



PINELANDS TRANSITIONAL
METROPOLITAN SUBSTRUCTURE

ZONING SCHEME CONDITIONS

Approved by Council on 2 May 1995

PROVINCIAL ADMINISTRATION: WESTERN CAPE

It is hereby certified that this is a copy of the scheme regulations for Pinelands that have been approved in terms of section 9(2) of Ordinance 15 of 1985 by the MEC, as the competent authority for the Ordinance, on 22.1.1996.

[Signature]
DIRECTOR PLANNING SERVICES

12.2.96
DATE

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Scheme Regulations promulgated by the Provincial Administration.

PART I : INTRODUCTION

1. JURISDICTION

1.1 Authority

The provisions contained in this document comprise the Zoning Scheme Conditions for the Municipal area of Pinelands, which have been prepared in terms of section 9(2) of the Land Use Planning Ordinance, 1985, as amended, and shall be read in conjunction with the register and the zoning map.

1.2 Area of Zoning Scheme

The area to which these conditions apply shall be the Pinelands municipal area as shown on the zoning map.

2. DEFINITIONS

In these Zoning Scheme Conditions, in the register and in any note on the zoning map, the following words and expressions shall have the meanings hereby assigned to them, except where a contrary intention clearly appears from the context; provided that if there is a conflict between a definition contained in these Zoning Scheme Conditions and a definition contained in the Land Use Planning Ordinance, 1985, as amended, the definition contained in the said Ordinance shall apply. Interpretation of words not defined in these Zoning Scheme Conditions will rely on the Oxford English Dictionary.

- A. "Additional dwelling unit" means a dwelling unit that may be erected with the consent of the Council on a land unit in the single residential zone, provided that the additional dwelling unit shall remain on the same cadastral unit as the primary unit and that the additional dwelling unit shall be smaller than the primary unit.

"Advertise" means to publish a notice in a newspaper or in the *Official Gazette*, or in both a newspaper and the *Official Gazette*, and, if the town clerk so decides, to affix a notice on a site in the manner and for the period determined by the town clerk, in which -

- a) is specified the place where and the hours during which particulars of the matter will be available for inspection; and
- b) is stated that objections may be lodged with a person specified in the notice before the date likewise specified, being not less than 21 days but not more than 60 days after the date on which the notice is so published or affixed.

"Authority usage" means a use which is practised by a public authority and the characteristics of which are such that it cannot be classified or defined under other uses in these regulations, and includes a use practised by -

- a) the State, such as a telecommunication facility and police station;
- b) the Regional Government, such as a road station; and

- c) a local authority, such as a fire station, electrical substation, dumping ground, reservoir, municipal office, and limited housing for local authority staff who are required to be on standby for emergencies.

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 floor, and includes a roof, if any, over such floor and any pillars supporting such roof.

"Basement" means that portion of a building, the finished floor level of which is at least 2 m below, and the ceiling of which is at most 1 m above, a level halfway between the highest and lowest natural levels of the ground immediately contiguous to the building.

"Block of flats" means a building containing two or more dwelling units, together with such outbuildings as are ordinarily used therewith, but not including semi-detached houses, group houses or town houses; provided that in those zones where flats are permissible, fewer than two dwelling units shall also be permissible, whether or not with the special consent of the council, in a building approved for other purposes than for flats.

"Bottle-store" means a shop in which mainly alcoholic beverages are sold in the retail trade and includes an off-sales facility which is under the same management as a licensed hotel.

"Boundary", in relation to a land unit, means one of the lines separating such land unit from another land unit or from a street.

"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 (b); and
- d) any portion of a building.

"Building line" means a line, between which line and any boundary the erection of buildings or structures is wholly or partially prohibited in terms of this zoning scheme or any law.

"Business premises" means a site or building or structure on or in which business is done and includes a shop, office, financial institution or restaurant and sites, buildings or structures for similar uses, but does not include a place of assembly, place of entertainment, institution, service station, public garage, industry, noxious trade, bottle-store or supermarket.

C. **"Canopy"** means a cantilevered or suspended roof or slab (not being the floor of a balcony) projecting from a wall of a building.

"Council" means the Municipal Council of Pinelands or its legal successor.

"Coverage" means the total percentage area of a land unit that may be covered by buildings and shall include -

- 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; and
- d) canopies, verandahs, porches, balconies, terraces and similar features;

provided that the following portions of buildings shall be disregarded in the calculation of coverage:

- i) stoeps, entrance steps and landings;
- ii) cornices, chimney breasts, pergolas, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of a building; and
- iii) eaves not projecting more than 1.0 m from the wall of a building.

D. "Departure" means

- a) an altered land use restriction that is imposed or
- b) a use right granted on a temporary basis in terms of the Ordinance.

"Dwelling-house" means a detached building containing only one dwelling unit.

"Dwelling unit" means a self-contained interleading group of rooms with not more than one kitchen, used only for the living accommodation and housing of a single family, together with such outbuildings as are ordinarily used therewith.

E. "Eaves" means a portion of a roof projecting beyond the face of a building, including any gutters.

"Erection", in relation to a building or structure, includes -

- a) the alteration, subdivision 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;

F. "Family" means -

- a) a single person maintaining an independent household; or
- b) two or more persons directly related by blood or marriage maintaining a common household, or
- c) no more than four unrelated persons maintaining a common household.

"Floor factor" means the factor (expressed as a proportion of 1) which is prescribed for the calculation of the maximum floor space of a building or buildings permissible on a land unit; it is the maximum floor space as a proportion of the net erf area.

"Floor space", in relation to any building or structure, means the area covered by a roof, slab or projection, excluding a projection not exceeding 1 m over an exterior wall or a similar support; provided that the area which is covered by a canopy or projection on the street side of business premises in a local business zone and a business zone shall not be regarded as floor space. Floor space shall be measured from the outer face of the exterior walls or similar supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of "maximum floor space" shall be the sum of the floor space of all the storeys, including that of basements.

G. "Give notice" means to serve on every adjoining owner of land and every other owner of land who in the opinion of the town clerk has a substantial interest in a matter and whose address is known or can be obtained, a notice in which -

- a) is specified the place where and the hours during which particulars of the matter will be available for inspection; and
- b) is stated that objections may be lodged with a person specified in the notice before a date likewise specified, being not less than 21 days but not more than 60 days after the date on which the notice is so served,

and if the town clerk so decides, to advertise the matter.

"Gross leasable area", which is abbreviated to "GLA", means the total floor area designed for, or capable of, occupancy and control by tenants, measured from the centre line of joint partitions to the inside finished surface of outside walls, but shall exclude toilets, lift shafts, service ducts, verticle penetrations of floors and interior parking and loading bays.

"Gross parking space" means an area which incorporates one parking bay plus circulation and landscaping space for one parking bay.

"Ground floor" means the lowest floor of a building which is not a basement.

"Group house" means a dwelling unit which forms part of a group housing scheme.

"Group housing" means a group of separate and/or linked dwelling units planned, designed and built as a harmonious architectural entity and arranged around or inside a communal open space in a varied and ordered way, of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided.

"Group housing site" means one or more land units on which a group housing scheme has been or is to be erected.

I. "Industry" means a factory as defined in the regulations made in terms of section 35 of the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983), which is not included under the definition of "service trade" or "noxious trade", and includes any use incidental to an industry.

"Institution" means a building or portion of a building utilised or intended to be utilised as a social or welfare institution or for the administration thereof and includes a hospital, clinic, reformatory or place of detention, whether private or public, but does not include a jail.

L. "Land" means land with or without improvements.

"Land unit" means a portion of land registered or capable of being registered in a deeds registry and may include a servitude right or lease.

"Land use restriction" means a restriction, in terms of a zoning, on the extent of the improvement of land.

"Lateral boundary" means a boundary of a land unit other than a street boundary or a rear boundary.

"Level of the footway" means -

- a) in the case of a footway which has been constructed within a road reserve, the level of the back of the footway; and
- b) in the case of a footway which has not been constructed within a road reserve or is to be reconstructed, such level as the Council may define as the intended level of the back of the footway.

"Licensed hotel" means a building designed to comply with the requirements of a hotel as laid down in the Hotels Act, 1965 (Act 70 of 1965), but does not include an off-sales facility.

"Linked", in relation to the definitions of "town housing" and "group housing", means to be connected by means of a boundary wall or garage.

M. "Maximum floor space" means the greatest total floor space which is allowed for a building or buildings with all its or their floors on a land unit; such maximum floor space is calculated by multiplying the floor factor by the net erf area of the land unit or that portion of the land unit which is situated within a particular zone; provided that where a land unit is situated within two or more zones to which different floor factors apply, the maximum floor space for the whole land unit shall be the total of the maximum floor space for each portion of the land unit; provided further that, in determining the permissible maximum floor space of a building -

- a) any area, including a basement, which is reserved solely for the parking of vehicles, shall be excluded;
- b) any area required for external fire escapes shall be excluded;
- c) subject to (d) below, any balconies, terraces, stairs, stairwells, verandahs, common entrances and common passages covered by a roof shall be included, except in the case of a residential building on a residential site, where it shall be excluded;

- d) any stairwells, liftwells or other wells, in the case of multi-storey buildings, shall only be calculated once, and
- e) any arcade, with a minimum width of 2m, which at all times provides access through the building concerned from public parking or a pavement or a public road, street or open space to other public parking or some other pavement or some other public road, street or open space and which at all times is open to the public by means of a servitude, as well as any other covered walkway, the roof of which allows light to pass through, shall be excluded.

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

- N. "Net erf area" means the total area of a land unit, excluding all land zoned or needed for public purposes.

"Noxious trade" means an offensive use or a use which constitutes a nuisance as envisaged in regulations which are promulgated from time to time in terms of sections 33 and 34 of the Health Act, 1977 (Act 63 of 1977), read with paragraphs (f) and (g) of the definition of "nuisance" in section 1 of the said act, and includes the operation of a scheduled process, as defined in section 1 of the Air Pollution Prevention Act, 1965 (Act 45 of 1965), and the manufacture of explosives, as defined in section 1 of the Explosives Act, 1956 (Act 26 of 1956).

"Nursery" means a property or part thereof which is utilised for the sale of plants and gardening products.

- O. "Occupant" means any person who physically inhabits a building, a structure or land.

"Occupational practice" means the practising of an occupation or a trade, or the conducting of an enterprise from a dwelling unit by one or more occupants of the dwelling unit concerned and his or their assistants, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or a lowering of aesthetics being caused; provided that the primary use of the dwelling unit concerned shall remain that of living accommodation and housing of a single family.

"Offices" means a room or set of rooms or a building utilised for the performance of an administrative function or the conducting of an enterprise and includes a post office, magistrate's offices or professional usage.

"Operative date" means the date on which this zoning scheme comes into operation.

"Ordinance" means the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), as amended.

"Outbuilding" means a structure, whether attached to or separate from the main dwelling unit, which is designed to be normally utilised for the housing

of servants, for the garaging of motor vehicles and for storage purposes in so far as these uses are usually and reasonable required in connection with the main structure, but does not include additional dwelling units.

"Owner", in relation to land, means the person in whose name that land is registered in a deeds registry, and may include the holder of a registered servitude right or lease, and any successor in title of such a person.

P. "Parking bay" means an area measuring not less than 5,0 m by 2,5 m which is clearly outlined and demarcated for the parking of one motor vehicle and which is accessible to the satisfaction of the Council.

"Parsonage" means a dwelling-house situated on the same land unit as a place of worship for the accommodation of a spiritual leader, who is a full-time employee of an organisation which practises religion in that place of worship, and includes the accommodation of the spiritual leader's family.

"Pergola" means any unroofed horizontal or approximately horizontal grille or framework such that the area in horizontal projection of the solid portions thereof does not exceed 25% of the total area thereof.

"Place of assembly" means a public hall, a hall for social functions, a music hall, a concert hall or an exhibition hall which is not directly related to a commercial undertaking, or a town hall.

"Place of entertainment" means a theatre, a cinema, a dance hall, an amusement park, a sports centre, a billiard-room, a skating rink or a similar place.

