Building, to the several divisions of which different factors f prescribed in section 32 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 and Sub-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

- 34 Where the site of a building or buildings falls into two or more Use Zones or Sub-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 or Sub-zone, such Permissible Coverages being determined in accordance with sections 32 and 33 as though each such portion constituted a separate site.

Coverage restrictions to apply at every floor level

- 35 The provisions of section 31 shall be complied with at every floor level of the building or buildings concerned.

Actual Coverage

- 36 (1) Except as prescribed in section 37, Actual Coverage at any floor level shall include the area covered at such floor level by all divisions of all buildings on the site concerned, and in particular the areas covered by the following divisions 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

- 37 The areas covered by the following buildings or divisions of buildings shall be disregarded in the calculation of Actual Coverage :-
- (a) Buildings or storeys of buildings the ceiling levels of which are below ground level
 - (b) stoeps
 - (c) entrance steps and landings
 - (d) Eaves, cornices, chimney breasts, pergolas, flower boxes, water pipes, drain-pipes and minor decorative projections not projecting more than 9" from a wall of a building.

Apportionment of Actual Coverage.

- 38 Where for the purposes of the Scheme it is necessary to calculate the Actual Coverage separately in respect of any or each of the several divisions of a building, and any wall, passage, staircase, foyer or other feature of such building is common to any division concerned which adjoin, half the Actual Coverage of such common feature shall be allocated to each of such adjoining division.

CHAPTER VI : FLOOR AREA

Restrictions of Floor Area

- 39 The Actual Floor Area of the buildings on any site shall not exceed the permissible floor area for such building on such site.

Permissible Floor Area

- 40 (1) Except as hereinafter provided, the Permissible Floor Area for buildings erected on a site situated in a Use Zone or Sub-zone specified in Column 3 of the following Table (Table VI.I) is equal to the area of the site multiplied by the factor f specified in such Table for such Zone and Sub-zone referred to in Column 2.

TABLE VI.I FACTOR f FOR CALCULATION OF PERMISSIBLE FLOOR AREA		
Use Zone 1	Zone and Sub-Zone Designations 2	Maximum Total Value of Factor f 3
General Residential	GR1	0.9
	GR2	1.5
	GR3	1.0
Special Business	SB1	2.5
General Business	GB1	2.5
	GB2	1.9

- (2) In the Special Business Zone SB1 and General Business Zone GB1 the value of the Factor f for residential accommodation shall not exceed 1.5.
- (3) In the General Business Zone GB2 the value of the Factor f for residential accommodation shall not exceed 0.9.

Site falling into two or more Zones

- 41 Where the site of a building falls into two or more Use Zones or Sub-zones, the Permissible Floor area for such site is the sum of the Permissible Floor areas for each portion of such site which falls into a different Use Zone or Sub-zone, such Permissible Floor Areas being determined in accordance with Section 40 as though each such portion constituted a separate site.

Actual Floor Area

- 42 (1) Except as provided in sections 43 and 44, Actual Floor Area shall include the whole of the floor area of every floor of every building on the site concerned, and in particular shall include the area of the following portions of buildings :-
- (a) portions covered by walls of buildings;
 - (b) floors or paved areas which though wholly or partially unenclosed at the sides are covered by a portion of a building, not being a portion referred to in paragraph (d) of section 37;
 - (c) floors of stairs, steps and landings (not being entrance steps and landings), galleries, passages and similar features, whether internal or external;
 - (d) floors of verandahs, porches, balconies and similar features.
- (2) Actual Floor Area shall also include, at every floor level concerned, the area of :-
- (a) every internal courtyard, light well or other uncovered shaft, where the area of such courtyard, well or shaft does not exceed 100 sq.ft.; and
 - (b) every lift shaft, stair shaft, pipe duct or other internal floor opening.

Exclusions from Actual Floor Area

- 43 The areas of the following portions of buildings shall be disregarded in the calculation of Actual Floor Area:-
- (a) stoeps;
 - (b) entrance steps and landings;
 - (c) garages, provided that for the purposes of this paragraph -
 - i) no floor area or portion thereof which is inaccessible to a motor car or lorry (as the case may be) of the specifications set out in section 57 and 58 respectively shall be deemed part of a garage;
 - ii) where a garage is designed for the housing of a single motor car any portion of such garage by which it exceeds 25 feet in length or 12 feet in width shall not be deemed part of a garage;
 - iii) where a garage is designed for the housing of a single lorry any portion of such garage by which it exceeds 30 feet in length or 14 feet in width shall not be deemed part of a garage;
 - iv) where a garage is designed for communal use by two or more motor cars or lorries, any access or manoeuvring area required in such garage shall be deemed part of such garage; and
 - v) a floor area used for the display, sale, assembly, dismantling, repair or servicing of motor cars or

- 43 (d) Any covered paved area outside and immediately adjoining a building at or below the ground floor level thereof, where such paved area is part of a yard or a parking area.
- (e) floors of terraces or flat roofs to which all occupants of a building have access.

Hotels : Calculation of Actual Floor Area

- 44 (1) Subject to the provisions of subsection (2), in calculating the Actual Floor Area of a Hotel the Actual Floor Area of the following portions of such Hotel shall be disregarded if all the conditions set out in sub-section (3) are complied with:-
- (a) Rooms of such hotel used by hotel residents or visitors as dining-rooms, banqueting rooms, bars, restaurants, grill rooms, tea lounges, ballrooms, rooms for games or sports, lounges, sitting rooms, reading rooms, writing rooms and conference rooms;
 - (b) Public foyers and areas comprising public or communal stoeps, verandahs, balconies, terraces or sun decks used by hotel residents or visitors;
 - (c) Barber shops, hairdressing salons, florists and similar shops, within the Hotel for the exclusive use of hotel residents;
 - (d) Offices forming part of the hotel premises, used solely for the administration or management of the hotel;
 - (e) Kitchens, serveries, sculleries, laundries and similar service facilities forming part of the hotel premises;
 - (f) Storerooms appurtenant to the hotel;
 - (g) Staff quarters appurtenant to the hotel, including corridors, stairs and other means of access within such staff quarters, and kitchens, dining rooms, recreation rooms, laundries and other such rooms for the exclusive use of hotel staff.
- (2) The following rooms and areas are not included in the rooms and areas referred to in paragraphs (a), (b) and (c) of sub-section (1):-
- (a) Any room or area other than one specifically referred to in sub-section (1).
 - (b) Any room or area which, notwithstanding that it is a room or area referred to in sub-section (1), is in the opinion of the Council primarily for the use of persons other than Hotel residents, staff or visitors.
- (3) The conditions to be complied with in order that the provisions of sub-section (1) shall apply to a hotel are the following:-
- (a) Such hotel shall contain not less than 30 bedrooms for residents.
 - (b) not less than 75% of the total number of bedrooms for

residents shall be provided with private bathrooms; a private bathroom shall mean a bathroom exclusive to a bedroom or to a suite of not more than two rooms.

For the purposes of this sub-section every habitable room in a suite of rooms shall be deemed to be a bedroom.

- (4) For the purposes of this section "hotel" includes "Licensed Hotel"

Apportioning of Actual Floor Area

- 45 Where for the purposes of the Scheme it is necessary to calculate the actual Floor Area separately in respect of any or each of the several divisions of a building, and any wall, passage, staircase, foyer or other feature of such building is common to any divisions concerned which adjoin, half the Actual Floor Area of such common feature shall be allocated to each of such adjoining divisions.

CHAPTER VII : BUILDING LINES, HEIGHT AND SPACES ABOUT BUILDINGS

Prescribed Building Lines

- 46 (1) Except as hereinafter provided, no building except for boundary walls and fences shall be erected nearer to any street boundary, rear boundary or lateral boundary of the site than the distances prescribed in the following table for the respective use zones and sub-zones:-

Use Zone or Sub-Zone	Street Boundary	Minimum Building Lines	
		Rear Boundary	Lateral Boundary
SD1	25 ft.	15 ft.	15 ft.
GR1, GR2 and GR3	25 ft.	15 ft. or $\frac{1}{4}$ the height of the building whichever is the greater, except where the site has a common boundary with a public open space in which event the distance shall be 15 ft. from such common boundary.	
SB1, GB1 and GB2 : Shops business premises, licensed hotels, blocks of flats and residential buildings	NIL	Buildings on ground-floor : NIL Building above ground floor : 15 ft.	Building on ground floor : NIL Building above ground floor: NIL for a distance of 40ft. from the street boundary or building line whichever apply, thereafter 15ft.
Other buildings	15 ft.		
Stabling Purposes	20 ft.	NIL	NIL

46 (2) The provisions of sub-section (1) shall not apply in the case of

- (i) Buildings or storeys of buildings the ceiling levels of which are below ground level;
- (ii) Stoops;
- (iii) Entrance steps and landings ;
- (iv) Eaves, for a distance of 3 feet;
- (v) Cornices, chimney breasts, pergolas, flower boxes, water-pipes, drain-pipes and minor decorative projections not projecting more than 9" from a wall of a building ;
- (vi) Screenwalls not exceeding 6'6" in height above ground provided that the Council may permit a greater height if it deems fit and swimming pools not above ground level; and
- (vii) Drying yards referred to in section 56 of this statement

47 Building Lines for Garages in Use Zones SD1, GR1, GR2 and GR3

A garage may be erected nearer to the boundary of a site provided that the following conditions are complied with:-

- (a) such garage shall comply with the building line from the street boundary;
- (b) the height of the walls of such garage shall not exceed 10 feet; and
- (c) no opening, other than an airbrick shall be constructed in any wall of such garage if such wall abuts or faces on to the boundary concerned.