"Place of instruction" means a crèche, pre-primary school, primary school, high school, college, research centre, convent, public library, public art gallery, museum or some other centre which is utilised for instruction purposes and includes a hostel appertaining thereto, but does not include a building or land unit which is mainly utilised as a certified reformatory or industrial school or as an institution.

"Place of worship" means a church, synagogue, mosque, temple, chapel or other place for practising religion, and includes any building in connection therewith, but does not include a funeral parlour with related chapel.

"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.

"Private open space" means any land which has been set aside in this scheme for utilisation primarily as a private site for outdoor sports, play, rest or recreational facilities or as an ornamental garden or a pleasure garden and includes public land which is or will be leased on a long-term basis and a cemetery, whether public or private.

"Private parking" means a site or building or part of a building which is utilised for parking purposes under the control of a private individual or agency.

"Public authority" means a State department, local authority or semi-state agency or the Provincial Administration.

"Public garage" means a business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhauling of motor vehicles, a restaurant or café, spraypainting, panel beating, blacksmithery or body work.

"Public open space" means land which is under or will be under the ownership of a local authority, is not leased nor will be leased on a long-term basis, and is utilised or will be utilised as an open space or a park, garden, picnic area, playground or square and includes a public place.

"Public parking" means land or a building or part thereof that is accessible to the general public for parking purposes.

"Public place" means any land in respect of which the ownership as such vests in a local authority in terms of section 28 of the Ordinance or in terms of the Townships Ordinance, 1934 (Ordinance 33 of 1934).

"Public road" means any road or street for public use or any land intended for such purposes.

"Public street" means any land in respect of which the ownership as such vests in a local authority in terms of section 28 of the Ordinance or in terms of the Townships Ordinance, 1934 (Ordinance 33 of 1934).

R. "Rear boundary" of a land unit means every boundary thereof (other than a street boundary) which is parallel to, or is within 45° of being parallel to every street boundary of such land unit and which does not intersect a street boundary.

"Register", when used as a noun, means documents held by the Council in connection with all departures concerned.

"Residential building" means a building (other than a dwelling-house, group house, town house or block of flats) for human habitation, together with such outbuildings as are normally used therewith, and includes a boarding-house, residential rooms, an old age home, a children's home and a hostel, but does not include buildings mentioned, whether by means of inclusion or exclusion, in the definitions of "licensed hotel", "place of instruction" or "institution".

"Retirement village" means group housing or town housing that conforms to the following additional conditions:

- a) Each dwelling unit shall only be occupied by an elderly person or by a family of which at least one member is an elderly person;

- b) a range of care and other recreational facilities shall be provided to the satisfaction of the Council; and
- c) additional land use restrictions may in respect of a retirement village be determined by the Council.

S. "Service station" means a business or concern where motor vehicles are provided with fuel for payment or reward and includes trading in motor vehicles, oil, tyres or motor spares, the repair or overhauling of motor vehicles, a restaurant or a café, but does not include spraypainting, panel beating, blacksmithery or body work.

"Service trade" means the utilisation of a building or of premises for an enterprise which is primarily involved in the rendering of a service for the local environs and employs at most ten people, but does not include an abattoir, a brickmaking site, sewage works, a service station or a public garage.

"Setback" means the line delimiting the area measured from the centre line of a particular street, within which no building or other structure, including a boundary fence, may be erected.

"Shop" means a site or building or structure utilised for the purpose of carrying on a retail concern and includes a nursery, restaurant, laundrette, dry-cleanette or retail concern where goods which are sold in such concern are manufactured or repaired; provided that the floor space relating to such manufacture or repair shall not comprise more than one-third of the floor space of the shop. "Shop" does not include an industry or a public garage, service station, bottle-store or supermarket.

"Special business" means a site or building or structure within the area to which Annexure "A" applies, which is utilised for the purpose of an office, a wholesale trade, warehouse, laboratory and any ancillary activity ordinarily associated therewith, including inter alia, duplicating, printing and photographic activities, but does not include a shop, service station, public garage, industry, noxious trade, bottle store or supermarket.

"Special usage" means a use which is such, or in respect of which the land use restrictions are such, that it is not catered for in these regulations, and which is set out in detail, and in respect of which the land use parameters are set out in detail, by means of conditions of approval or by means of conditions applicable to the special zone, and includes a conservation usage.

"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.

"Storey" means a single level of a building, excluding a basement, which does not exceed a height of 4 m, measured from finished floor level to finished floor level or to the ceiling in the case of the top storey.

"Street boundary" means the common boundary of a land unit and a street; provided that where a portion of a land unit is reserved for purposes of a

new street or for street widening in terms of the zoning scheme or any other law, the street boundary of the land unit shall be the boundary of such proposed new street or proposed street widening.

"Subdivide", in relation to land, means to subdivide the land, whether by -

- a) survey;
- b) the allocation, with a view to the separate registration of land units, of undivided portions thereof in any manner; or
- c) the preparation thereof for such subdivision.

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

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

"Supermarket" means a retail concern with a net retail floor space of not less than 350 m², which is utilised predominantly for sales on a basis of self-service and where the goods for sale include one or more of the following categories:

- i) Foodstuffs;
- ii) toiletries; and
- iii) household cleansing agents.

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

"Town clerk" means the town clerk or chief executive officer of the Municipal Council of Pinelands.

"Town house" means a dwelling unit which forms part of a town housing scheme.

"Town housing" means a row or group of linked and/or attached dwelling units planned, designed and built as a harmonious architectural entity, of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided.

"Town housing site" means one or more land units on which a town housing scheme has been or is to be erected.

"Transport usage" means a transport undertaking based on the provision of a transport service and includes public and private undertakings.

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.

W. "Warehouse" means a site, building or room where goods are stored or a wholesale business or service trade is conducted.

Z. "Zone", when used as a noun, means land set apart by a zoning scheme for a particular zoning, irrespective of whether it comprises one or more land units or part of a land unit.

"Zone", when used as a verb in relation to land, means to set apart the land for a particular zoning.

"Zoning", when used as a noun, means a category of directions setting out the purpose for which land may be used and the land use restrictions applicable in respect of the said category of directions, as determined by relevant scheme conditions.

"Zoning map" means -

- a) a zoning map framed in terms of section 10 of the Ordinance; or
- b) a map framed in terms of regulation 8 (2) of the regulations made under section 60 of the Townships Ordinance, 1934 (Ordinance 33 of 1934), and published under Provincial Notice 460 of 1937.

"Zoning scheme" means a scheme consisting of scheme conditions, a register and the zoning map or maps.

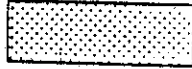
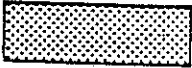
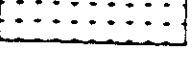
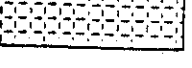
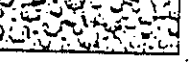
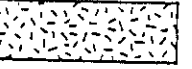
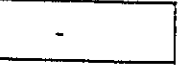
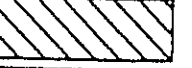
PART II : ZONING AND USE OF LAND**3. NOTATIONS ON THE MAP**

- 3.1 The zoning map is intended to indicate land use and not land ownership. In order to reconcile the zoning map prepared in 1984 with these conditions, the existing notation shown on that map (No. TP/103D/83) shall be considered to have the new use zones in accordance with Table A, and the conditions pertaining to such new use zones shall control the use of buildings and land.
- 3.2 The colours used on the zoning map for each use zone are listed in Table A. The water based ink colours for the existing notation are numbered in accordance with the Schwan Stabilo series, and the crayon is number 476 of the Goldfaber 4100 series.
- 3.3 Whenever the zoning map is revised to incorporate new zones or rezoning, the notation on that revised zoning map shall be in accordance with the new notation designated in Table A.

TABLE A : NOTATIONS ON THE MAP

Notation on Map No. TP/103D/83	Existing Colour Notation	Colour No.	New Use Zone
Single Residential	Yellow	44	Single Residential Zone
Group Housing	Yellow with Orange border	44 54	Group Housing Zone
General Residential	Orange	54	General Residential Zone
Local Business	Light Cold Grey	94	Local Business Zone
Business	Dark Blue	41	Business Zone
Place of Assembly	Heliotrope	17	Place of Assembly Zone
Public House of Worship	Light Flesh tint with + superimposed	26	Place of Worship Zone
Local Authority Government Cape Town Municipality	Yellow ochre Pink Carmine	39 29 48	Authority Zone Authority Zone Authority Zone
Education	Azure	57	Education Zone
Motor Garage	Lilac	58	Service Station Zone
Public Place Pedestrian space	Leaf Green Light Emerald	43 16	Public Open Space Zone Public Open Space Zone
Private open space Owned by L.A. and leased to sporting clubs Cemetery	Light Green Light Green with Sanguine border Olive Green	33 33 38 23	Private Open Space Zone Private Open Space Zone Private Open Space Zone
Main Roads Existing Streets	Sanguine Light Brown (crayon)	38 476	Public Road Zone Public Road Zone
Public parking	Light Brown (crayon) with P superimposed	476	Public Parking Zone
-	-	-	Transport Zone
Undetermined	Rose	56	Undetermined
Special Zone A	Ice Blue with A superimposed	11	Special Zone A
Special Zone B	Dark Blue with B superimposed	41	Special Zone B

New Colour Notation	Pantone TRIA Colour Ink
Yellow	Yellow
Light Orange	137
Dark Orange	021
Light Blue	2985
Dark Blue	279
Cool Grey	Cool Grey 2
Pale yellow	100
Red	485
Blue-grey	5425
Blue purple	264
Dark green	361
Light green	367
Light brown	468
Dark brown	4655
Pale lilac	524
Pale olive green	617
Ice Blue with A superimposed	-
Dark Blue with B superimposed	-

Letratone Notation	Letratone Reference
	LT1
	LT24
	LT11
	LT82
	LT84
	LT973
	LT963
	LT157
	LT175
	LT110
	LT139
	LT132
	-
	LT461
	LT926
	LT130
	-
	-

4. USE OF BUILDINGS AND LAND

4.1 Use Zones

The area of the scheme shall be divided into the use zones as indicated in column 1 of Table B for the purposes of controlling the use of buildings and land.

4.2 Primary and Consent Uses

- a) The land uses and categories of buildings which:
 - i) may be erected or used (primary use); and
 - ii) may be erected or used only with the consent of the Council (consent use),in each of the use zones specified in column 1 of Table B are prescribed in columns 2 and 3 of Table B respectively.
- b) Subject to conditions 4.2c and 4.2d, no use shall be permitted in a zone other than the uses stipulated in column 2 of Table B for that zone.
- c) An application may be made to the Council for its consent for a use stipulated in column 3 of the relevant use zone in Table B, and Council may grant or refuse its consent, and in giving its consent be entitled to impose such conditions as it may deem fit governing the erection or use of such building or land.
- d) The owner of a land unit in any zone shall be absolved from the requirement of obtaining Council's consent in respect of any use listed under column 3 in respect of such zone, if that particular use is notated in writing on the zoning map with reference to that particular land unit. It may then be considered that Council's consent has already been granted in respect of such use on that particular land unit.
- e) Any use not reflected in columns 2 and 3 of Table B for a particular zone shall, subject to any provisions to the contrary in the Ordinance and these conditions, not be permitted in the zone concerned.
- f) No land shall be used for a purpose for which a building may not be erected or used on such land; provided that where a building may be erected or used for a particular purpose on land with the consent of Council, such land may be used for such purpose with such consent.
- g) Buildings and uses which are permitted as a primary use in terms of Table B, or which may be approved with the consent of Council, may be subject to departures which may in effect make the right attached to a land unit more or less restricted than is apparent from the zoning scheme conditions. In such cases the relevant information relating to the land unit shall be recorded in the register.

4.3 Combined Uses

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

TABLE B : USE ZONES

1 Use Zone	2 Purposes for which buildings may be erected and used (Primary Use)	3 Purposes for which buildings may be erected and used only with the con- sent of the Council (Consent Use)
Single Residential Zone	Dwelling house Occupational Practice	Additional dwelling unit Place of instruction,
Group Housing Zone	Group house Dwelling house Occupational Practice	Retirement Village
General Residential Zone	Block of flats Residential building Dwelling house Occupational Practice	Institution, Town House, Retirement Village, Group House
Local Business Zone	Shop, Office, Block of flats above the ground floor	Supermarket
Business Zone	Business Premises Block of flats or residential building above ground floor	Place of instruction, Place of assembly, Place of entertainment, Institution, Supermarket, Service trade, Licensed hotel
Place of Assembly Zone	Place of assembly	None
Place of Worship Zone	Place of Worship, Parsonage	Place of assembly Place of instruction
Authority Zone	Authority usage	None
Education Zone	Place of instruction	Place of assembly
Service Station Zone	Service station	None
Public Open Space Zone	Public open space	None
Private Open Space Zone	Private open space	None
Public Road Zone	Public road	None
Public Parking Zone	Public parking	None
Transport Zone	Transport usage	Warehouse Private parking
Undetermined Zone	-	None
Special Zone	Uses as defined per annexure Special usage	Uses as defined per annexure

- b) Where different parts of a building are situated in different use zones, the erection and use of each part of the building shall be in conformity with the provisions applicable to the use zone into which such part falls.

4.4 Utilisation of Outbuildings

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

4.5 Reservation of Remainder

Where the coming into operation of a provision of the zoning scheme involves the acquisition by the Council of a portion of a land unit, the said provision may be applied by the Council to the remainder of the land unit, if -

- i) in the opinion of the Council, the remainder will be too small to develop as a separate entity, or
- ii) the development of the remainder will be undesirable.

4.6 Dispute

- a) Where there is doubt or dispute as to the category into which the use of land or a building falls, such building or land shall be deemed, until the contrary is proved, to fall into such category as the Council shall determine, having regard to the intent of the scheme.
- b) Where there is doubt or dispute as to the meaning of a word or phrase used in these zoning scheme conditions, such word or phrase shall, until the contrary is proved, have the meaning assigned to it by the Council.

4.7 Certain buildings or uses prohibited

- a) Notwithstanding anything to the contrary contained in these zoning scheme conditions, 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 -
 - i) danger to or serious congestion of vehicular or pedestrian traffic; or
 - ii) danger or injury to health; or
 - iii) serious detriment to the amenities of any neighbourhood.
- b) No person shall damage or destroy zoned land so as to destroy or impair its utilisation for the purpose for which it is zoned.

PART III : PLANNING CONTROL FOR USE ZONES

Land units situated within a particular use zone shall be subject to the conditions for that use zone specified hereunder.

5. SINGLE RESIDENTIAL ZONE

Primary uses : dwelling house, occupational practice
Consent uses : additional dwelling unit, place of instruction.

5.1 DWELLING HOUSE, OCCUPATIONAL PRACTICE (Primary Use)

5.1.1 Land use restrictions

- a) Coverage : At most 50%
- b) Height : At most two storeys
- c) Building lines :
 - i) Street building line : At least 7,5m subject to condition 5.4.1.
 - ii) Lateral building line : At least 1,5m in the case of a single storied dwelling and 3m in the case of a double storied dwelling subject to condition 5.4.1.
 - iii) Rear building line : At least 3,0m subject to condition 5.4.1.
- d) Parking : At least two parking bays per land unit shall be provided on the site.

5.1.2 Additional Use Rights

Without prejudice to any power of the Council derived from any other law, nothing in this scheme shall be construed as prohibiting or restricting the following:

- a) The letting of part of a dwelling house by an occupant of that dwelling house, subject to Council's regulations related to boarding houses and hostels;
- b) The utilisation of a portion of a dwelling unit for purposes of occupational practice subject to condition 5.4.3.

5.2 ADDITIONAL DWELLING UNIT (Consent Use)

5.2.1 Land Use Restrictions

Notwithstanding regulation 5.1.1 the following land use restrictions shall apply to an additional dwelling unit over and above the conditions which apply to a dwelling house:

- a) Coverage : together with all other buildings, at most 50%.
- b) Height : at most one storey for the additional dwelling unit.

- c) Building lines :
 - i) Street building line : At least 7,5m subject to condition 5.4.1.
 - ii) Lateral building line : At least 1,5m subject to condition 5.4.1.
 - iii) Rear building line : At least 3,0m subject to condition 5.4.1.
- d) Total Floor Space : at most 120m² for the additional dwelling unit.
- e) Parking : one additional parking bay on the land unit.

5.2.2 Appearance

The additional dwelling unit shall be constructed to a similar architectural style and with external material, finishes and colour similar to those of the main dwelling house.

5.3 PLACE OF INSTRUCTION (Consent use)

5.3.1 Land use restrictions

- a) Coverage : At most 50%
- b) Height : At most 2 storeys
- c) Building lines:
 - i) Street building line: At least 7,5m subject to condition 5.4.1.
 - ii) Lateral building line: At least 2,0m subject to condition 5.4.1.
 - iii) Rear building line: At least 3,0m subject to condition 5.4.1.
- d) Parking : At least 1 bay per classroom or school office, plus visitor parking and a student drop off zone as required by Council.

5.4 ADDITIONAL CONDITIONS APPLICABLE TO THIS ZONE

5.4.1 Encroachment of Building Lines

- a) Notwithstanding conditions 5.1.1, 5.2.1 and 5.3.1, the following structures or portions of a building may be erected over the prescribed building lines:
 - i) boundary walls and fences;
 - ii) open and uncovered stoeps;
 - iii) entrance steps and landings;
 - iv) eaves not projecting more than 1,0m from the wall of the building;
 - v) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the wall of the building;
 - vi) screenwalls not exceeding 2,0m in height above the ground; provided that no screenwall shall be erected over the street building line without Council's consent;
 - vii) swimming pools not closer than 1,0m from any boundary;
 - viii) drying yards.
- b) The Council may approve the erection of an outbuilding which encroaches a lateral or rear building line, subject to -

- i) the consent in writing of adjoining property owners;
- ii) compliance with the street building line;
- iii) such building not exceeding a height of one storey;
- iv) no doors or windows being permitted in any wall of such building which fronts onto the rear or lateral boundary concerned;
- v) the provision of an access way, other than through a building and at least 1m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard; and
- vi) no runoff of rainwater from the roof discharging onto any adjoining property.

5.4.2 Subdivision

A land unit may not be subdivided for single residential purposes unless

- a) the area of the original land unit is at least 1 400m²; and
- b) the area of each proposed single residential land unit is not less than 80% of the average area of the 12 closest single residential land units in the vicinity; or
- c) special circumstances exist which justify subdivision to a lesser area and Council first approves a departure in terms of Section 15 of the Ordinance.

5.4.3 Occupational Practice

- a) The following conditions shall apply where a portion of a dwelling house or dwelling unit is utilised for purposes of occupational practice:
 - i) Subject to the provisions of this scheme, the occupant may commence an occupational practice without first obtaining Council's permission, but such occupant shall, within 30 days thereafter, comply with condition (ii).
 - ii) Within 30 days of the commencement of an occupational practice, the occupant shall send a registered letter to all owners of property adjacent to or opposite the occupant's property, containing the following information:
 - * a description of the nature and extent of the occupational practice; and
 - * a statement that any person who has a concern about the occupational practice may inform Council of their concern.
 - iii) Such dwelling, or any portion thereof shall not be used for purposes of a noxious trade;
 - iv) No goods for sale shall be publicly displayed, and no external indication of the occupational practice shall be visible, except for an advertising sign in accordance with condition (v);
 - v) No advertising sign shall be displayed other than a single unilluminated sign or notice not projecting over a street; such sign shall not exceed 2 000cm² in area and shall indicate only the name, telephone number and profession or occupation of the occupant;
 - vi) No activities shall be carried out which constitute or are likely to constitute a source of disturbance or nuisance to occupants of other dwelling units.

- vii) Products, goods or supplies of any nature associated with the occupational practice may only be stored on the property in a room, building or structure of not more than 10% of the total floor area of the dwelling on the property with a maximum floor area of 40m², and no such products, goods, or supplies may be stored on the property in the open.
 - viii) No more than 5 persons in total may be engaged in occupational practices within a dwelling house or dwelling unit, including the occupant or occupants and any assistants.
 - * ix) Council may impose such additional conditions as it may determine, and in so doing shall take note of any concerns that have been expressed by adjacent owners in terms of condition (ii).
- b) If any person is of the opinion that any condition referred to in clause (a) or the definition of "occupational practice" is contravened, such person may lodge a written complaint with the Council requesting action in terms of section 39(1)(b) of the Ordinance.
- * c) The Council shall consider a complaint lodged in terms of clause (b) and if it is of the opinion that there is a contravention to the conditions referred to in clause a), or the definition of occupational practice, the Council shall take action, which action may include:
- i) The serving of a written notice on the person conducting such an occupation or activity, calling upon such person to comply with the instructions set out in such notice, or
 - ii) the serving of a written notice on the person conducting such an occupation or activity, requiring such person to cease using the dwelling unit in question for such occupation or activity by a date specified in such notice.
- * d) Any person wishing to practice an occupation, or a trade or conduct an enterprise which does not comply with the conditions stated in clause a) or the definition of occupational practice, may apply to Council for its consent to practice such occupation or trade or conduct such enterprise.
- e) Council may refuse its consent, or may grant its consent for an application in terms of clause d) provided that the primary use of the dwelling house or dwelling unit concerned shall remain for the living accommodation of a single family, and Council may impose such conditions as it deems fit.

6. GROUP HOUSING ZONE

Primary uses : group house, dwelling house, occupational practice
Consent uses : retirement village

6.1 GROUP HOUSE (Primary use)

6.1.1 Land Use Restrictions

- a) Height : At most two storeys
- b) Building lines :
 - i) Street building line : Zero, subject to condition 6.1.6.
 - ii) Lateral and rear building lines : Zero, subject to condition 6.1.6.
- c) Parking : At least two parking bays per group house subject to condition 6.1.8.

6.1.2 Objectives

The objectives which are reflected in the definition of "group housing" shall be closely followed and implemented.

6.1.3 Density

- a) The maximum gross density shall be twenty units per hectare or a 3:1 ratio with regard to the gross density of surrounding dwelling units, whichever permits the smaller number of units.
- b) Notwithstanding condition 6.1.3(a) where open spaces and/or roads have already been suitably provided to the satisfaction of the Council and need not be provided on the group housing site, a gross density up to a maximum of thirty units per hectare shall be permitted.

6.1.4 Open space

- a) A minimum open space of 80m² per dwelling unit shall be provided and in this context the term "open space" means public and common open spaces except roads, service yards and private outdoor spaces.
- b) In cases where the public open space has been suitably provided (partially or in full) in the vicinity, the minimum requirement for communal open space per dwelling unit may be reduced to the satisfaction of the Council.
- c) At least 40% of the gross floor space of the unit concerned shall consist of private outdoor space, in a form which shall not exceed a ratio of 2:1 (length to width).
- d) Garages and carports shall be excluded in the calculation of floor space for the purpose of determining the area of the private outdoor space.
- e) Where there is no distinction between communal open space and private outdoor space, the requirements of a) and b) shall be replaced by a combined open space requirement of at least 130m² per dwelling unit.

6.1.5 Service yard

In addition to the private outdoor space or the combined open space, as the case may be, a service yard of an adequate area and screened by a wall so as to render it out of sight of anyone other than the occupant(s) of the dwelling unit concerned, shall be provided to the satisfaction of the Council.

6.1.6 Building lines

- a) Street building lines may be zero; provided that the Council may require a street building line of 2m to ensure safe traffic circulation or for other reasons such as the character of development in the area, and any driveway shall have an adequate area to allow comfortably for the parking of an average motor car thereon.
- b) Lateral and rear building lines may be zero; provided that the Council may require an adequate lateral building line for fire fighting purposes, and a 3m lateral building line shall apply where a group housing zone abuts on another zone.

6.1.7 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.

6.1.8 Parking

- a) At least two parking bays per group house shall be provided on the group housing site of which one bay per four group houses shall be available for use by visitors.
- b) Parking may be provided at the group house concerned, or part of the required number of parking bays at some of the group houses and the remainder in the form of communal parking, or the entire requirement may be provided in the form of communal parking.