Building Lines for Places of Worship, Places of Instruction and Institutions

48 Where the Council permits the erection of a place of Worship, Place of Instruction or Institution, no portion of the building may be nearer than 30 feet to any boundary of the site.

49 Special Provisions in General Residential Use Zones

Where a building is erected in Sub-Zone GR1, Sub-Zone GR2 or Sub-Zone GR3 and a piece of land is required to be transferred to the Municipality in terms of section 2 of Schedule 3 of Appendix A, the building line prescribed in sub-section (1) of section 46 in respect of the street boundary shall be ^{established} determined before such transfer of land is made.

(NOTE : In terms of section 35 (3) of Ordinance 33 of 1934, the provisions of Ordinance 15 of 1952 and Ordinance 19 of 1951 as amended, and of any other ordinance, insofar as they relate to the erection of structures within a specified distance of the boundaries of proclaimed roads and declared roads, are deemed and taken to be part of the Scheme, except insofar as the Scheme requires structures to be at a distance from the boundary of the width of a proclaimed road or declared road greater than that determined by or under the said Ordinance).

No Height Restrictions on Buildings

50 Except as provided in sub-paragraph (b) of section 47 and in section 51, there shall be no restriction upon the height of any building erected in the area of the Scheme.

51 Ysterplaat Aerodrome Environs

In terms of the Air Navigation Regulations, 1950, restrictions exist on the heights of buildings and structures within an area north of the Ysterplaat Aerodrome, as defined on Drawing Nos. AW/47/170/S dated 4th February, 1960, and AW47/171/L dated 9th April 1960, issued by the Secretary for Defence, and such restrictions shall be deemed and taken to be part of the Scheme.

CHAPTER VIII : PARKING, GARAGING AND LOADING AREAS

Parking, Garaging and Loading areas : when required

52 (1) No building falling into any of the following categories shall be erected or used unless the provisions of this Chapter relating to parking, garaging and loading areas are complied with:-

(a) Buildings for which parking or garaging areas are or may be required

Blocks of Flats
Residential Buildings
Places of Worship
Institutions
Place of Assembly
Licensed Hotel
Shop
Business Premises
Service Stations
Funeral Parlours
Combined Buildings, portions of which fall into any of the foregoing categories:

(b) Buildings for which loading areas are or may be required

Shops
Business Premises
Combined Buildings, portions of which fall into either of the foregoing categories;

(2) 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

"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.

- (3) 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

- 53 (1) Provision shall be made on the site of every building falling into a category specified in Column 1 of the following Table (Table VIII.I) 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 VIII.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 area for visitors or patrons
1	2	3
Block of Flats	1 bay for every Dwelling Unit	1 bay for every 4 Dwelling Units
Residential Building other than a Licensed Hotel	3 bays for every 5 bedrooms	1 bay for every 5 bedrooms
Licensed Hotel	3 bays for every 5 bedrooms or suite + 20 bays	1 bay for every 5 bedrooms + 20 bays
Place of Worship including a church hall	1 bay for every 20 occupants	
Place of Assembly excluding a church hall	200 sq.ft. of parking for every 8 occupants	
Shops:(a) Sub-Zones SB1, GB1 and GB2	1 bay for every 600 sq.ft. of gross shopping floor space	
(b) Sub-ZoneGB2 Erf 2251	1½ sq.ft. for every 1 sq.ft. of gross shopping floor space	

Building Categories	Required combined extent of parking and/or garaging areas for visitors, patrons or occupants	Required extent of parking area for visitors or patrons
Business Premises	5 bays +1 bay for every	
(a) Sub Zones SB1,GB1 and GB2	600 sq.ft. of gross office floor space	
(b) Sub-Zone GB2 Erf 2251	1½ sq.ft. for every 1 sq.ft. of gross floor space	
Service Stations	4 bays for every lubricating bay + 4 bays for every wash bay with a minimum of 8 bays	
Funeral Parlours	15 bays	
Institution - Parking to be determined by Council		

53 (2) In the determination of the required extent of parking or garaging in terms of the foregoing Table the following provisions shall apply:-

- (a) Where the number of Dwelling Units, bedrooms or occupants is not an exact multiple of the relevant factors specified in the Table, the required number of bays shall be calculated on a pro rata basis; where the result of such calculation involves a fraction, any fraction less than 0.5 shall be disregarded and any fraction equal to or greater than 0.5 shall be taken as 1.
- (b) Where a Place of Worship or a Place of Assembly is provided with fixed seating the number of occupants shall be taken as the number of seats, and in all other cases it shall be taken as the maximum number of occupants which can lawfully be accommodated by such Place of Worship or Place of Assembly.

54 Extent of Loading areas required

Provision shall be made on the site of every building falling wholly or partly into a category specified in Column 1 of the following Table (Table VIII.2), erected in a Special Business Use Zone (SB1) or in a General Business Use Zone (GB1 & GB2) for loading areas to an extent not less than that prescribed in Column 2 of such Table;

TABLE VIII.2 EXTENT OF LOADING AREAS REQUIRED

Building Categories	Required extent of loading areas
1	2
Licensed Hotel	
Shops	1 bay for every 10,000 sq.ft.
Business Premises (other than Office Buildings)	of Actual Floor Area.

Requirements applicable to all Parking, Garaging and Loading areas

- 55 (1) Except in the case of a Dwelling House or Double Dwelling House, 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 53 or 54, 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 53 or 54, 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 a 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) Except in the case of a Dwelling House or Double Dwelling House, 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

56

Parking and garaging areas required in terms of section 53 and access areas thereto shall comply with the following requirements:-

- (a) In the case of a building erected in any Residential Use Zone, such parking and garaging areas and access areas shall be located at least 15 ft. from any street boundary of the site; for the purposes of this paragraph, "access area" does not include a portion of an access area leading directly to or from a crossing over the footway which also crosses the 15 ft. strip prescribed by this paragraph. 9.5m
6/100
8.17
- (b) Every parking area or combined access and parking area shall be at least 25 ft. wide in every direction.
- (c) Every bay required in terms of section 53 shall be at least 18 ft. long and 8 ft. wide.
- (d) 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 | 17 ft. |
| Overall width | 6 ft. |
| Distance of rear axle from rear of car | 4 ft. |
| Distance of centre of rotation of car from midpoint of rear axle at full lock of steering | 15 ft. |
- (e) Access areas serving 4 or more motor cars shall have a minimum clear width of 9 ft. if used for one-way movement; or 18 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.
- (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 7 ft.
- (g) In the case of a building erected in any Special Business Use Zone or General Business Use Zone, such parking bays shall at all times be accessible to the public except in the case of parking areas provided for residents of a Licensed Hotel, and any private parking areas which may be necessary shall be provided in addition to the requirements of section 54.
- (h) 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.

- 56 (i) Notice boards shall be erected for the purpose of guiding visitors or patrons to the parking area prescribed by column 3 of Table VIII.I in section 54. 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.

Requirements applicable to compulsory loading areas

- 57 All loading areas required in terms of section 54 shall comply with the following requirements:-

- (a) Every bay required in terms of section 54 shall be least 25 ft. long and 15 ft. wide ;
- (b) The layout of bays and access areas thereto shall be such that they can be entered and left at all times by a motor lorry of the following specifications :-

Overall length	21ft.
overall width	8ft.
distance of rear axle from rear of lorry	5ft.
distance of centre of rotation of lorry from mid-point of rear axle at full lock of steering	23ft.

- (c) Access areas shall have a minimum clear width of 10ft. if used for one-way movement or 20 ft. if for two-way movement, provided that any such two-way access area which is less than 50 ft. long and which links a loading area directly with a street need not be wider than 10 ft.
- (d) Covered loading areas and access areas shall have a minimum headroom of 12 ft.
- (e) All loading areas and access areas shall be suitably graded, surfaced, drained and marked out in accordance with the provisions of paragraph (h) of section 56.

Duties of Owner

58

The owner of any building for which in terms of section 53 or 54 the provision of parking, garaging or loading areas is required, shall -

- (a) provide, construct and mark out such areas, 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 VIII.I. in section 53 which would discourage, interfere with or prevent its use by visitors or patrons;
- (d) ensure that access to any parking area prescribed by Column 3 of Table VIII.I in section 53 is kept free and unencumbered at all times and that such parking area is not used for purposes of business or trade or any other purpose than the parking of cars by visitors or patrons;
- (e) ensure that any loading area prescribed by section 54 is kept available as a loading area at all times and is not used for any other purpose; and
- (f) provide and erect the notice boards referred to in section 56, 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 VIII.I in section 53 by visitors or patrons.

Combined Buildings

59

In the case of a combined building, parking, garaging and 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 buildings concerned.

CHAPTER IX : SPECIAL TYPES OF BUILDINGS

Special Types of Buildings

- 60 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

- 61 (1) 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 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 Capefeet 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 the determination of street frontage.
- (3) No access way shall be nearer than 100 feet to any of the following :-
- (a) An intersection of streets, two or more of which are declared roads, proclaimed roads, prospective main roads, or any other roads to which the provisions of 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.

- 61
- (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.

62 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 61.

Laundrettes and Cleanettes

- 63
- 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 any Special Business or 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 Floor 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 machine 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

- 64 (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 any 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 a drive-in restaurant shall be less than 300 ft. from an

- 64 intersection of streets referred to in sub-section (3) of section 61. 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 a parking area, as defined in section 52, to an extent not less than that set out hereunder:-
- (a) 3 bays to every 2 holes in a putting course.
 (b) 50 bays for a drive-in restaurant.

The provisions of sections 52 to 59 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 graded, 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 X : MISCELLANEOUS PROVISIONS

Projections over streets and building lines

- 65 In use Sub-zones SB1, GB1 and GB2 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

Whenever a block of flats, residential building or licensed hotel 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 size of the yard, its position and the

Certain Buildings or uses prohibited

- 67 Notwithstanding anything contained in this Statement, the erection of any building or structure or the use of any land 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 neighbourhood.