6.1.9 Road width

The minimum internal road reserve width shall be 8 m provided that Council may require a greater road reserve width where it considers the vehicular use or length of road justifies the greater road reserve width.

6.2 DWELLING HOUSE, OCCUPATIONAL PRACTICE (Primary use)

6.2.1 Land use restrictions

- a) Coverage : At most 50%.
- b) Height : At most two storeys.
- c) Building lines:
 - i) Street building line : At least 7,5m subject to condition 6.4.1.

- ii) Lateral building line : At least 1,5m in the case of a single storied dwelling and 3m in the case of a double storied dwelling subject to condition 6.4.1.
- iii) Rear building line : At least 3,0m subject to condition 6.4.1.
- d) Parking : At least two parking bays per land unit shall be provided on the site.

6.2.2 Additional Use Rights

Without prejudice to any power of the Council derived from any other law, nothing in this scheme shall be construed as prohibiting or restricting the following:

- a) The letting of part of a dwelling house by an occupant of that dwelling house, subject to Council's regulations related to boarding houses and hostels.
- b) The utilisation of a portion of a dwelling unit for purposes of occupational practice subject to condition 6.4.2.

6.3 RETIREMENT VILLAGE (Consent use)

6.3.1 Land Use Restrictions

- a) Coverage : at most 50%
- b) Height : at most two storeys
- c) Building lines :
 - i) Street building line : zero subject to condition 6.3.3
 - ii) Lateral building line : zero subject to conditions 6.3.3 and 6.4.1
 - iii) Rear building line : 3m subject to condition 6.4.1.
- d) Parking : As required by Council, and subject to condition 6.3.4.

6.3.2 Objectives

- a) The objectives which are reflected in the definition of "retirement village" shall be implemented.
- b) Additional land use restrictions may, in respect of a retirement village, be determined by Council.

6.3.3 Additional Building Line Requirements

- a) Despite the zero street building line, a street building line of 2m may be required to ensure safe traffic circulation or for other reasons such as the character of development in the area, and any driveway shall have an adequate area to allow comfortably for the parking of an average motor car thereon.
- b) Despite the zero lateral building line, the Council may impose an adequate lateral building line for fire fighting purposes, and a 3m lateral building line shall apply where a retirement village abuts on another zone.

6.3.4 Additional Parking Requirement

Parking may be provided at the town house or retirement house concerned, or part of the required number of parking bays at some of the town or retirement houses and the remainder in the form of communal parking, or the entire requirement may be provided in the form of communal parking.

6.4 ADDITIONAL CONDITIONS APPLICABLE TO THIS ZONE

6.4.1 Encroachment of Building Lines

- a) Notwithstanding conditions 6.2.1 and 6.3.1, the following structures or portions of a building may be erected over the prescribed building lines:
 - i) boundary walls and fences;
 - ii) open and uncovered stoeps;
 - iii) entrance steps and landings;
 - iv) eaves not projecting more than 1,0m from the wall of the building;
 - v) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the wall of the building;
 - vi) screenwalls not exceeding 2,0m in height above the ground; provided that no screenwall shall be erected over the street building line without Council's consent;
 - vii) swimming pools not closer than 1,0m from any boundary;
 - viii) drying yards.
- b) The Council may approve the erection of an outbuilding which encroaches a lateral or rear building line, subject to -
 - i) the consent in writing of adjoining property owners;
 - ii) compliance with the street building line;
 - iii) such building not exceeding a height of one storey;
 - iv) no doors or windows being permitted in any wall of such building which fronts onto the rear or lateral boundary concerned;
 - v) the provision of an access way, other than through a building and at least 1m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard;
 - vi) no runoff of rainwater from the roof discharging onto any adjoining property.

6.4.2 Occupational Practice

- a) The following conditions shall apply where a portion of a dwelling house or dwelling unit is utilised for purposes of occupational practice:
 - i) Subject to the provisions of this scheme, the occupant may commence an occupational practice without first obtaining Council's permission, but such occupant shall, within 30 days thereafter, comply with condition (ii).
 - ii) Within 30 days of the commencement of an occupational practice, the occupant shall send a registered letter to all owners of property

adjacent to or opposite the occupant's property, containing the following information:

- * a description of the nature and extent of the occupational practice
 - * a statement that any person who has a concern about the occupational practice may inform Council of their concern.
- iii) Such dwelling, or any portion thereof shall not be used for the purpose of a noxious trade;
 - iv) No goods for sale shall be publicly displayed; and no external indication of the occupational practice shall be visible, except for an advertising sign in accordance with condition (vi);
 - v) No advertising sign shall be displayed other than a single unilluminated sign or notice not projecting over a street; such sign shall not exceed 2 000cm² in area and shall indicate only the name, telephone number and profession or occupation of the occupant;
 - vi) No activities shall be carried out which constitute or are likely to constitute a source of disturbance or nuisance to occupants of other dwelling units;
 - vii) Products, goods or supplies of any nature associated with the occupational practice may only be stored on the property in a room, building or structure of not more than 10% of the total floor area of the dwelling on the property with a maximum floor area of 40m², and no such products, goods, or supplies may be stored on the property in the open.
 - viii) No more than 5 persons in total may be engaged in occupational practices within a dwelling house or dwelling unit, including the occupant or occupants and any assistants.
 - ix) Council may impose such additional conditions as it may determine, and in so doing shall take note of any concerns that have been expressed by adjacent owners in terms of condition (ii).
- b) If any person is of the opinion that any condition referred to in clause (a) or the definition of "occupational practice" is contravened, such person may lodge a written complaint with the Council requesting action in terms of section 39(1)(b) of the Ordinance.
 - c) The Council shall consider a complaint lodged in terms of clause (b) and if it is of the opinion that there is a contravention to the conditions referred to in clause a), or the definition of occupational practice, the Council shall take action, which action may include:
 - i) The serving of a written notice on the person conducting such an occupation or activity, calling upon such person to comply with the instructions set out in such notice, or
 - ii) the serving of a written notice on the person conducting such occupation or activity, requiring such person to cease using the dwelling unit in question for such occupation or activity by a date specified in such notice.

- d) Any person wishing to practice an occupation, or a trade or conduct an enterprise which does not comply with the conditions stated in clause a) or the definition of occupational practice, may apply to Council for its consent to practice such occupation or trade or conduct such enterprise.
- e) Council may refuse its consent, or may grant its consent for an application in terms of clause d) provided that the primary use of the dwelling house or dwelling unit concerned shall remain for the living accommodation of a single family, and Council may impose such conditions as it deems fit.

7. GENERAL RESIDENTIAL ZONE

Primary uses : block of flats, residential building, dwelling house, occupational practice.

Consent uses : institution, town house, retirement village, group house.

7.1 BLOCK OF FLATS, RESIDENTIAL BUILDING (Primary uses)

7.1.1 Land use restrictions

- a) Coverage : At most 25%.
- b) Height : At most four storeys.
- c) Floor factor : At most 0,75.
- d) Minimum erf size:
 - i) At least 1 000m² for a block of flats;
 - ii) At least 2 000m² for a residential building.
- e) Building lines
 - i) Street building line : 8m except in the case of duplex flats where the street building line shall be 4,5m, subject to condition 7.6.1.
 - ii) Lateral building line : 4,5m or half the height of the building whichever is the greater, subject to condition 7.6.1.
 - iii) Rear building line : 4,5m or half the height of the building whichever is the greater, subject to condition 7.6.1.
- f) Parking :
 - i) In the case of a block of flats at least one parking bay for each dwelling unit shall be provided plus one additional bay for every four dwelling units for the use of visitors; and
 - ii) in the case of a residential building at least 0,7 parking bay per bedroom shall be provided; and
 - iii) subject to condition 7.6.2.

7.1.2 Street widths

- a) No block of flats or residential building may be erected on a site which does not abut a street of at least 13m in width, which street shall be connected to a street of greater width.
- b) No block of flats or residential building shall be erected on a site unless all street boundary walls or fences of the site, if provided, are erected at a distance of not less than 8m from the centre line of the abutting street or streets.
- c) Portions of the site falling within 8m of the centre line of the abutting street(s) shall be excluded for the purpose of determining the coverage and permissible floor space of the remainder of the site; provided that, if the owner transfers the said portion(s) of the site to the Council free of compensation, such portion(s) may be included for the purpose of determining the permissible floor space on the remainder of the site. The Council shall pay the cost of survey and transfer.

7.2 DWELLING HOUSE, OCCUPATIONAL PRACTICE (Primary use)

7.2.1 Land use restrictions

- a) Coverage : At most 50%.
- b) Height : At most two storeys.
- c) Building lines:
 - i) Street building line: At least 7,5 m, subject to condition 7.6.1.
 - ii) Lateral building line: At least 1,5 m in the case of a single storied dwelling and 3 m in the case of a double storied dwelling, subject to condition 7.6.1.
 - iii) Rear building line: At least 3,0 m, subject to condition 7.6.1.
- d) Parking : At least two parking bays per land unit shall be provided on the site.

7.2.2 Additional Use Rights

Without prejudice to any power of the Council derived from any other law, nothing in this scheme shall be construed as prohibiting or restricting the following:

- a) The letting of part of a dwelling house by an occupant of that dwelling house, subject to Council's regulations related to boarding houses and hostels.
- b) The utilisation of a portion of a dwelling unit for purposes of occupational practice subject to condition 7.6.3.

7.3 INSTITUTION (Consent use)

7.3.1 Land Use Restrictions

- a) Coverage : at most 25%.
- b) Height : at most four storeys.
- c) Floor factor : at most 0,75.
- d) Building lines:
 - i) Street building line: at least 8m, subject to condition 7.6.1.
 - ii) Lateral building line: 4,5 m or half the height of the building, whichever is the greater, subject to condition 7.6.1.
 - iii) Rear building line: 4,5 m or half the height of the building, whichever is the greater, subject to condition 7.6.1.
- e) Parking :
 - i) In the case of hospitals and nursing homes 2 parking bays for every 3 patients shall be provided;
 - ii) In the case of clinics, 3 parking bays for every consulting room or examination room shall be provided;
 - iii) In the case of other institutional buildings, parking shall be as required by the Council; and
 - iv) subject to condition 7.6.2.

7.4 TOWN HOUSE, RETIREMENT VILLAGE (Consent uses)

7.4.1 Land Use Restrictions

- a) Coverage : at most 50%
- b) Height : at most two storeys
- c) Building lines :
 - i) Street building line : zero subject to condition 7.4.2
 - ii) Lateral building line : zero subject to conditions 7.4.2 and 7.6.1
 - iii) Rear building line : 3 m subject to condition 7.6.1.
- d) Parking:
 - i) Town house : At least two parking bays per town house subject to condition 7.4.3.
 - ii) Retirement village : As required by Council, and subject to condition 7.4.3.

7.4.2 Additional Building Line Requirements

- a) Despite the zero street building line, a street building line of 2m may be required to ensure safe traffic circulation or for other reasons such as the character of development in the area, and any driveway shall have an adequate area to allow comfortably for the parking of an average motor car thereon.
- b) Despite the zero lateral building line, the Council may impose an adequate lateral building line for fire fighting purposes, and a 3m lateral building line shall apply where town housing or a retirement village abuts on another zone.

7.4.3 Additional Parking Requirement

Parking may be provided at the town house or retirement house concerned, or part of the required number of parking bays at some of the town or retirement houses and the remainder in the form of communal parking, or the entire requirement may be provided in the form of communal parking.

7.5 GROUP HOUSE (Consent use)

7.5.1 Land use restrictions

- a) Height : at most two storeys.
- b) Building lines:
 - i) Street building line : Zero, subject to condition 7.5.6.
 - ii) Lateral and rear building lines : Zero, subject to condition 7.5.6.
- c) Parking : At least two parking bays per group house, subject to condition 7.5.8.

7.5.2 Objectives

The objectives which are reflected in the definition of "group housing" shall be closely followed and implemented.

7.5.3 Density

- a) The maximum gross density shall be twenty units per hectare or a 3:1 ratio with regard to the gross density of surrounding dwelling units, whichever permits the smaller number of units.
- b) Notwithstanding condition 7.5.3(a) where open spaces and/or roads have already been suitably provided to the satisfaction of the Council and need not be provided on the group housing site, a gross density up to a maximum of thirty units per hectare shall be permitted.

7.5.4 Open space

- a) A minimum open space of 80m² per dwelling unit shall be provided and in this context the term "open space" means public and common open spaces except roads, service yards and private outdoor spaces.
- b) In cases where the public open space has been suitably provided (partially or in full) in the vicinity, the minimum requirement for communal open space per dwelling unit may be reduced to the satisfaction of the Council.
- c) At least 40% of the gross floor space of the unit concerned shall consist of private outdoor space, in a form which shall not exceed a ratio of 2:1 (length to width).
- d) Garages and carports shall be excluded in the calculation of floor space for the purpose of determining the area of the private outdoor space.
- e) Where there is no distinction between communal open space and private outdoor space, the requirements of a) and b) shall be replaced by a combined open space requirement of at least 130m² per dwelling unit.

7.5.5 Service yard

In addition to the private outdoor space or the combined open space, as the case may be, a service yard of an adequate area and screened by a wall so as to render it out of sight of anyone other than the occupant(s) of the dwelling unit concerned, shall be provided to the satisfaction of the Council.

7.5.6 Building lines

- a) Street building lines may be zero provided that the Council may require a street building line of 2m to ensure safe traffic circulation or for other reasons such as the character of development in the area, and any driveway shall have an adequate area to allow comfortably for the parking of an average motorcar thereon.
- b) Lateral and rear building lines may be zero; provided that the Council may require an adequate lateral building line for fire fighting purposes, and a 3m lateral building line shall apply where a group housing zone abuts on another zone.

7.5.7 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.

7.5.8 Parking

- a) At least two parking bays per group house shall be provided on the group housing site.
- b) Parking may be provided at the group house concerned, or part of the required number of parking bays at some of the group houses and the remainder in the form of communal parking, or the entire requirement may be provided in the form of communal parking.

7.5.9 Road width

The minimum internal road reserve width shall be 8m provided that Council may require a greater road reserve width where it considers the vehicular use or length of road justifies the greater road reserve width.

7.6 ADDITIONAL CONDITIONS APPLICABLE TO THIS ZONE

7.6.1 Encroachment of Building Lines

- a) Notwithstanding conditions 7.1.1, 7.2.1, 7.3.1, and 7.4.1 the following structures or portions of a building may be erected over the prescribed building lines:
 - i) boundary walls and fences;
 - ii) open and uncovered stoeps;
 - iii) entrance steps and landings;
 - iv) eaves not projecting more than 1,0m from the wall of the building;
 - v) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the wall of the building;
 - vi) screenwalls not exceeding 2,0m in height above the ground provided that no screenwall shall be erected over the street building line without Council's consent;
 - vii) swimming pools not closer than 1,0m from any boundary;
 - viii) drying yards.
- b) The Council may approve the erection of an outbuilding which encroaches a lateral or rear building line, subject to -
 - i) the consent in writing of adjoining property owners;
 - ii) compliance with the street building line;
 - iii) such building not exceeding a height of one storey;
 - iv) no doors or windows being permitted in any wall of such building which fronts onto the rear or lateral boundary concerned;
 - v) the provision of an access way, other than through a building and at least 1m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard;

- vi) no runoff of rainwater from the roof discharging onto any adjoining property.

7.6.2 Additional Parking and Site Access Requirements

- a) The vehicular entrances and exitways shall be limited to one each per site per street abutting the site or alternatively one combined entrance and exitway per site, per street abutting the site.
- b) Notwithstanding condition (a), where the total length of any street boundary of a site exceeds 30 m in length, one additional entrance and exitway may be permitted; provided that no two entrances or exitways, or combined entrance and exitways, are closer together than 15 m.
- c) No vehicular entrance or exitway shall exceed 3 m in width where it crosses the street boundary and no combined entrance and exitway shall exceed 6m in width, where it crosses the street boundary.
- d) If the corner at a street intersection is not splayed, vehicular entrances or exitways shall not be closer than 10 m to such corner.
- e) If the corner at a street intersection is splayed, vehicular entrances or exitways shall not be closer than 10 m to such corner or 5 m measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.
- f) Parking areas shall be properly constructed to the satisfaction of the Council.
- g) Parking areas shall be used for the parking of vehicles which are lawfully allowed on them and trading, displaying of wares or any other activity is not permitted without the prior consent of Council.
- h) The way in which it is intended that vehicles shall park and the means of entrance and exit shall be shown on a plan and submitted to the Council which may approve or disapprove the plan and impose such conditions as it may deem necessary.
- i) Notwithstanding conditions a) to h) the Council may lay down more restrictive requirements in connection with parking and site access if deemed necessary from a pedestrian or traffic point of view, and such requirements may include additional parking.

7.6.3 Occupational Practice

- a) The following conditions shall apply where a portion of a dwelling house or dwelling unit is utilised for purposes of occupational practice:
 - i) Subject to the provisions of this scheme, the occupant may commence an occupational practice without first obtaining Council's permission, but such occupant shall, within 30 days thereafter, comply with condition (ii).
 - ii) Within 30 days of the commencement of an occupational practice, the occupant shall send a registered letter to all owners of property adjacent to or opposite the occupant's property, containing the following information:
 - a description of the nature and extent of the occupational practice; and

- a statement that any person who has a concern about the occupational practice may inform Council of their concern.
 - iii) Such dwelling, or any portion thereof shall not be used for purposes of a noxious trade.
 - iv) No goods for sale shall be publicly displayed, and no external indication of the occupational practice shall be visible, except for an advertising sign in accordance with condition (v).
 - v) No advertising sign shall be displayed other than a single unilluminated sign or notice not projecting over a street; such sign shall not exceed 2 000cm² in area and shall indicate only the name, telephone number and profession or occupation of the occupant.
 - vi) No activities shall be carried out which constitute or are likely to constitute a source of disturbance or nuisance to occupants of other dwelling units.
 - vii) Products, goods or supplies of any nature associated with the occupational practice may only be stored on the property in a room, building or structure of not more than 10% of the total floor area of the dwelling on the property with a maximum floor area of 40m², and no such products, goods, or supplies may be stored on the property in the open.
 - viii) No more than 5 persons in total may be engaged in occupational practices within a dwelling house or dwelling unit, including the occupant or occupants and any assistants.
 - ix) Council may impose such additional conditions as it may determine, and in so doing shall take note of any concerns that have been expressed by adjacent owners in terms of condition (ii).
- b) If any person is of the opinion that any condition referred to in clause (a) or the definition of "occupational practice" is contravened, such person may lodge a written complaint with the Council requesting action in terms of section 39(1)(b) of the Ordinance.
- c) The Council shall consider a complaint lodged in terms of clause (b) and if it is of the opinion that there is a contravention to the conditions referred to in clause a), or the definition of occupational practice, the Council shall take action, which action may include:
- i) The serving of a written notice on the person conducting such an occupation or activity, calling upon such person to comply with the instructions set out in such notice, or
 - ii) the serving of a written notice on the person conducting such an occupation or activity, requiring such person to cease using the dwelling unit in question for such occupation or activity by a date specified in such notice.
- d) Any person wishing to practice an occupation, or a trade or conduct an enterprise which does not comply with the conditions stated in clause a) or the definition of "occupational practice", may apply to Council for its consent to practice such occupation or trade or conduct such enterprise.

- e) Council may refuse its consent, or may grant its consent for an application in terms of clause d) provided that the primary use of the dwelling house or dwelling unit concerned shall remain for the living accommodation of a single family, and Council may impose such conditions as it deems fit.

8. LOCAL BUSINESS ZONE

Primary uses: Shop, office, block of flats above ground floor.
 Consent use: Supermarket

8.1 SHOP, OFFICE, BLOCK OF FLATS ABOVE GROUND FLOOR (Primary uses) SUPERMARKET (Consent use)

8.1.1 Land use restrictions

- a) Coverage : at most 80%.
- b) Height : at most two storeys.
- c) Floor factor : at most 1,5.
- d) Setback : at least 6,5 m
- e) Building lines:
 - i) Street building line: zero, subject to the setback restriction.
 - ii) Lateral building line: zero, subject to condition 8.1.2 and 8.1.3.
 - iii) Rear building line: 3,0 m subject to condition 8.1.3.
- f) Parking:
 - i) Shops and offices : at least one unreserved parking bay per 25 m² of the gross leasable area;
 - ii) Block of flats : at least one parking bay for each dwelling unit shall be provided, plus one additional bay for every four dwelling units for the use of visitors;
 - iii) Supermarket : as specified by Council;
 - iv) : subject to conditions 8.1.4 and 8.1.5.

8.1.2 Additional building line requirements

- a) A building or portion of a building may only be erected on the lateral boundary of a property if no doors, or windows or ventilation openings are inserted in any wall on such boundary.
- b) Where a local business zone abuts a single residential zone, the lateral building line in the local business zone shall be at least 3,0 m.
- c) The Council may impose lateral building lines in the interests of public health or in order to enforce any law or right.

8.1.3 Encroachment of Building Lines

- a) Notwithstanding condition 8.1.1 the following structures or portions of a building may be erected over the prescribed building lines:
 - i) boundary walls and fences.
 - ii) open and uncovered stoeps.
 - iii) entrance steps and landings.
 - iv) eaves not projecting more than 1,0 m from the wall of the building;
 - v) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of the building.

- vi) screenwalls not exceeding 2.0 m in height above the ground provided that no screenwall shall be erected over the street building line without Council's consent.
 - vii) swimming pools not closer than 1.0 m from any boundary;
 - viii) drying yards.
- b) The Council may approve the erection of an outbuilding which encroaches a lateral or rear building line, subject to -
- i) the consent in writing of adjoining property owners;
 - ii) compliance with the street building line;
 - iii) such building not exceeding a height of one storey;
 - iv) no doors or windows being permitted in any wall of such building which fronts onto the rear or lateral boundary concerned;
 - v) the provision of an access way, other than through a building and at least 1m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard; and
 - vi) no runoff of rainwater from the roof discharging onto any adjoining property.

8.1.4 Alternative parking provisions

- a) As an alternative to the parking requirement referred to in condition 8.1.1, the owner may, with the consent of the Council where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking space on the site, acquire the prescribed area of land for the parking facilities concerned elsewhere in a position approved by the Council; provided that he shall register a notarial deed against such land to the effect that the Council and public shall have free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the Council; the cost of registration of the servitude shall be borne by the owner.
- b) As an alternative to condition 8.1.4(a), the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided in terms of the relevant parking regulation in which event the Council itself shall be responsible for acquiring the necessary land for such parking purposes when and where the Council desires.

8.1.5 Additional Parking and Site Access Requirements

- a) The vehicular entrances and exitways shall be limited to one each per site per street abutting the site, or alternatively one combined entrance and exitway per site per street abutting the site.
- b) Notwithstanding condition (a), where the total length of any street boundary of a site exceeds 30 m in length, one additional entrance and exitway may be permitted; provided that no two entrances or exitways, or combined entrance and exitways, are closer together than 15 m.
- c) No vehicular entrance or exitway shall exceed 3 m in width where it crosses the street boundary and no combined entrance and exitway shall exceed 6m in width where it crosses the street boundary.

- d) If the corner at a street intersection is not splayed, vehicular entrances or exit ways shall not be closer than 10 m to such corner.
- e) If the corner at a street intersection is splayed, vehicular entrances or exit ways shall not be closer than 10 m to such corner or 5m measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.
- f) Parking areas shall be properly constructed to the satisfaction of the Council.
- g) Parking areas shall be used for the parking of vehicles which are lawfully allowed on them and trading, displaying of wares or any other activity is not permitted without the prior consent of Council.
- h) The way in which it is intended that vehicles shall park and the means of entrance and exit shall be shown on a plan and submitted to the Council which may approve or disapprove the plan and impose such conditions as it may deem necessary.
- i) Notwithstanding conditions a) to h) the Council may lay down more restrictive requirements in connection with parking and site access if deemed necessary from a pedestrian or traffic point of view, and such requirements may include additional parking.