68 Screening of Unsightly Sites

Any land used as or in connection with a builder's yard, a timber yard, a coal yard, a cartage contractor's business or premises for the stabling of horses, or for any purpose referred 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 7 ft. high.

Ceiling Heights.

- 69 In any dwelling in a Residential Use Zone and in any Shop in a Special Business or General Business Use Zone, the minimum mean ceiling heights in any habitable room 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

- 70 In any Dwelling Unit the minimum size of a habitable room as 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.

Roofing Materials

- 71 Roofing materials shall be of thatch, tiles, slates, shingles or other materials approved by the Council. Flat or corrugated iron, flat or corrugated asbestos, asphaltic sheeting or similar roofing material, if approved, shall be screened to the satisfaction of the Council.

Quality of Licensed Hotel

- 72 Any Hotel erected in a Special Business Use Zone shall be of such a type as to comply with the requirements of the Hotel Licensing Board for the granting of at least 3 star status to such Hotel.

Caltex Pipeline Servitude

- 73 In terms of an Agreement between the Council and Messrs. Caltex Oil (S.A.) Limited 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

- 74 (1) Where permission to erect any building or execute any works or to use any building or land for any particular purpose or to do any other act or thing, is granted under this Scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they were part of this Scheme.
- (2) The Council shall keep, so as to be available for inspection at all reasonable times by any person interested, a record of approvals, consents, authorities or permissions granted by it, under any provisions of this Scheme, and of any conditions imposed or agreed between the Council or approved or imposed by the Administrator or refusals by the Council or the Administrator and of the name of the applicant connected herewith.
- (3) The Council shall permit any person to inspect at any reasonable time the Scheme and Map deposited in the offices of the Council, provided that any information given in regard to the Scheme to any person shall only be valid if it is in writing and signed by the official duly authorised thereto by the Council.
- (4) The provisions of section 260 of Ordinance No. 19 of 1951, as amended, shall mutatis mutandis apply to this Scheme.

75 Approved Townships

- (1) Notwithstanding the foregoing provisions, the conditions relating to use, maximum coverage and height and building lines imposed by the Administrator in the approval of Townships, shall apply insofar as such conditions are more restrictive than the provisions of the Town Planning Scheme.
- (2) The layout plan of a township approved by the Administrator subsequent to the coming into operation of these provisions, shall form part of the Town Planning Scheme and the Map shall be amended accordingly.

Submission of the Town Planning Calculations

- 76 Every person submitting a building plan for approval, in terms of the Council's Building Regulations and this statement, shall also submit at the same time a schedule of the calculations made to comply with the requirements of this statement.

Amendments to Statement

- 77 (1) Every amendment or proposed amendment to this Statement shall be in the form prescribed in Appendix B.
- (2) Every amendment shall be serially numbered, and the Town Engineer shall contain a register of all such amendments in the form prescribed in Appendix C, which register shall be open to inspection by members of the public during such hours as the Council may prescribe for this purpose.

APPENDIX A.

List of Schedules Referred to in the Statement

- Schedule 1 : Maps and Plans, referred to in paragraph (a) of definition of "Map" in section 2.
- Schedule 2 : Lands Reserved for Open Space
- Schedule 3 : Street Widenings and Realignment.

APPENDIX B.

Form of Amendment to Statement

FINAL STATEMENT NO. 1 : PROPOSED TOWN PLANNING SCHEME : MILNERTON PROPER
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. 1 of the Proposed Town Planning Scheme of Milnerton Proper, shall be amended as follows:-

1. By
2. By
etc.

Town Clerk,

APPENDIX C.

(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

MILNERTON PROPER : TOWN PLANNING STATEMENT

SCHEDULE 1 : MAPS AND PLANS

Map No. :	Title	Scale
MP 1	Zoning Map : Milnerton Proper	1:2,500
MP 2	Lands reserved for Open Spaces	1:2,500
MP 3	Lands reserved for Road Improvements	1:2,500
MP 4	Lands reserved for Other Purposes	1:2,500

MILNERTON PROPER : TOWN PLANNING STATEMENT

SCHEDULE 2 : LANDS RESERVED FOR OPEN SPACE

As specified on Map No. MP 2.

Erf No.	Purposes for which Reserved		
145, 150, 151, 152, 154, 155	Public Open Space		
156, 157, 159 - 170, 171 - 180, 182 - 195	"	"	"
257 (part)	"	"	"
866	"	"	"
915	"	"	"
1515	"	"	"
2255	"	"	"
2256	"	"	"
2257	"	"	"
2258	"	"	"
2259	"	"	"
2260	"	"	"
2261	"	"	"
2262	"	"	"
2263	"	"	"
Unitas Park 477, 479, 480	"	"	"
Old Railway Reserve (parts)	"	"	"
3	Private Open Space		
Sports Fields	"	"	"
Golf Course	"	"	"
River Bank West of Otto du Plessis Drive	"	"	"

MILNERTON PROPER : TOWN PLANNING STATEMENT

SCHEDULE 3 : STREET WIDENING & REALIGNMENT

As specified on Map No. MP3.

The following pieces of land are reserved for the widening of the relevant streets :

1. KNYSNA ROAD

Land on both sides of Knysna Road to a depth of 10 feet from the existing kerb line is reserved for the future provision of parking bays.

2. STREET BOUNDARIES OF LAND ZONED FOR GENERAL RESIDENTIAL USE.

Upon the development or redevelopment of any land zoned in the Scheme for General Residential use a piece of land 10 ft. wide on every street boundary of each site so zoned, shall be transferred to the Municipality for the provision of parking bays and is hereby reserved for such purposes.

The following land is reserved for purposes of realignment of the relevant street :

3. LAND ADJOINING ACACIA DRIVE

Part of the land currently used as open space between Acacia Drive and Otto du Plessis Drive is reserved for the realignment of Acacia Drive.

In addition, at all intersections of streets where visibility splays are not presently provided, such splays will be required upon redevelopment and comprises a triangular portion of the corner plot abutting the intersection measuring 15 ft. along each of the street boundaries of such site from their point of intersection.

The following Provincial Notices are published for general information:

W.J.B.Slater,
PROVINCIAL SECRETARY.

Provincial Building,
Wale Street,
CAPE TOWN.

P.N. 445/1958.

11th July, 1958.

The Administrator has in terms of section 60 of the Townships Ordinance, 1934 (Ordinance No. 33 of 1934) and section 121 of the Road Traffic Ordinance, 1955 (Ordinance No. 19 of 1955), made the subjoined regulations and, in terms of section 57 bis of the said Ordinance, No. 33 of 1934 as inserted by section 10 of Ordinance No. 10 of 1958, applied these regulations to all local authorities to which the provisions of Chapter 4 of Ordinance No. 33 of 1934 are not generally applicable in terms of the Ordinance.

TOWNSHIPS ORDINANCE, 1934 : REGULATIONS RELATING TO PUBLIC GARAGES.

1. For the purpose of these provisions -

"intersection" means the area embraced within the prolongation of the lateral boundaries of two public roads which join each other at, or approximately at right angles, or the area within which traffic travelling on different roads joining at any other angle may come into conflict;

"public garage" shall mean a trade or business in respect of which a licence referred to in Item 15 of the Second Schedule to the Licences Consolidation Act, 1925 (Act No. 32 of 1925) is required and shall include the trade or business of fuelling motor vehicles for payment or reward;

"road boundary" means the boundary of the width of any road fixed by or under any law;

"traffic island" means any raised area in roadway intended for the physical separation of traffic or for the exclusive use of pedestrians, or for both;

all other words and expressions (including the word "erect") shall, except where the context indicates otherwise, have the meaning assigned thereto in section 1 of the Divisional Councils Ordinance, 1952 (Ordinance No. 15 of 1952).

2. Notwithstanding any other provisions of a town-planning scheme no person shall erect a public garage which does not conform to the requirements hereafter set forth, except where the local authority on good cause shown and with the approval of the Administrator, authorises otherwise.

3. No engineering work which causes objectionable noise or in the course of which obnoxious or harmful gases, fumes or odours are released, no spray-painting and no panelbeating, shall be carried on at a public garage unless such garage is situated on land which may be used for industrial purposes.

4. No motor vehicle fuel pump shall be erected within 12 feet of the road boundary measured from the nearest edge of the base or island on which the pump is erected, and no pumps for the supply of motor vehicle fuel to the public shall be erected on any site with a continuous road frontage of less than 100 Cape feet.

5. The vehicular access and exit ways to and from motor vehicle fuel pumps shall where they cross the road boundary be not more than 30 feet wide and a wall at least 4½ inches thick and 9 inches high shall be erected on the road boundary abutting the site between the points of access and exit. The wall shall be continued along such boundary unless the site is otherwise enclosed. The vehicular access and exit ways to and from motor vehicle fuel pumps at a public garage shall be restricted to one each for every 100 Cape feet of the road frontage along which they are erected.

6. In an urban area the vehicular access and exit ways to and from motor vehicle fuel pumps, where they cross the road boundary, shall be not less than 100 Cape feet from -

- (a) The intersection of a declared road, proclaimed road, prospective main road, or any other road to which the provisions of section 146 of the Divisional Councils Ordinance, 1952 (Ordinance No. 15 of 1952) apply, with any other road of like status;
- (b) any road whether existing or provided for in a townplanning scheme;
- (c) any intersection where traffic is controlled, or is proposed to be controlled in terms of a town-planning scheme, by a traffic island.

7. In a rural area the vehicular access and exit ways to and from motor vehicle fuel pumps shall, where they cross the road boundary, be not less than 1,500 Cape feet from -

- (a) the intersection of a declared road, proclaimed road or prospective road with any other road of like status;
- (b) an intersection where traffic is controlled, or is proposed to be controlled, in terms of a town-planning scheme by a road or traffic island; or
- (c) any of the points where the vehicular access and exit ways to and from motor vehicle fuel pumps at another public garage on the same side of the road cross the road boundary.

8. Any part of the site of a public garage which is used for the storage of disused motor vehicles or parts of motor vehicles, any other scrap whatsoever, or empty containers such as oil drums and packing cases, or for the assembly, repair, painting or dismantling of motor vehicles shall, unless it is enclosed by buildings at least 7 feet high, be enclosed with a wall at least 7 feet high.

9. At every public garage provision shall be made on the site for an easily accessible and usable parking area exclusive of showroom and workshop areas to the extent of at least 1,200 sq. feet for every grease bay or wash bay.

10. These regulations shall override any other provisions of a town-planning scheme or regulations which may be in conflict with these regulations.

PROVINCIAL ADMINISTRATION OF THE CAPE OF GOOD HOPE.

Circular No. 31.
File No. AFO/1/79.

Provincial Building,
Wale Street,
CAPE TOWN.

7th November, 1968.

TO ALL LOCAL AUTHORITIES.

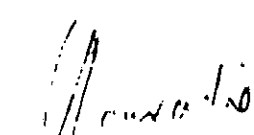
REGULATIONS RELATING TO PUBLIC GARAGES.

Attention is invited to Provincial Notice No. 741 which appeared in the Provincial Gazette on 25th October, 1968, whereby the Public Garage Regulations promulgated under Provincial Notice No. 445 dated 11th July, 1958, are replaced by a new set of regulations. A copy of the new set of regulations is attached.

Where these regulations form part of the town planning scheme for any area, the town planning regulations should be adjusted accordingly. No advertisement of such an amendment of the town planning scheme is necessary nor is any further approval therefore required from this Administration.

Kindly note that these regulations apply throughout the Province to all public garages irrespective of whether a town planning scheme is in force or the site is situated on a proclaimed road or not.

Where building plans of whatever nature are submitted to this office or the Provincial Roads Engineer for approval, any fuel pumps existing or proposed on the site must be clearly shown on such plans.


DIRECTOR OF LOCAL GOVERNMENT.

Die Administrateur het ingevolge artikel 60 van die Ordonnansie op Dorpe, 1934 (Ordonnansie no. 33 van 1934) en artikel 165 van die Ordonnansie op Padverkeer, 1966 (Ordonnansie no. 21 van 1966), die onderstaande regulasies gemaak en ingevolge artikel 57 bis van genoemde Ordonnansie op Dorpe sodanige regulasies van toepassing gemaak op alle plaaslike owerhede waarop die bepalinge van hoofstuk 4 van vermeldde Ordonnansie nie daarkragtens algemeen van toepassing is nie.

REGULASIES INSAKE OPENBARE GARAGES.

1. In hierdie regulasies tensy onbestaanbaar met die sinsverband beteken —

„grens” met betrekking tot ’n pad die grens van die breedte van ’n pad soos by of kragtens enige wet vasgestel;

„kruising” die gebied omsluit binne die verlenging van die sygrenslyne van twee openbare paaie wat reghoekig, of naasteby reghoekig, by mekaar aansluit, of die gebied waarin verkeer wat op verskillende paaie reis wat onder enige ander hoek aansluit, in botsing kan kom;

„openbare garage” ’n handelshesigheid of saak ten opsigte waarvan ’n lisensie vermeld in item 15 van Deel I van die Tweede Bylae van die Wet op Lisensies, 1962 (Wet no. 44 van 1962), vereis word, en omvat dit die handelshesigheid of saak om motorvoertuie teen betaling of vergoeding van brandstof te voorsien;

„verkeerseiland” ’n verheve terrein in ’n rytlak wat bediel is vir die fisiese skeiding van verkeer of vir die uitsluitende gebruik van voegangers, of vir albei;

„voet” Engelse voet,

en het enige ander woord of uitdrukking waaraan ’n betekenis geheg word in die Ordonnansie op Afdelingsrade, 1952 (Ordonnansie no. 15 van 1952), die betekenis wat aldus daaraan geheg word.

2. Ondanks enige bepalinge van ’n dorpsaanlegskema mag niemand ’n openbare garage oprig wat nie voldoen aan die vereistes wat hierna uiteengesit word nie, behalwe waar die plaaslike owerheid, as goeie redes aangevoer word en met die goedkeuring van die Administrateur, andersins magtiging verleen.

3. Geen ingenieurswerk wat aanstootlike geraas veroorsaak of in die loop waarvan skadelike of nadelige gasse, dampe of reuke vrygelaat word, geen spuitverfwerk en geen duikklop-ping mag in ’n openbare garage uitgevoer word nie, tensy sodanige garage geleë is op grond wat vir nywerheidsdoel-eindes gebruik kan word.

4. Geen motorvoertuighandstoppomp mag opgerig word binne 12 voet van die padgrens gemeet van die naaste rand van die voetstuk of eiland waarop die pomp opgerig is nie en geen pompe vir die verskaffing van motorvoertuighandstoppomp aan die publiek mag op ’n perseel met ’n ononderbroke frontbreedte van minder as 100 voet op die grens van ’n openbare pad of openbare paaie opgerig word nie.

5. Waar die voertuigtoegangs- en -uitgangarybane na en van die perseel van ’n openbare garage die padgrens kruis, mag dit nie hoër as 30 voet wees nie, en ’n muur van minstens 4½ duim dik en 9 duim hoog moet op die padgrens tussen die toegangs- en uitgangspunte opgerig word. Die muur moet al langs sodanige grens strek tensy die perseel op ’n ander wyse toegemaak is. Die voertuigtoegangs- en -uitgangarybane na en van motorvoertuighandstoppompe by ’n openbare garage word beperk tot een elk vir elke ononderbroke frontbreedte van 100 voet wat die perseel waarop sodanige pompe opgerig word, het op die grens van ’n openbare pad of openbare paaie.

6. (1) In ’n stedelike gebied mag die voertuigtoegangs- en -uitgangarybane na en van die perseel van ’n openbare garage, waar hulle die padgrens kruis —

(i) nie nader wees as 100 voet van die naaste punt van —

(a) die kruising van ’n verklaarde pad, geproklameerde pad, toekomstige hoofpad, of enige ander pad waarop die bepalinge van artikel 146 van die Ordonnansie op Afdelingsrade, 1952 (Ordonnansie no. 15 van 1952) van toepassing is, en enige ander pad van dergelike status;

(b) ’n kruising waar verkeer beheer word, of volgens voormede ingevolge ’n dorpsaanlegskema beheer word, of ’n robot of verkeerseiland;

The Administrator has in terms of section 60 of the Townships Ordinance, 1934 (Ordinance No. 33 of 1934), and section 165 of the Road Traffic Ordinance, 1966 (Ordinance No. 21 of 1966), made the subjoined regulations and, in terms of section 57 bis of the said Townships Ordinance, has applied such regulations to all local authorities to which the provisions of Chapter 4 of that Ordinance are not generally applicable in terms thereof.

REGULATIONS RELATING TO PUBLIC GARAGES.

1. In these regulations unless inconsistent with the context —

“boundary” in relation to a road means the boundary of the width of a road as fixed by or under any law;

“feet” means English feet;

“intersection” means the area embraced within the prolongation of the lateral boundaries of two public roads which join each other at, or approximately at right angles, or the area within which traffic travelling on different roads joining at any other angle may come into conflict;

“public garage” means trade or business in respect of which a licence referred to in Item 15 of Part I of the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962), is required, and shall include the trade or business of fuelling motor vehicles for payment or reward;

“traffic island” means any raised area in a roadway intended for the physical separation of traffic or for the exclusive use of pedestrians, or for both;

and any other word or expression to which a meaning is assigned in the Divisional Councils Ordinance, 1952 (Ordinance No. 15 of 1952), has the meaning so assigned to it.

2. Notwithstanding any provisions of a town-planning scheme no person shall erect a public garage which does not conform to the requirements hereafter set forth, except where the local authority on good cause shown and with the approval of the Administrator, authorises otherwise.

3. No engineering work which causes objectionable noise or in the course of which obnoxious or harmful gases, fumes or odours are released, no spray-painting and no panelbeating, shall be carried on at a public garage unless such garage is situated on land which may be used for industrial purposes.

4. No motor vehicle fuel pump shall be erected within 12 feet of the road boundary measured from the nearest edge of the base or island on which the pump is erected, and no pumps for the supply of motor vehicle fuel to the public shall be erected on any premises with a continuous frontage of less than 100 feet on the boundary of a public road or public roads.

5. The vehicular access and exit ways to and from the premises of a public garage shall where they cross the road boundary be not more than 30 feet wide, and a wall at least 4½ inches thick and 9 inches high shall be erected on the road boundary between the points of access and exit. The wall shall be continued along such boundary unless the premises are otherwise enclosed. The vehicular access and exit ways to and from motor vehicle fuel pumps at a public garage shall be restricted to one each for every continuous frontage of 100 feet which the premises whereon such pumps are erected have on the boundary of a public road or public roads.