8.1.6 Canopy Projection

The Council may require, and shall permit, a canopy projection over the street boundary in accordance with the following conditions:

- a) The canopy shall not project nearer than 500 mm to a vertical plane through the kerb line.
- b) No portion of a canopy projection shall be less than 3 m above the pavement.
- c) Council may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy.

9. BUSINESS ZONE

- Primary uses: business premises, block of flats or residential building above the ground floor.
- Consent uses: place of assembly; place of instruction; place of entertainment, institution, supermarket, service trade, licensed hotel.

9.1 BUSINESS PREMISES, BLOCK OF FLATS OR RESIDENTIAL BUILDING ABOVE THE GROUND FLOOR (Primary uses)

9.1.1 Land use restrictions

- a) Coverage : at most 80%.
- b) Floor factor : at most 2 of which not more than 1 may be utilized for residential accommodation above the ground floor.
- c) Height : at most four storeys.
- d) Setback : at least 6,5 m.
- e) Building lines:
 - i) Street building line: zero subject to the setback restriction.
 - ii) Lateral building line: zero, subject to condition 9.4.1 and 9.4.2.
 - iii) Rear building line: 4,5 m or half the height of the building, whichever is the greater, subject to condition 9.4.2.
- f) Parking:
 - i) Business premises: at least one unreserved parking bay per 25 m² of the gross leasable area;
 - ii) Block of flats: at least one parking bay for each dwelling unit shall be provided plus one additional bay for every four dwelling units for the use of visitors;
 - iii) Residential building: at least 0,7 parking bay per bedroom; and
 - iv) subject to conditions 9.4.3 and 9.4.4.

9.1.2 Canopy Projection

The Council may require, and shall permit, a canopy projection over the street boundary in accordance with the following conditions:

- a) the canopy shall not project nearer than 500 mm to a vertical plane through the kerb line;
- b) no portion of a canopy projection shall be less than 3 m above the pavement;
- c) Council may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy.

9.2 PLACE OF ASSEMBLY, PLACE OF INSTRUCTION, PLACE OF ENTERTAINMENT, INSTITUTION, SUPERMARKET, SERVICE TRADE (Consent uses)

9.2.1 Land use restrictions

- a) Coverage : 80%.
- b) Floor factor : at most 2.
- c) Height : at most four storeys.
- d) Setback : at least 6,5 m.
- e) Building lines:
 - i) Street building line: zero subject to the setback restriction.
 - ii) Lateral building line: zero, subject to condition 9.4.1 and 9.4.2.
 - iii) Rear building line: 4,5 m or half the height of the building, whichever is the greater, subject to condition 9.4.2.
- f) Parking:
 - i) Place of assembly: at least one parking bay per four seats that are provided in the building or twenty bays per 100 m² of the gross leasable area whichever provides the greater number of bays;
 - ii) Place of instruction: at least one bay per classroom or school office; plus visitor parking and a student drop off zone as required by Council;
 - iii) Place of entertainment: 1 parking bay for every 4 persons who may use the facility at a single time;
 - iv) Institution: In the case of hospitals and nursing homes 2 parking bays for every 3 patients shall be provided. In the case of clinics 3 parking bays for every consulting room or examination room shall be provided. In the case of other institutional buildings, parking shall be as required by the Council;
 - v) Supermarket: as specified by Council; and
 - vi) subject to regulations 9.4.3 and 9.4.4.

9.2.2 Additional Use Right

Without prejudice to any powers of the Council derived from any other law, a place of instruction may occasionally be used as a hall for social functions.

9.3 LICENSED HOTEL (Consent Use)

9.3.1 Land use restrictions

- a) Coverage : At most 80%
- b) Height : At most four storeys
- c) Floor factor : At most 2
- d) Setback : At least 6,5 m
- e) Building lines:
 - i) Street building line : Zero subject to the setback restriction
 - ii) Lateral building line : Zero subject to condition 9.4.1 and 9.4.2
 - iii) Rear building line : 4,5 m or half the height of the building, whichever is the greater, subject to condition 9.4.2.
- f) Parking :
 - i) At least 0,7 parking bay per bedroom shall be provided plus an additional twenty parking bays which shall be clearly demarcated and properly indicated by means of a notice board to the satisfaction of the Council for use by visitors who are non paying guests; and
 - ii) subject to conditions 9.4.3 and 9.4.4.

9.4 ADDITIONAL CONDITIONS APPLICABLE TO THIS ZONE

9.4.1 Additional building line requirements

- a) A building or portion of a building may only be erected on the lateral boundary of a property if no doors or windows or ventilation openings are inserted in any wall on such boundary.
- b) Where a business zone abuts a single residential zone, the lateral building line in the business zone shall be 3,0 m.
- c) The Council may impose lateral building lines in the interests of public health or in order to enforce any law or right.

9.4.2 Encroachment of Building Lines

- a) Notwithstanding conditions 9.1.1, 9.2.1 and 9.3.1 the following structures or portions of a building may be erected over the prescribed building lines:
 - i) boundary walls and fences;
 - ii) open and uncovered stoeps;
 - iii) entrance steps and landings;
 - iv) eaves not projecting more than 1,0 m from the wall of the building;
 - v) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of the building;
 - vi) screenwalls not exceeding 2,0 m in height above the ground provided that no screenwall shall be erected over the street building line without Council's consent;
 - vii) swimming pools not closer than 1,0 m from any boundary;

- viii) drying yards;
 - ix) subject to the provisions of the National Building Regulations, a zero building line shall apply to all portions of a building, the ceiling level of which is below ground level.
- b) The Council may approve the erection of an outbuilding which encroaches a lateral or rear building line, subject to -
- i) the consent in writing of adjoining property owners;
 - ii) compliance with the street building line;
 - iii) such building not exceeding a height of one storey;
 - iv) no doors or windows being permitted in any wall of such building which fronts onto the rear or lateral boundary concerned;
 - v) the provision of an access way, other than through a building and at least 1m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard, and
 - vi) no runoff of rainwater from the roof discharging onto any adjoining property.

9.4.3 Alternative parking provisions

- a) As an alternative to the parking requirement referred to in conditions 9.1.1, 9.2.1 and 9.3.1, the owner may, with the consent of the Council where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking space on the site, acquire the prescribed area of land for the parking facilities concerned elsewhere in a position approved by the Council; provided that he shall register a notarial deed against such land to the effect that the Council and public shall have free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the Council; the cost of registration of the servitude shall be borne by the owner.
- b) As an alternative to condition 9.4.3(a), the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided in terms of the relevant parking condition in which event the Council itself shall be responsible for acquiring the necessary land for such parking purposes when and where the Council desires.

9.4.4 Additional Parking and Site Access Requirements

- a) The vehicular entrances and exitways shall be limited to one each per site per street abutting the site, or alternatively one combined entrance and exitway per site per street abutting the site.
- b) Notwithstanding condition (a), where the total length of any street boundary of a site exceeds 30 m in length, one additional entrance and exitway may be permitted provided that no two entrances or exitways, or combined entrance and exitways, are closer together than 15 m.
- c) No vehicular entrance or exitway shall exceed 3 m in width where it crosses the street boundary and no combined entrance and exitway shall exceed 6 m in width where it crosses the street boundary.

- d) If the corner at a street intersection is not splayed, vehicular entrances or exit ways shall not be closer than 10 m to such corner.
- e) If the corner at a street intersection is splayed, vehicular entrances or exit ways shall not be closer than 10 m to such corner or 5 m measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.
- f) Parking areas shall be properly constructed to the satisfaction of the Council.
- g) Parking areas shall be used for the parking of vehicles which are lawfully allowed on them and trading, displaying of wares or any other activity is not permitted without the prior consent of Council.
- h) The way in which it is intended that vehicles shall park and the means of entrance and exit shall be shown on a plan and submitted to the Council which may approve or disapprove the plan and impose such conditions as it may deem necessary.
- i) Notwithstanding conditions a) to h) the Council may lay down more restrictive requirements in connection with parking and site access if deemed necessary from a pedestrian or traffic point of view, and such requirements may include additional parking.

10. PLACE OF ASSEMBLY ZONE

Primary use : place of assembly.
 Consent use : none.

10.1 PLACE OF ASSEMBLY (Primary use)

10.1.1 Land Use Restrictions

- a) Coverage : 50%.
- b) Height : at most 2 storeys.
- c) Building lines:
 - i) Street building line: at least 10 m, subject to condition 10.1.2.
 - ii) Lateral building line: at least 10 m, subject to condition 10.1.2.
 - iii) Rear building line: at least 10 m, subject to condition 10.1.2.
- d) Parking :
 - i) At least one parking bay per four seats that are provided in the building, or twenty bays per 100 m² of the gross leasable area, whichever provides the greater number of bays; and
 - ii) subject to conditions 10.1.3 and 10.1.4.

10.1.2 Encroachment of Building Lines

- a) Notwithstanding condition 10.1.1 the following structures or portions of a building may be erected over the prescribed building lines:
 - i) boundary walls and fences.
 - ii) open and uncovered stoeps.
 - iii) entrance steps and landings;
 - iv) eaves not projecting more than 1,0 m from the wall of the building.
 - v) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of the building.
 - vi) screenwalls not exceeding 2,0 m in height above the ground provided that no screenwall shall be erected over the street building line without Council's consent.
 - vii) swimming pools not closer than 1,0 m from any boundary.
 - viii) drying yards.
- b) The Council may approve the erection of an outbuilding which encroaches into a lateral or rear building line, subject to -
 - i) the consent in writing of adjoining property owners;
 - ii) compliance with the street building line;
 - iii) such building not exceeding a height of one storey;
 - iv) no doors or windows being permitted in any wall of such building which fronts onto the rear or lateral boundary concerned;
 - v) the provision of an access way, other than through a building and at least 1m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard; and

- vi) no runoff of rainwater from the roof discharging onto any adjoining property.

10.1.3 Alternative Parking Provisions

- a) As an alternative to the parking requirement referred to in condition 10.1.1, the owner may, with the consent of the Council where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking space on the site, acquire the prescribed area of land for the parking facilities concerned elsewhere in a position approved by the Council; provided that he shall register a notarial deed against such land to the effect that the Council and public shall have free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the Council; the cost of registration of the servitude shall be borne by the owner.
- b) As an alternative to condition 10.1.3(a), the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided in terms of the relevant parking condition in which event the Council itself shall be responsible for acquiring the necessary land for such parking purposes when and where the Council desires.

10.1.4 Additional Parking and Site Access Requirements

- a) The vehicular entrances and exitways shall be limited to one each per site per street abutting the site, or alternatively one combined entrance and exitway per site per street abutting the site.
- b) Notwithstanding condition (a), where the total length of any street boundary of a site exceeds 30 m in length, one additional entrance and exitway may be permitted provided that no two entrances or exitways, or combined entrance and exitways, are closer together than 15 m.
- c) No vehicular entrance or exitway shall exceed 3 m in width where it crosses the street boundary and no combined entrance and exitway shall exceed 6m in width where it crosses the street boundary.
- d) If the corner at a street intersection is not splayed, vehicular entrances or exit ways shall not be closer than 10 m to such corner.
- e) If the corner at a street intersection is splayed, vehicular entrances or exit ways shall not be closer than 10 m to such corner or 5 m measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.
- f) Parking areas shall be properly constructed to the satisfaction of the Council.
- g) Parking areas shall be used for the parking of vehicles which are lawfully allowed on them and trading, displaying of wares or any other activity is not permitted without the prior consent of Council.
- h) The way in which it is intended that vehicles shall park and the means of entrance and exit shall be shown on a plan and submitted to the Council which may approve or disapprove the plan and impose such conditions as it may deem necessary.

- i) Notwithstanding conditions a) to h) the Council may lay down more restrictive requirements in connection with parking and site access if deemed necessary from a pedestrian or traffic point of view, and such requirements may include additional parking.

11. PLACE OF WORSHIP ZONE

- Primary uses : place of worship, parsonage.
 Consent uses : place of assembly, place of instruction.

11.1 PLACE OF WORSHIP (Primary use)

11.1.1 Land use restrictions

- a) Coverage : at most 50%.
- b) Building lines : at least 10 m on all boundaries subject to condition 11.4.1.
- c) Parking : At least one parking bay per eight seats which are provided in all buildings on the site, subject to conditions 11.4.2 and 11.4.3.