6. (1) In an urban area the vehicular access and exit ways to and from the premises of a public garage, where they cross the road boundary, shall —

(i) not be less than 100 feet from the nearest point of —

(a) the intersection of a declared road proclaimed road, prospective main road, or any other road to which the provisions of section 146 of the Divisional Councils Ordinance, 1952 (Ordinance No. 15 of 1952) apply, with any road of like status;

(b) an intersection where traffic is controlled, or is in terms of a town-planning scheme proposed to be controlled, by a robot or traffic island;

- (ii) nie nader as 5 voet van die sygrens van die perseel wees nie;
- (iii) in die geval van 'n ander kruising as 'n kruising in paragraaf (i) genoem —
- (a) indien die hoek by die kruising nie uitgeskuins is nie, nie nader as 30 voet van sodanige hoek wees nie, of
- (b) indien die hoek by die kruising uitgeskuins is, nie nader wees nie as 30 voet van sodanige hoek of 15 voet van die punt waar die uitkuinslyn die padgrens bereik, watter ook al die langste afstand van die hoek is.
- (2) In subregulasie (1) (iii) beteken „hoek” die hoek wat gevorm word deur die padgrense of die verlenging van die padgrense wat die perseel van 'n openbare garage begrens.
7. In 'n ander gebied as 'n stedelike gebied mag die voertuigtoegangs- en -uitgangsrhyane na en van die perseel van 'n openbare garage, waar hulle die padgrens kruis, nie nader wees as 1,500 voet van die naaste punt van —
- (a) die kruising van 'n verklaarde pad, geproklameerde pad of toekomstige hoofpad en enige ander pad van dergelike status;
- (b) 'n kruising waar verkeer beheer word, of volgens voorname ingevolge 'n dorpsaanlegskema beheer sal word, deur 'n robot of verkeerseiland;
- (c) enige voertuigtoegangs- en -uitgangsrhyane waar hulle die padgrens na en van motorvoertuighrandstofpompe op die perseel van 'n ander openbare garage aan dieselfde kant van die pad kruis.
8. Enige deel van die perseel van 'n openbare garage wat gebruik word vir die opberging van afgedankte motorvoertuie of onderdele van motorvoertuie, enige ander rommel wat ook al, of lei houders soos oliekanas en pakkiste, of vir die montering, herstel, verf of uitmekaarhaal van motorvoertuie moet, tensy dit omring is deur geboue van minstens 7 voet hoog, omring word met 'n muur van minstens 7 voet hoog.
9. By elke openbare garage moet op die perseel voorsiening gemaak word vir 'n maklik toeganklike en bruikbare parkeergebied, met uitsluiting van vertoonkamer- en werkplaasruimte, in die mate van minstens 1,200 vierkante voet vir elke smeervak of wasvak.
10. Hierdie regulasies vervang alle bepalinge van 'n dorpsaanlegskema of regulasies vir sover dit met hierdie regulasies strydig is.
11. Die regulasies gepubliseer by Provinsiale Kennisgewing no. 445 van 1958 word hierby herroep.

M.H.D.

- (ii) not be less than 5 feet from the lateral boundary of the premises;
- (iii) in the case of an intersection other than one referred to in paragraph (i) —
- (a) if the corner at the intersection is not splayed, not be less than 30 feet from such corner, or
- (b) if the corner at the intersection is splayed, not be less than 30 feet from such corner or 15 feet from the point where the line of splay meets the road boundary, whichever is the greater distance from the corner.
- (2) In subregulation (1) (iii) "corner" means the corner formed by the road boundaries or the prolongation of the road boundaries bordering the premises of a public garage.
7. In an area other than an urban area the vehicular access and exit ways to and from the premises of a public garage shall, where they cross the road boundary, be not less than 1,500 feet from the nearest point of —
- (a) the intersection of a declared road, proclaimed road or prospective main road with any other road of like status;
- (b) an intersection where traffic is controlled, or is in terms of a town-planning scheme proposed to be controlled, by a robot or traffic island;
- (c) any vehicular access and exit ways where they cross the road boundary to and from motor vehicle fuel pumps on the premises of another public garage on the same side of the road.
8. Any part of the premises of a public garage which is used for the storage of disused motor vehicles or parts of motor vehicles, any other scrap whatsoever, or empty containers such as oil drums and packing cases, or for the assembly, repair, painting or dismantling of motor vehicles shall, unless it is enclosed by buildings at least 7 feet high, be enclosed with a wall at least 7 feet high.
9. At every public garage provision shall be made on the premises for an easily accessible and usable parking area, exclusive of showroom and workshop areas, to the extent of at least 1,200 sq. feet for every grease bay or wash bay.
10. These regulations shall override any provisions of a town-planning scheme or regulations in so far as they are in conflict with these regulations.
11. The regulations published under Provincial Notice No. 445 of 1958 are hereby repealed.

Service Stations.

61 (1) 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;

"boundary" in relation to a road means the boundary of the width of a road as fixed by or under any law;

"intersection" means the area embraced within the prolongation of the lateral boundaries to two public roads which join each other at, or approximately at right angles, or the area within which traffic travelling on different roads joining at any other angle may come into conflict;

"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 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 the determination of street frontage.

(3) No access way shall be nearer than 100 feet to any of the following:-

(a) An intersection of streets, two or more of which are declared roads, proclaimed roads, prospective main roads, or any other roads to which the provisions of section 146 of the Divisional Council's Ordinance 1952 (Ordinance No. 15 of 1952) apply, or any other road of like status.

(b) Any road, 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)(a) In the case of an intersection other than one referred to in the previous sub-section, no access way shall be -

(i) if the corner at the intersection is not splayed, not be less than 30 feet from such corner, or

(ii) if the corner at the intersection is splayed, not be less than 30 feet from such corner or 15 feet from the point where the line of splay meets the road boundary, whichever is the greater distance from the corner.

(4)(b)/.....

- (4)(b) In the preceding paragraph "corner" means the corner formed by the road boundaries or the prolongation of the road boundaries bordering the premises of a public garage.
- (5) 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 feet.
 - (e) A wall at least 4½" thick and 9" high shall be erected along the entire street boundary except at the access ways.
- (6) No motor vehicle fuel pump shall be erected within 12 feet of the road boundary measured from the nearest edge of the base or island on which the pump is erected, and no pumps for the supply of motor vehicle fuel to the public shall be erected on any premises with a continuous frontage of less than 100 feet on the boundary of a public road or public roads.
- (7) The following provisions shall apply to any Service Station erected or established in the area of the scheme:-
- (a) No engineering work which causes objectionable noise or in the course of which obnoxious or harmful gases, fumes or odours are released, no spray-painting and no panelbeating, shall be carried on at a public garage unless such garage is situated on land which may be used for industrial purposes.
 - (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 opening 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 for 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.

MUNICIPALITY OF MILNERTON: AMENDMENT OF TOWN PLANNING SCHEME FOR TABLE VIEW

The Preliminary Statement of the Town Planning Scheme Table View is hereby amended as follows:—

By the insertion in Section 2 of the following further definition:—

"Group erf" means a portion of land in a group site approved for the erection of a dwelling unit as part of a group housing scheme.

"Group housing" means a group of separate and/or linked and/or attached individual dwelling units on smaller than conventional erven, and which is planned, designed and built as a harmonious architectural entity with a medium density character in which the structures vary between single and double storeys.

"Group housing zone" means the land zoned for General Residential purposes. Such zoning should however not be interpreted as implying later approval of cadastral subdivision.

"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.

By the insertion of the following in Tabel 111.2:—

Under Columns 3, 4, 5, 6 and 7
"Group Housing p".

By the insertion of the following pages 29 (a) and 29 (b):—

"62.A. Requirements in respect of group housing

(1) Densiteit

The gross density shall relate to the density of single residential development in the specific area, i.e. not in excess of a 4:1 ratio, and the maximum density shall be in any event not be more than 30 units per hectare.

(2) 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 Town Engineer. 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 Town Engineer, provided that the private outdoor space comprises at least one usable area (outside a building) of at least 50 m² (exclusive of parking areas) and has in shape a ratio not exceeding 2:1. The service yard must be enclosed by a wall or walls (or other structures of suitable material) of at least 2 m high for the purpose of screening it from public and private view.

(3) Street building lines

Street building lines shall be 4,5 m.

(4) Side and rear building lines

No side building lines shall be provided and the rear building lines shall be that applicable in the single residential zone, unless a group erf abuts on another zone. In the latter case the side and rear building lines shall be 3 m except if the abutting zone is a public place or a single residential zone, in which case the side and rear building lines for the main building shall be 1,5 m.

(5) Height of buildings

The maximum permissible height of buildings shall be 2 storeys.

(6) 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.

MUNISIPALITEIT MILNERTON: WYSIGING VAN DIE STADSAANLEGSKEMA VIR TABLE VIEW

Die Voorlopige Uiteensetting van die Stadsaanslegskema vir Table View word hierby soos volg gewysig:—

1. Deur die insluiting in Artikel 2 van die volgende verdere omskrywings:—

"Groepbehuising" beteken 'n groep van of afsonderlike en/of gekakelde en/of individuele wooneenhede op kleiner as gebruikelike erwe en wat beplan, ontwerp en gebou is as 'n harmoniese argitektoniese geheel met 'n middelbare digtheidskarakter waarin die strukture wissel tussen enkel en dubbel verdiepinge.

"Groepbehuisingone" beteken die grond vir algemene woondoeleindes gesoneer. Sodanige sonering moet egter nie vertolk word as sou die latere kadastrale onderverdeling impliseer nie.

"Groeperf" beteken 'n gedeelte grond op 'n groepsperseel wat vir die oprigting van 'n enkelwoning beoog word.

"Groepsperseel" beteken 'n gedeelte grond in 'n groepbehuisingone wat in 'n aantal groepspersele met of sonder strate en/of oopruimte onderverdeel kan word.

2. Deur die invoeging in Tabel 111.2 van die volgende:—

Onder Kolomme 3, 4, 5, 6 en 7
"Groepbehuising p".

3. Deur die invoeging van die volgende bladsye 29 (a) en 29 (b):—

"62.A. Vereistes ten opsigte van groepbehuising

(1) Digtheid

Die totale digtheid moet vergelyk met die digtheid van enkel woonontwikkeling in die spesifieke gebied n.l. nie meer as 'n verhouding van 4:1 en die maksimum digtheid moet in elk geval nie meer as 30 eenhede per hektaar wees nie.

(2) Dienswerf en private buiteruimte

'n Groeperf en geboue daarop moet ontwerp word om 'n dienswerf van toereikende oppervlakte te voorsien tot bevrediging van die Stadsingenieur. Benewens die dienswerf moet 'n private buiteruimte van altesame minstens 40 % van die bruto-vloerruimte voorsien word op elke groeperf, tot bevrediging van die Stadsingenieur, met dien verstande dat dit minstens een bruikbare gebied (buite 'n gebou en parkeer-ruimtes uitgesluit) van minstens 50 vk m en met 'n vorm waarvan die ratio nie meer as 2:1 moet wees nie, moet insluit. Die dienswerf moet omsluit word deur 'n muur of mure (of ander struktuur van geskikte materiaal) van minstens 2 m hoog vir die doeleinde om dit af te skerm van openbare en private aansig.

(3) Straatboulyne

Straatboulyne sal 4,5 m wees;

(4) Sy- en agterboulyne

Geen syboulyne hoef voorsien te word nie en die agterboulyne sal dieselfde wees as vir enkel woonsones tensy 'n groeperf aan 'n ander sone grens. In daardie geval moet die sy- en agterboulyne 3 m wees behalwe waar die aangrensende sone 'n publieke oopruimte of enkel woonsone is in watter geval die sy- en agterboulyne 1,5 m moet wees.

(5) Hoogte van geboue

Die maksimum toelaatbare hoogte van geboue is 2 verdiepinge.

(6) Pakkamer

'n Pakkamer met 'n minimum interne vloerruimte van 2 vk m sal op elke groeperf voorsien word tensy 'n toesluitgarage op die erf voorsien word.

Parking

At least parking for at least two motor vehicles per group shall be provided on the group site. Lock-up garages shall be included from the calculation of the floor area for the purpose of determining the area of the service yard and out-let space. Vehicle access to each group erf shall be to the satisfaction of the Town Engineer.

Services

Municipal services to each group erf shall be separated to the satisfaction of the Town Engineer and separate meters shall be provided should he so deem fit.

Television antennae

Attention is invited to the local authority's standard regulations in this regard.

Aesthetics and environmental treatment

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

26028

CITY OF CAPE TOWN: AMENDMENT TO TOWN PLANNING SCHEME: PROPOSED REZONING OF: A PORTION OF REMAINDER OF ERF 19404 AND PORTION OF ERF 20632, KLEIN ZOAR, WEMYSS STREET, BROOKLYN: (2) LAND FOR CIVIC HALL AND RECREATIONAL CENTRE, MUIZENBERG: A PORTION OF ERF 44383, KLIPFONTEIN ROAD, MOWBRAY (P.22/11) (P.37/1) (P.24/1)

The Administrator has under consideration an amendment to the Council's Town Planning Scheme by —

the rezoning of portion of remainder of Erf 19404, Wemyss Street, Brooklyn, from road reserve and Municipal Purposes Single Dwelling Residential Use, and the rezoning of portion of Erf 20632 from Single Dwelling Residential Use to reservation for road purposes, as shown on Plan TPW.7899: (AF.20/6/3406)

the rezoning of land in Beach Road, Muizenberg, from Street to Public Open Space to Public Open Space and Municipal Purposes, as shown on Plan TPW.7908:

the rezoning of a portion of Erf 44383, Klipfontein Road, Mowbray, from General Residential R4 to General Business B1, as shown on Plan TPZ.7818. (AF.20/6/3342.)

Particulars of the proposals may be obtained from the Town Planning Branch of the City Engineer's Department, 12th Floor, Park Building, Longmarket Street, Cape Town, between 9h and 12h00 on Mondays to Fridays and any objections to the foregoing, together with reasons therefor, must be lodged in writing with the undersigned on or before 1979-04-09. — G. Heugh, Town Clerk, City Hall, Cape Town, 1979-03-15.

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MUNICIPALITY OF OUDTSHOORN: NOTICE 16 OF 1979: AMENDMENT OF TOWN PLANNING SCHEME

Notice is hereby given in terms of Section 35 bis (5) of the Ordinance 33 of 1934 that the Town Council of Oudtshoorn, at the request of His Honour the Administrator has amended its Town Planning Scheme by the rezoning of portion X of erf 3962, approximately 1 130 m² in extent as indicated on subdivision plan O.E.50 from suburban business to single residential purposes. (AF.86/4/277.) — M. C. T. Schultz, Town Clerk, Civic Centre, Oudtshoorn, 12 March 1979. (Director of Local Government's reference AF.86/4/277 dated 21 February 1979.)

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(7) Parking

Buitenstraatse parking vir minstens twee motorvoertuie per groeperf sal op die groepperseel voorsien word. Toesluitgarages sal uitgesluit word by die berekening van die vloeroppervlakte vir die doeleindes van die bepaling van die oppervlakte van die dienswerf en buiteruimte. Voertuigtoegang aan elke groeperf moet tot bevrediging van die Stadsingenieur wees.

(8) Dienste

Munisipale dienste aan elke groeperf moet tot bevrediging van die Stadsingenieur afgesonderd word en afsonderlike meters moet voorsien word indien hy dit vereis.

(9) Televisie-antennes en radio-lugdrade

Aandag word gevestig op die Raad se regulasies in hierdie verband.

(10) Estetiese en omgewingsversorging

Waar plaveiing, landskapverfraaiing, ander versorging (soos die voorsiening van openbare oop ruimte buite die perseel ten opsigte waarvan aansoek gedoen word of addisionele oop ruimte binne die perseel ten opsigte waarvan aansoek gedoen word) of ander estetiese vereistes nodig gaan word ten einde die perseel geskik te maak vir groeppelhuising, mag dit vereis word deur die Stadsingenieur en sal sodanige vereistes tot sy bevrediging uitgevoer word op onkoste van die eienaar.

26028

STAD KAAPSTAD: WYSIGING VAN STADS-REPLANNINGSKEMA: VOORGENOME HERSONERING VAN: (1) GEDEELTE VAN RESTANT VAN ERF 19404 EN GEDEELTE VAN ERF 20632, KLEIN ZOAR, WEMYSS-STRAAT, BROOKLYN: (2) GROND VIR MUNISIPALE SAAL EN ONTSPANNINGSENTRUM, MUIZENBERG: (3) GEDEELTE VAN ERF 44383, KLIPFONTEINWEG, MOWBRAY (P.22/11) (P.37/1) (P.24/1)

Die Administrateur oorweeg tans 'n wysiging van die Raad se Stadsbeplanningskema deur —

1. die hersonering van gedeelte van restant van Erf 19404, Wemyssstraat, Brooklyn, van Padreserwe en Munisipale Doeleindes na enkelwoongebruik, en die hersonering van gedeelte van Erf 20632 van Enkelwoongebruik na 'n Reservering vir Paddoeleindes, soos aangedui op plan TPW.7899: (AF.20/6/3406)

2. die hersonering van grond in Beachweg, Muizenberg van Straat en Openbare Oop Ruimte na Openbare Oop Ruimte en Munisipale Doeleindes, soos aangedui op Plan TPW.7908:

3. die hersonering van 'n gedeelte van Erf 44383, Klipfonteinweg, Mowbray, van Algemene Woongebruik R4 na Algemene Saakegebruik B1, soos aangedui op Plan TPZ.7818. (AF.20/6/3342.)

Besonderhede van hierdie voorstelle is te kry tussen 08h30 en 12h00 op Maandae tot Vrydae van die Stadsbeplanningsafdeling van die Departement van die Stadsingenieur, 12de Verdiepings, Stadsparkgebou, Langmarkstraat, Kaapstad en enige besware teen die voorgaande voorstel, tesame met redes daarvoor, moet uiterlik op 1979-04-09 skriftelik by die ondergetekende ingedien word. — H. G. Heugh, Stadsklerk, Stadshuis, Kaapstad, 1979-03-15.

26029

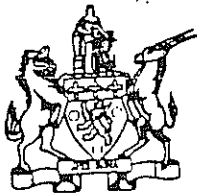
MUNISIPALITEIT VAN OUDTSHOORN: KENNISGEWING 16 VAN 1979: WYSIGING VAN DORPSAANLEGSKEMA

Kennisgewing geskied hiermee ingevolge die bepalings van Artikel 35 bis (5) van Ordonnansie 33 van 1934, dat die Stadsraad van Oudtshoorn, met die goedkeuring van Sy Edele die Administrateur die Dorpsaanslegskema gewysig het deur gedeelte X van erf 3962, groot ongeveer 1 130 m² soos aangedui op onderverdelingsplan O.E.50 te hersoneer vanaf voorstedelike sakeregte na enkelwoon-doeleindes. (AF.86/4/277.) — M. C. T. Schultz, Stadsklerk, Bureersentrum, Oudtshoorn, 12 Maart 1979. (Direkteur van Plaaslike Bestuur se verwysing AF.86/4/277 gedateer 21 Februarie 1979.)