11.1.2 Additional Use Right

Without prejudice to any powers of the Council derived from any other law, a place of worship may occasionally be used as a hall for social functions, provided:

- a) the social functions are incidental and related to the normal activities undertaken at the place of worship;
- b) the social functions do not generate excessive and prolonged disturbance such as noise.

11.2 PARSONAGE (Primary use)

11.2.1 Land Use Restrictions

Notwithstanding condition 11.1.1, the following land use restrictions shall apply to a parsonage.

- a) Coverage : together with all other buildings, at most 50%.
- b) Height : at most two storeys.
- c) Building lines:
 - i) Street building line: at least 7,5 m, subject to condition 11.4.1.
 - ii) Lateral building line: at least 2 m subject to condition 11.4.1.
 - iii) Rear building line: at least 3,0 m subject to condition 11.4.1.
- d) Parking: at least two parking bays per parsonage on the land unit.

11.3 PLACE OF ASSEMBLY, PLACE OF INSTRUCTION (Consent uses)

11.3.1 Land use restrictions

- a) Coverage : at most 50%.
- b) Height : at most two storeys.
- c) Building lines:
 - i) Street building line: at least 10 m subject to condition 11.4.1.
 - ii) Lateral building line: at least 10 m, subject to condition 11.4.1.
 - iii) Rear building line: at least 10 m subject to condition 11.4.1.

- d) Parking:
 - i) Places of assembly: at least one parking bay per four seats that are provided in the building, or twenty bays per 100 m² of the gross leasable area, whichever provides the greater number of bays;
 - ii) Places of instruction: at least one bay per classroom or school office; plus visitor parking and a student drop off zone as required by Council;
 - iii) subject to conditions 11.4.2 and 11.4.3.

11.3.2 Additional Use Right

Without prejudice to any powers of the Council derived from any other law, a place of instruction may occasionally be used as a hall for social functions, provided:

- a) the social functions are incidental and related to the normal activities undertaken at the place of instruction;
- b) the social functions do not generate excessive and prolonged disturbance such as noise.

11.4 ADDITIONAL CONDITIONS APPLICABLE TO THIS ZONE

11.4.1 Encroachment of Building Lines

- a) Notwithstanding conditions 11.1.1, 11.2.1 and 11.3.1 the following structures or portions of a building may be erected over the prescribed building lines:
 - i) boundary walls and fences;
 - ii) open and uncovered stoeps;
 - iii) entrance steps and landings;
 - iv) eaves not projecting more than 1,0 m from the wall of the building;
 - v) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the wall of the building;
 - vi) screenwalls not exceeding 2,0 m in height above the ground provided that no screenwall shall be erected over the street building line without Council's consent;
 - vii) swimming pools not closer than 1,0 m from any boundary;
 - viii) drying yards.
- b) The Council may approve the erection of an outbuilding which encroaches into a lateral or rear building line, subject to -
 - i) the consent in writing of adjoining property owners;
 - ii) compliance with the street building line;
 - iii) such building not exceeding a height of one storey;
 - iv) no doors or windows being permitted in any wall of such building which fronts onto the rear or lateral boundary concerned;
 - v) the provision of an access way, other than through a building and at least 1 m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard;

- vi) no runoff of rainwater from the roof discharging onto any adjoining property.

11.4.2 Alternative parking provisions

- a) As an alternative to the parking requirement referred to in conditions 11.1.1 and 11.3.1, the owner may, with the consent of the Council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking space on the site, acquire the prescribed area of land for the parking facilities concerned elsewhere in a position approved by the Council; provided that he shall register a notarial deed against such land to the effect that the Council and public shall have free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the Council; the cost of registration of the servitude shall be borne by the owner.
- b) As an alternative to condition 11.4.2(a), the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided in terms of the relevant parking condition in which event the Council itself shall be responsible for acquiring the necessary land for such parking purposes when and where the Council desires.

11.4.3 Additional Parking and Site Access Requirements

- a) The vehicular entrances and exitways shall be limited to one each per site per street abutting the site, or alternatively one combined entrance and exitway per site per street abutting the site.
- b) Notwithstanding condition (a), where the total length of any street boundary of a site exceeds 30 m in length, one additional entrance and exitway may be permitted provided that no two entrances or exitways, or combined entrance and exitways, are closer together than 15 m.
- c) No vehicular entrance or exitway shall exceed 3 m in width where it crosses the street boundary and no combined entrance and exitway shall exceed 6m in width where it crosses the street boundary.
- d) If the corner at a street intersection is not splayed, vehicular entrances or exit ways shall not be closer than 10 m to such corner.
- e) If the corner at a street intersection is splayed, vehicular entrances or exit ways shall not be closer than 10 m to such corner or 5 m measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.
- f) Parking areas shall be properly constructed to the satisfaction of the Council.
- g) Parking areas shall be used for the parking of vehicles which are lawfully allowed on them and trading, displaying of wares or any other activity is not permitted without the prior consent of Council.
- h) The way in which it is intended that vehicles shall park and the means of entrance and exit shall be shown on a plan and submitted to the Council which may approve or disapprove the plan and impose such conditions as it may deem necessary.

- i) Notwithstanding conditions a) to h) the Council may lay down more restrictive requirements in connection with parking and site access if deemed necessary from a pedestrian or traffic point of view, and such requirements may include additional parking.

12. AUTHORITY ZONE

Primary use : authority usage.
Consent use : none.

12.1 AUTHORITY USAGE (Primary use)

- 12.1.1 The land use restrictions and additional conditions applicable to this zone shall be specified by the Council.
- 12.1.2 No structure shall be erected or use practised except such as is compatible with "authority usage," as defined.

13. EDUCATION ZONE

Primary use : place of instruction.
 Consent use : place of assembly.

13.1 PLACE OF INSTRUCTION (Primary use)

13.1.1 Land use restrictions

- a) Coverage : at most 50%.
- b) Height : at most two storeys.
- c) Building lines :
 - i) Street building line: at least 10 m subject to condition 13.3.1.
 - ii) Lateral building line: at least 10 m subject to condition 13.3.1.
 - iii) Rear building line: at least 10 m subject to condition 13.3.1.
- d) Parking : at least one bay per classroom or school office, plus visitor parking and a student drop off zone as required by Council, and subject to conditions 13.3.2 and 13.3.3.

13.1.2 Additional Use Right

Without prejudice to any powers of the Council derived from any other law, a place of instruction may occasionally be used as a hall for social functions, provided:

- a) the social functions are incidental and related to the normal activities undertaken at the place of instruction;
- b) the social functions do not generate excessive and prolonged disturbance such as noise.

13.2 PLACE OF ASSEMBLY (Consent use)

13.2.1 Land use restrictions

- a) Coverage : at most 50%.
- b) Height : at most two storeys.
- c) Building lines:
 - i) Street building line: at least 10 m subject to condition 13.3.1.
 - ii) Lateral building line: at least 10 m subject to condition 13.3.1.
 - iii) Rear building line: at least 10 m subject to condition 13.3.1.
- d) Parking: at least one parking bay per four seats that are provided in the building or twenty bays per 100 m² of the gross leasable area, whichever provides the greater number of bays, and subject to conditions 13.3.2 and 13.3.3.

13.3 ADDITIONAL CONDITIONS APPLICABLE TO THIS ZONE

13.3.1 Encroachment of Building Lines

- a) Notwithstanding conditions 13.1.1 and 13.2.1 the following structures or

portions of a building may be erected over the prescribed building lines:

- i) boundary walls and fences.
 - ii) open and uncovered stoeps.
 - iii) entrance steps and landings.
 - iv) eaves not projecting more than 1,0 m from the wall of the building.
 - v) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the wall of the building.
 - vi) screenwalls not exceeding 2,0 m in height above the ground provided that no screenwall shall be erected over the street building line without Council's consent.
 - vii) swimming pools not closer than 1,0 m from any boundary.
 - viii) drying yards.
- b) The Council may approve the erection of an outbuilding which encroaches into a lateral or rear building line, subject to -
- i) the consent in writing of adjoining property owners;
 - ii) compliance with the street building line;
 - iii) such building not exceeding a height of one storey;
 - iv) no doors or windows being permitted in any wall of such building which fronts onto the rear or lateral boundary concerned;
 - v) the provision of an access way, other than through a building and at least 1m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard; and
 - vi) no runoff of rainwater from the roof discharging onto any adjoining property.

13.3.2 Alternative parking provisions

- a) As an alternative to the parking requirement referred to in conditions 13.1.1 and 13.2.1, the owner may, with the consent of the Council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking space on the site, acquire the prescribed area of land for the parking facilities concerned elsewhere in a position approved by the Council; provided that he shall register a notarial deed against such land to the effect that the Council and public shall have free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the Council; the cost of registration of the servitude shall be borne by the owner.
- b) As an alternative to condition 13.3.2(a), the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided in terms of the relevant parking condition in which event the Council itself shall be responsible for acquiring the necessary land for such parking purposes when and where the Council desires.

13.3.3 Additional Parking and Site Access Requirements

- a) The vehicular entrances and exitways shall be limited to one each per site per street abutting the site, or alternatively one combined entrance and

- exitway per site per street abutting the site.
- b) Notwithstanding condition (a), where the total length of any street boundary of a site exceeds 30 m in length, one additional entrance and exitway may be permitted provided that no two entrances or exitways, or combined entrance and exitways, are closer together than 15 m.
 - c) No vehicular entrance or exitway shall exceed 3 m in width where it crosses the street boundary and no combined entrance and exitway shall exceed 6m in width where it crosses the street boundary.
 - d) If the corner at a street intersection is not splayed, vehicular entrances or exit ways shall not be closer than 10 m to such corner.
 - e) If the corner at a street intersection is splayed, vehicular entrances or exit ways shall not be closer than 10 m to such corner or 5 m measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.
 - f) Parking areas shall be properly constructed to the satisfaction of the Council.
 - g) Parking areas shall be used for the parking of vehicles which are lawfully allowed on them and trading, displaying of wares or any other activity is not permitted without the prior consent of Council.
 - h) The way in which it is intended that vehicles shall park and the means of entrance and exit shall be shown on a plan and submitted to the Council which may approve or disapprove the plan and impose such conditions as it may deem necessary.
 - i) Notwithstanding conditions a) to h) the Council may lay down more restrictive requirements in connection with parking and site access if deemed necessary from a pedestrian or traffic point of view, and such requirements may include additional parking.

14. SERVICE STATION ZONE

Primary use : service station.
Consent use : none.

14.1 SERVICE STATION (Primary use)

14.1.1 Land use restrictions

- a) Coverage : at most 75%.
- b) Floor factor : at most 1,5.
- c) Height : at most two storeys.
- d) Setback : at least 6,5 m.
- e) Building lines:
 - i) Street building line: 3,0 m.
 - ii) Lateral and rear building lines : zero, subject to condition 14.1.2 and 14.1.3.
- f) Parking : At least 4 parking bays per working bay plus 1 parking bay per 50 m² of the gross leasable area devoted to spares and sales activities; provided that the parking bays be clearly indicated for visitors.

14.1.2 Additional Building Line Requirements

- a) Council may lay down lateral building lines in the interest of public health or in order to enforce any law or right.
- b) Where the boundary of a site forms a common boundary with any residential zone, the lateral building line shall be at least 3,0 m subject to condition 14.1.3.

14.1.3 Encroachment of Building Lines

- a) Notwithstanding condition 14.1.2 the following structures or portions of a building may be erected over the prescribed building lines:
 - i) boundary walls and fences.
 - ii) open and uncovered stoeps.
 - iii) entrance steps and landings.
 - iv) eaves not projecting more than 1,0 m from the wall of the building.
 - v) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of the building.
 - vi) screenwalls not exceeding 2,0 m in height above the ground provided that no screenwall shall be erected over the street building line without Council's consent.
 - vii) swimming pools not closer than 1,0 m from any boundary.
 - viii) drying yards.
- b) The Council may approve the erection of an outbuilding which encroaches into a lateral or rear building line, subject to -
 - i) the consent in writing of adjoining property owners;

- ii) compliance with the street building line;
- iii) such building not exceeding a height of one storey;
- iv) no doors or windows being permitted in any wall of such building which fronts onto the rear or lateral boundary concerned;
- v) the provision of an access way, other than through a building and at least 1m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard; and
- vi) no runoff of rainwater from the roof discharging onto any adjoining property.