26032

PROVINSIALE ADMINISTRASIE
VAN DIE KAAP DIE GOEIE HOOP
DEPARTEMENT VAN PLAASLIKE BESTUUR

PROVINSIALE GEBOU, WAALSTRAAT,
PRIVAATSAK X9083, KAAPSTAD, 8000



PROVINCIAL ADMINISTRATION
OF THE CAPE OF GOOD HOPE
DEPARTMENT OF LOCAL GOVERNMENT

PROVINCIAL BUILDING, WALE STREET,
PRIVATE BAG X9083, CAPE TOWN, 8000

TELEKS 522368
TELEX
TELEGRAM PROVADMIN
TELEFOON 45-9123
TELEPHONE
NAVRAE Mr Leuvennink
ENQUIRIES
VERWYSING AF.220/6/109
REFERENCE
DATUM
DATE

The Town Clerk
P.O. Box 35
MILNERTON
7435

SEP. 13 1985

Sir

TOWN PLANNING SCHEME: SECOND DWELLING UNITS ON SINGLE RESIDENTIAL
SITES

1. Your letter 16/4/1/P of 8 July 1985 refers.
2. The Administrator has authorised your Council, in terms of section 57 of Ordinance 33 of 1934, to grant departures from your town planning scheme to permit the erection of second dwellings on single residential sites within the following parameters:-
 - 2.1 Not more than one second dwelling unit may be erected per site.
 - 2.2 Sufficient space shall be left for the off-road parking of vehicles on the site to the satisfaction of the Town Engineer.
 - 2.3 A second dwelling may constitute in gross floor area up to 50% of the size of the actual gross floor area of the existing dwelling unit on the site, provided that the second dwelling does not exceed a maximum actual floor area of 85 m²; but where the primary unit is smaller than 72 m², a floor area of 36 m² is in any event permissible.
 - 2.4 A second dwelling shall be part of, or be erected on the site of, an existing dwelling house.
 - 2.5 A second dwelling may have a kitchen or an area designated for the preparation and cooking of food.
 - 2.6 A second dwelling may be erected to incorporate existing servant's quarters or outbuildings, subject to the second dwelling units at all times complying with the building lines as set down in the Town Planning Scheme for single residential units.

2.7/

File 6

The site on which a second dwelling unit is erected will remain subject to the provisions of the Town Planning Scheme relating to coverage.

No agreements or undertakings will be required in connection with the erection or occupation of second dwellings and they may be leased on the market or occupied by relatives.

Please note that no scheme amendment is involved.

Yours faithfully

H.J.P. van der WESTHUIZEN

DIRECTOR: LOCAL GOVERNMENT

JL/AIH

11/2

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985 (ORDONNANSIE 15 VAN 1985)

MUNISIPALITEIT MILNERTON: SONERINGSKEMA: WYSIGING VAN SKEMAREGULASIES VIR MILNERTON SELF

Ingevolge artikel 9(2) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) wysig die Administrateur hierby die Munisipaliteit Milnerton se skemaregulasies vir Milnerton self soos volg:

1. In afdeling 2—

(a) deur in paragraaf (b) van die omskrywing van "vergaderplek" die woorde "biljartkamer, pretarkade" te skrap;

(b) deur in die omskrywing van "vergaderplek" die woord "vermaaklikheidsplek" na die woord "inrybioskoop" in te voeg, en

(c) deur die volgende omskrywing na die omskrywing van "vergaderplek" in te voeg:

"'vermaaklikheidsplek' beteken 'n biljart- of snoekerkamer, vermaaklikheidsarkade of enige deel van 'n gebou waar die volgende gebruik word of voorsien word vir gebruik deur die algemene publiek:

(a) 'n Biljart- of snoekertafel.

(b) Enige meganiese, elektromeganiese, elektriese of elektroniese toestel of middel wat ontwerp of ingerig is om gebruik te word vir vermaak deur enige spel daarmee te speel en wat in werking gestel word deur die plasing van 'n muntstuk, skyf of tekenmunt daarin of in 'n toestel of middel wat daaraan geheg is of daarmee gepaard gaan;"

2. In Tabel III.2—

(a) deur in kolom 1 die woord "vermaaklikheidsplek" na die woorde "publieke garage" in te voeg;

(b) deur in kolom 6, 7 en 8 die aanduiding "X" in te voeg, en

(c) deur in kolom 2 tot 5 en 9 tot 12 die aanduiding "O" in te voeg.

3. Deur afdeling 22 deur die volgende afdeling te vervang:

"Bykomstige gebruike: wanneer toegelaat"

22(1) Ondanks bepalinge van afdelings 15 tot 18, maar onderworpe aan die bepalinge van subafdeling (2), mag 'n deel van 'n woonhuis, dubbele woonhuis of buitegeboue daarvan deur die bewoner gebruik word—

(a) om 'n beroep, 'n kunsvorm of die bedryf van snyer, klere-maker, breier, tuisbakker of tuisfynbakker, tikster, rekenaar-operateur, fotograaf, manukuris, chiropraktisyn, voetkundige, masseur, haarkapper of barbier, skoonheidskundige, skoemaker, boekbinder, fotokopieerder, letterskilder, stoffeerder, gordynmaker, kopieerder, graveerder, etser, leerwerker, hoedemaker, sifdrucker, rottangwerker en ponebakker te beoefen, en

(b) vir enige ander aktiwiteit ten opsigte waarvan die spesiale toestemming van die raad vooraf verkry is. By sy besluit om spesiale toestemming te verleen al dan nie, neem die raad alle faktore in ag wat hy as ter sake beskou ten opsigte van elke spesifieke saak, en sodanige spesiale toestemming word nie verleen indien die raad van mening is dat die aktiwiteit wat in sodanige deel van 'n woonhuis, dubbele woonhuis of buitegeboue daarvan beoefen word of beoefen gaan word, nadelig vir die residensiële omgewing is of sal wees of 'n bron van steurnis is of sal wees nie.

(2) Enige gebruik toegelaat ingevolge subafdeling (1) is onderworpe aan die volgende voorwaardes:

(a) Die toestemming van die omliggende eienaars wat geraak word, soos bepaal deur die raad, moet verkry word.

LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985)

MILNERTON MUNICIPALITY: ZONING SCHEME: AMENDMENT OF SCHEME REGULATIONS FOR MILNERTON PROPER

In terms of section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the Administrator hereby amends the scheme regulations for Milnerton proper of the Milnerton Municipality as follows:

1. In section 2—

(a) by the deletion in paragraph (b) of the definition of "Place of Assembly" of the words "billiard saloon, amusement arcade";

(b) by the insertion in the definition of "Place of Assembly" of the words "Place of Entertainment" after the words "Drive-in Cinema", and

(c) by the insertion of the following definition after the definition of "Place of Assembly":

"'Place of Entertainment' means a billiard or snooker saloon, amusement arcade or any section of a building where the following are used or provided for use by the general public:

(a) A pool or snooker table.

(b) Any mechanical, electro-mechanical, electrical or electronic device or contrivance designed or adapted to be used for amusement by playing any game therewith and set in operation by the insertion of a coin, disc or token therein or in a device or contrivance attached thereto or coupled therewith;"

2. In Table III.2—

(a) by the insertion in column 1 of the words "place of entertainment" after the words "public garage";

(b) by the insertion in columns 6, 7 and 8 of the designation "X", and

(c) by the insertion in columns 2 to 5 and 9 to 12 of the designation "O".

3. By the substitution for section 22 of the following section:

"Subsidiary uses: when permitted"

22(1) Notwithstanding the provisions of sections 15 to 18, but subject to the provisions of subsection (2), part of a Dwelling House, Double Dwelling House or outbuildings thereto may be used by the occupant thereof for—

(a) the conduct of a profession, an art or the trade of tailor, dressmaker, knitter, homebaker or confectioner, typist, computer operator, photographer, manicurist, chiropractor, chiropodist, masseur, hairdresser or barber, beautician, shoemaker, bookbinder, photocopier, signwriter, upholsterer, curtain-maker, duplicator, engraver, etcher, leatherworker, milliner, silkscreener, caneworker and potter, and

(b) any other activity in respect of which the special consent of the Council has first been obtained. In deciding whether or not to grant its special consent, the Council shall have regard to all factors which it considers relevant to each particular case and shall not grant such special consent if it is of the opinion that the activity carried on, or to be carried on, in such part of a Dwelling House, Double Dwelling House or outbuildings thereto is or will be detrimental to the residential environment or is or will be a source of nuisance.

(2) Any use permitted in terms of subsection (1) shall be subject to the following conditions:

(a) The consent of the surrounding affected owners as determined by the Council shall be obtained.

(b) Die toegelate gebruike in subafdeling (1) gemeld, word beperk tot die inwonende eienaar van die eiendom.

(c) Behalwe met die spesiale toestemming van die raad mag geen advertensieteken of kennisgewing buiten 'n enkele onverligte teken of kennisgewing wat nie oor 'n straat uitsteek nie en nie 'n oppervlakte van 0,2 m², oorskry nie en wat slegs die naam en beroep, kunsvorm, bedryf of aktiwiteit van die bewoner aantoon, vertoon word nie.

(d) Die raad kan die werklike vloeroppervlakte van enige gebou en die oppervlakte van die perseel van sodanige gebou wat vir of in verband met sodanige gebruik aangewend kan word, beperk.

(e) Die raad kan, indien hy van mening is dat enige beroep, kunsvorm, bedryf of aktiwiteit op 'n wyse beoefen word wat nadelig is of kan word vir die residensiële omgewing of 'n bron van steurnis is of kan word, 'n skriftelike kennisgewing aan die persoon beteken wat sodanige beroep, kunsvorm, bedryf of aktiwiteit beoefen, waarin hy versoek word om teen 'n datum wat in sodanige kennisgewing gespesifiseer word—

(i) die instruksies wat in sodanige kennisgewing uiteengesit is, na te kom, en

(ii) op te hou om die betrokke perseel vir sodanige beroep, kunsvorm, bedryf of aktiwiteit te gebruik.

(3) Ondanks enige strydige bepaling in hierdie hoofstuk, is die oprigting en gebruik van 'n deel van 'n gebou in stryd met afdelings 17 en 18 toelaatbaar in 'n deel van 'n winkel wat gebruik word as 'n Nywerheidsgebou, indien sodanige deel behoort by, bykomstig is tot en van 'n aard is wat gewoonlik gepaard gaan met die handel wat in sodanige winkel gedryf word; met dien verstande dat die werklike vloeroppervlakte van die deel wat aldus gebruik word, nie 50% van die werklike vloeroppervlakte van die deel wat nie aldus gebruik word nie, oorskry nie."

4. Deur die volgende afdeling na afdeling 64 in te voeg:

"64A Vereistes ten opsigte van vermaaklikheidsplekke

(1) Onderworpe aan die bepalings van afdeling 25, waar enige aansoek by die raad gedoen word om sy toestemming vir die oprigting en of gebruik van 'n gebou of deel van 'n gebou as 'n vermaaklikheidsplek in 'n sone waar sodanige gebou slegs met die raad se spesiale toestemming opgerig en gebruik kan word, kan die raad sy toestemming verleen of weerhou, en wanneer die raad sy toestemming verleen, is hy geregtig daarop om aansluitend by sy vereistes in subafdelings (2) tot (10), dié addisionele voorwaardes wat hy nodig ag op te lê aangaande die oprigting of gebruik van sodanige gebou. By oorweging van sodanige aansoek moet die vraag in ag geneem word of die gebruik waarvoor die gebou bedoel of ontwerp is, moontlik die aantreklikheid van die buurt kan skaad, en indien 'n verslag deur die Suid-Afrikaanse Polisie toon dat dit nie in die belang van die algemene welsyn van die gemeenskap sal wees dat die aansoek toegestaan word nie, moet die raad weier om sy spesiale toestemming te verleen.

(2) Enige middele en biljart-/snoekertafels moet so geplaas word dat dit nie die algemene vloei van kliënte belemmer of op enige manier die gepaste onderhoud van en handhawing van 'n higiëniese toestand op die perseel verhoed nie.

(3) Alle aansoeke moet ingedien word op die voorgeskrewe vorm en word slegs oorweeg indien vergesel van 'n vloerplan van die totale oppervlakte van die besigheidperseel wat die oppervlakte waar die middele en biljart-/snoekertafels geplaas gaan word, aandui, asook die vloeroppervlakte wat ingeneem gaan word deur die middele en biljart-/snoekertafels in verhouding tot die totale vloeroppervlakte van die betrokke besigheidperseel aandui, welke vloeroppervlakte in vierkante meter aangedui moet word.

(4) 'n Oppervlakte van ten minste 3 m × 3 m vir die eerste middel, en 'n beskikbare oppervlakte van 2 m × 3 m vir elke addisionele middel, met 'n maksimum van drie middele, moet opgesit word in enige gebou of gedeelte van 'n gebou wat nie 'n biljart- of snoekerkamer of 'n vermaaklikheidsarkade is nie.

(b) The permitted uses referred to in subsection (1) shall be limited to only the resident owner of the property.

(c) Except with the special consent of the Council, no advertising sign or notice other than a single unilluminated sign or notice not projecting over a street and not exceeding 0,2 m² in area, which indicates only the name and profession, art, trade or activity of the occupant shall be displayed.

(d) The Council may limit the Actual Floor Area of any building and the area of the site of such building which may be utilised for or in connection with such use.

(e) The Council may, if it is of the opinion that any profession, art, trade or activity is being conducted in a manner which is or is likely to be detrimental to the residential environment or a source of nuisance, serve a notice in writing on the person conducting such profession, art, trade or activity calling upon him to—

(i) comply with instructions set out in such notice, and

(ii) cease using the premises in question for such profession, art, trade or activity by a date specified in such notice.

(3) Notwithstanding anything to the contrary in this chapter, the erection and use of part of a building in contravention of sections 17 and 18 shall be permitted in part of a Shop used as an Industrial Building if such part is appurtenant, accessory and of a nature customarily incidental to the trade conducted in such Shop; provided that the Actual Floor Area of the part so used shall not exceed 50% of the Actual Floor Area of the part not so used."

4. By the insertion after section 64 of the following section:

"64A Requirements in respect of Places of Entertainment

(1) Subject to the provisions of section 25, where any application is made to the Council for its consent to the erection and/or use of a building or part of a building as a Place of Entertainment in a zone in which such building 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 in addition to its requirements set out in subsections (2) to (10) to impose such additional conditions as it may deem fit governing the erection or use of such building. In considering such applications, regard shall be had to the question of whether the use for which the building is intended or designed is likely to be injurious to the amenity of the neighbourhood, and should a report by the South African Police indicate that it would not be in the interest of and for the general welfare of the community that the application be granted, the Council shall refuse to grant its special consent.

(2) Any contrivances and pool/snooker tables shall be sited so that they do not impede the flow of clientele or in any way hinder the proper maintenance of and the maintenance of hygienic conditions on the premises.

(3) All applications shall be submitted on the prescribed form and shall only be considered if accompanied by a floor plan of the total area of the business premises indicating the area where the contrivances and pool/snooker tables are to be located, as well as indicating the floor area to be occupied by the contrivances and pool/snooker tables in relation to the total floor area of the business premises concerned, such floor areas to be indicated in square metres.

(4) In any building or portion of a building which is not a billiard or snooker saloon or an amusement arcade, an area of at least 3 m × 3 m shall be set aside for the first contrivance and an available area of 2 m × 3 m for every additional contrivance, with a maximum of three contrivances.

2-12-1988

*

"64A Vereistes ten opsigte van vermaaklikheidsplekke

- (1) Onderworpe aan die bepalings van afdeling 25, waar enige aansoek by die raad gedoen word om sy toestemming vir die oprigting en of gebruik van 'n gebou of deel van 'n gebou as 'n vermaaklikheidsplek in 'n sone waar sodanige gebou slegs met die raad se spesiale toestemming opgerig en gebruik kan word, kan die raad sy toestemming verleen of weerhou, en wanneer die raad sy toestemming verleen, is hy geregtig daarop om aansluitend by sy vereistes in subafdelings (2) tot (10), dié addisionele voorwaardes wat hy nodig ag op te lê aangaande die oprigting of gebruik van sodanige gebou. By oorweging van sodanige aansoeke moet die vraag in ag geneem word of die gebruik waarvoor die gebou bedoel of ontwerp is, moontlik die aantreklikheid van die buurt kan skaad, en indien 'n verslag deur die Suid-Afrikaanse Polisie toon dat dit nie in die belang van die algemene welsyn van die gemeenskap sal wees dat die aansoek toegestaan word nie, moet die raad weier om sy spesiale toestemming te verleen.
- (2) Enige middele en biljart-/snoekertafels moet so geplaas word dat dit nie die algemene vloei van kliënte belemmer of op enige manier die gepaste onderhoud van en handhawing van 'n higiëniese toestand op die perseel verhinder nie.
- (3) Alle aansoeke moet ingedien word op die voorgeskrewe vorm en word slegs oorweeg indien vergesel van 'n vloerplan van die totale oppervlakte van die besigheidsperseel wat die oppervlakte waar die middele en biljart-/snoekertafels geplaas gaan word, aandui, asook die vloeroppervlakte wat ingeneem gaan word deur die middele en biljart-/snoekertafels in verhouding tot die totale vloeroppervlakte van die betrokke besigheidsperseel aandui, welke vloeroppervlakte in vierkante meter aangedui moet word.
- (4) 'n Oppervlakte van ten minste $3\text{ m} \times 3\text{ m}$ vir die eerste middel, en 'n beskikbare oppervlakte van $2\text{ m} \times 3\text{ m}$ vir elke addisionele middel, met 'n maksimum van drie middele, moet opsygesit word in enige gebou of gedeelte van 'n gebou wat nie 'n biljart- of snoekerkamer of 'n vermaaklikheidsarkade is nie.
- (5) Enige gebou of gedeelte van 'n gebou wat bedoel is om gebruik te word as 'n biljart- of snoekerkamer of 'n vermaaklikheidsarkade is onderworpe aan die volgende:
 - (a) 'n Oop ruimte van ten minste 2 m breed moet aan elke kant van elke biljart-/snoekertafel voorsien word.
 - (b) 'n Oop ruimte van ten minste 1 m breed moet voorsien word aan elke kant van die buiterand van elke middel, behalwe aan die agterkant van elke middel, waar 'n oop ruimte van nie meer as 20 cm voorsien hoef te word nie.
 - (c) Indien meer as twee middele of biljart-/snoekertafels langs mekaar staan, kan die oop ruimte wat in (a) en (b) hierbo voorgeskryf word, 'n gemeenskaplike ruimte wees.
- (6) Voldoende openbare sanitêre fasiliteite vir die gebruik van kliënte moet ten genoë van die stadsingenieur en die mediese gesondheidsbeampte voorsien word.
- (7) Voldoende deur-, kruis- of meganiese ventilasie moet ten genoë van die stadsingenieur en die mediese gesondheidsbeampte voorsien word.
- (8) Voldoende deurlopende volwasse toesighoudende beheer moet ten genoë van die raad op alle tye wanneer die middele vir die algemene publiek toeganklik is. Die raad is die alleenarbiter van watter toesighoudende beheer voldoende geag word.
- (9) Enige verandering aan die posisie van 'n middel van dit wat op die vloerplan aangedui word soos vereis ingevolge subafdeling (3) mag slegs gemaak word met die voorafverkreë toestemming van die raad in elke geval.
- (10) Geen bepaling van hierdie afdeling word geag vrystelling van die nakoming van enige van die raad se regulasies of enige ander wet te verleen, of sodanige nakoming uit te sluit nie."