14.1.4 Additional Access and Screening Conditions

- a) The vehicular access and exit ways to and from the premises of a service station shall, where they cross the road boundary, be not more than 10m wide, and a wall at least 100 mm thick and 200 mm 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 shall be restricted to one each for every continuous stretch of frontage of 30 m which the premises whereon such pumps are erected have on the boundary of a public street or public road.
- b) The vehicular access and exit ways to and from the premises of a service station where they cross the road boundary, shall
 - i) be not less than 30 m from the point nearest to where a declared road, proclaimed road or prospective main road intersects any other road of a like status, or the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;
 - ii) be not less than 1,5 m from the side boundary of the premises, or
 - iii) in the case of an intersection other than one referred to in paragraph (i), if the corner of the intersection is not splayed, be not less than 10 m from such corner, or if the corner at the intersection is splayed, be not less than 10 m from such corner or 5 m from the point where the line of splay meets the road boundary, whichever is the greater distance from the corner.
- c) Any part of the premises of a service station which is used for the storage of disused motor vehicles or parts of motor vehicles, empty containers such as oil drums and packing cases, or any other scrap whatsoever, or for the repair of motor vehicles shall, unless it is enclosed by buildings at least 2 m high, be enclosed with a suitable brick or concrete screen wall at least 2 m high.

15. PUBLIC OPEN SPACE ZONE

Primary use : public open space
Consent use : none.

15.1 PUBLIC OPEN SPACE (Primary use)

- 15.1.1 No structure shall be erected or use practised except such as is compatible with "public open space", as defined.
- 15.1.2 The provisions contained in a relevant guide plan that is in force in terms of section 37(1) of the Physical Planning Act, 1991 (Act 125 of 1991), shall mutatis mutandis apply as additional land use restrictions in this zone.

16. PRIVATE OPEN SPACE ZONE

Primary use : private open space.
Consent uses : none.

16.1 PRIVATE OPEN SPACE (Primary use)

- 16.1.1 No structure shall be erected or use practised except such as is compatible with "private open space", as defined.
- 16.1.2 The provisions contained in a relevant guide plan that is in force in terms of section 37(1) of the Physical Planning Act, 1991 (Act 125 of 1991), shall mutatis mutandis apply as additional land use restrictions in this zone.
- 16.1.3 The Council may specify land use restrictions with regard to height, coverage and building lines of any structures, as well as parking and access requirements.

17. PUBLIC ROAD ZONE

Primary use : public road.
Consent uses : none.

17.1 PUBLIC ROAD (Primary use)

17.1.1 No structure shall be erected or use practised except such as is compatible with "public road", as defined.

18. PUBLIC PARKING ZONE

Primary use : public parking.
Consent uses : none.

18.1 PUBLIC PARKING (Primary use)

18.1.1 No structure shall be erected or use practised except such as is compatible with "public parking", as defined.

19. TRANSPORT ZONE

Primary use : transport usage
 Consent use : warehouse, private parking

19.1 TRANSPORT USAGE (Primary use)

19.1.1 Land use restrictions

- a) Coverage : At most 80%
- b) Floor factor : At most 1,0
- c) Height : At most 3 storeys provided that an elevated building shall not exceed a height of 12m from natural ground level to the ceiling of the top storey.
- d) Building lines :
 - i) Street building line : Zero
 - ii) Lateral and rear building lines: Zero except where a Transport Zone abuts on another zone, in which case the lateral or rear building line of the latter zone shall also apply to the Transport Zone.
- e) Parking : As required by Council.

19.2 WAREHOUSE, PRIVATE PARKING (Consent Use)

- 19.2.1 Council may grant its consent for a warehouse and/or private parking to be erected above a transport usage, and in granting its consent, may lay down such conditions as it deems necessary.

20. UNDETERMINED ZONE

Primary use : none, subject to section 14(8) of the Ordinance.
Consent use : none.

21. SPECIAL ZONE

Primary use : special usage, uses specified in the relevant annexure.
Consent use : uses specified as consent uses in the relevant annexure.

21.1 JURISDICTION

The land within any specific area which is depicted on the map and described as a special zone, shall receive a Special Zone designation e.g. "Special Zone A" and shall in addition to the conditions of the Zoning Scheme, be entitled to the uses and further be subject to the special conditions applicable to that Special Zone as contained in an annexure to the Zoning Scheme. This annexure may consist of annexures to both the zoning conditions and the zoning map.

21.2 PRIORITY

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

PART IV : GENERAL CONDITIONS**22. ADDITIONAL LAWS AND REGULATIONS****22.1 Compliance with regulations**

- a) Subject to clause 22.2 nothing in these conditions shall be deemed to grant exemption from compliance with any of the Council's regulations and by-laws.
- b) Nothing in the scheme or in any consent given in terms thereof shall be deemed to detract from any rights the Council possesses by virtue of any servitude, contract or agreement.
- c) Except where the contrary is specifically stated in the zoning scheme, nothing in any provision of the scheme shall be deemed to override or absolve compliance with any other provision of the zoning scheme.

22.2 Conflict of laws

- a) In terms of section 13(1) of the Ordinance, when any provision of a zoning scheme is in conflict with another ordinance or by-law or regulation made thereunder, such provision shall, subject to the provisions of section 13(2) of the Ordinance, prevail.
- b) In terms of section 13(2) of the Ordinance the provisions of any other ordinance, insofar as they relate to the determination of the boundaries and widths of roads and to the erection of structures within a specified distance of the boundaries or centre line of roads, shall have preference above the provisions of a zoning scheme except insofar as such a zoning scheme -
 - i) provides for a road width greater than that determined in terms of such other ordinance; or
 - ii) requires structures to be at a distance from the boundary or centre line of a road greater than that determined by or in terms of such other ordinance.

22.3 Imposed conditions

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

22.4 Townships Ordinance, 1934

Notwithstanding anything to the contrary contained in these regulations conditions of ownership imposed by the Administrator upon the approval of townships and minor subdivisions in terms of the Townships Ordinance, 1934 (Ordinance 33 of 1934), shall be applicable in so far as such conditions are more restrictive than the provisions of the zoning scheme.

22.5 Non-conforming sites

Before written authority is granted in terms of section 96(1) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), or a licence is issued by the Council with regard to a site for which there is no valid licence on the date of coming into operation of these scheme regulations, or when a building is extended or changed, the Council may require that all the buildings on the site and the site itself be brought into line with the land use restrictions contained in these regulations, with the by-laws of the Council, and with any other laws which are applicable.

23. COUNCIL'S DUTIES

23.1 Evasion of intent of the zoning scheme

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 zoning scheme or of any of its provisions.

23.2 Public scrutiny

The Council shall allow any person at any reasonable time to examine any zoning conditions, zoning map or register, as contemplated by sections 9, 10 and 12 respectively of the Ordinance, which are kept in the office of the Council; provided that any information in connection with the zoning scheme which is given to any person shall only be valid if it is in writing and signed by the official duly authorised thereto by the Council.

23.3 Service of documents

The provisions of section 211 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), shall mutatis mutandis apply to this zoning scheme.

24. METHOD OF MEASURING DISTANCES, ETC

24.1 Where reference is made or implied in the zoning scheme to the distance between a building and a boundary, such distance shall be measured in the following manner:

- i) Such boundary and all points of such building shall be projected onto a horizontal plane, and all measurements shall be made in such plane.
- ii) The distance between a point on a building and a boundary shall be measured at right angles to such boundary.

24.2 Where reference is made in the zoning scheme to a portion of a boundary "opposite" a building, such portion shall be defined by drawing lines in the manner prescribed in condition 24.1 from points on such building, at right angles to such boundary.

24.3 Where reference is made in the zoning scheme 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 zoning scheme, the Town Engineer shall determine such mean level in accordance with such intent.

25. LOADING AND UNLOADING FACILITIES

- 25.1 The Council may, for the purpose of preventing the obstruction of traffic on any street or proposed street on which a proposed building will front or abut, require the owner to submit for its approval proposals for ensuring, to the Council's satisfaction, suitable and sufficient space on the site for any loading, unloading or fuelling of vehicles which the utilisation of the building is likely to entail under normal circumstances.
- 25.2 No owner or occupant of the building in respect of which proposals under this condition have been required shall undertake or knowingly permit the loading or unloading or fuelling of vehicles otherwise than in accordance with approved proposals.

26. AESTHETICS AND LANDSCAPING

26.1 Particulars of landscaping and external appearance

- a) If Council is of the opinion that a site or proposed building is significant in terms of location, size or other characteristics, the Council may at its discretion require further information, plans or other sufficient indication of the development proposals, hereafter referred to as "the particulars", including information on the external appearance or construction of the proposed building, the vehicular access and parking arrangements, utility services and landscape proposals.
- b) The Council may require the particulars to be submitted before it evaluates any building plans in terms of the National Building Regulations and shall, within sixty days from submission of the required particulars approve or disapprove of them, giving notice of the decision to the applicant in writing and, if it disapproves, of the reasons for its decision.
- c) The Council may require such alteration to the proposed external appearance, landscaping or building materials as it may deem necessary.

26.2 Injurious works

Where in the opinion of the Council the general amenity of property in any zone is injured by:

- i) any works of any nature undertaken or proceeded with;
- ii) any use of any nature made of any building, structure, curtilage or land; or
- iii) the condition of any building, structure, curtilage or land,

the Council may serve a notice on the owner or occupant of the property on which the injurious works, use or condition exist or are being carried out, requiring the owner or occupant, within a period of twenty-eight (28) days from the date of the service of the notice, to take action to abate and/or make good the aforementioned injurious work, use or conditions.

26.3 Landscaping

Where paving, landscaping, other treatment or any aesthetic requirement is deemed necessary by the Council, such requirement shall be carried out to the satisfaction of the Council at the cost of the owner.

27. CONSENT USES

27.1 Applications for consent use

- a) Subject to the provisions of condition 27.2, the Council may, where application is made to it for its consent to the erection or utilisation of a building in a zone in which a building of the type proposed may be erected and utilised only with the Council's special consent, grant or refuse its consent, and shall in granting its consent be entitled to impose such restrictive conditions as it may deem fit governing the erection or utilisation of such building.
- b) In considering such application, regard shall be had to the question whether the use for which the building is intended or designed, or the proposed building, is likely to impair the amenity of the neighbourhood, including impairment owing to the emission of smoke, fumes, dust, noise or smells.

27.2 Notice of intended application for consent use

- a) The town clerk shall, if he is of the opinion that any land owner may have an interest in a matter, first give notice of an application for any purpose requiring the Council's consent.
- b) The Council shall take into consideration any objections received within the period referred to in the notice and shall notify the applicant and the persons, if any, from whom objections were received, of its decision.

27.3 Conditions applicable to consent uses

The Council may lay down conditions applicable to the property or to development on the property when granting its consent.

28. STREET BOUNDARY WALLS AND FENCES

28.1 Application to erect a street boundary wall or fence

- a) In this section "street boundary wall or fence" means any structure erected on or near a street boundary for the purposes of defining such boundary, but shall exclude:
 - i) planting such as a hedge along the boundary or on the structure concerned, or
 - ii) an outbuilding.
- b) No person shall erect any street boundary wall or fence of any nature without the prior approval of the Council and in accordance with the provisions contained herein. Any person applying for the Council's approval to erect a street boundary wall or fence shall submit plans in triplicate on a

suitable durable material to a scale of 1:100, clearly indicating the position of the erf, the foundations, the materials to be used in construction, together with adequate dimensions of the wall or fence proposed.

28.2 Dimensions of street boundary wall or fence

- a) Subject to condition (b) the height of a street boundary wall or fence shall not exceed 1,4 m provided that the Council shall have the right to demand a height of less than 1,4 m where, in the opinion of Council, such lesser height is required for reasons of aesthetics, safety or the public good.
- b) Notwithstanding condition (a) the Council may permit a street boundary wall or fence to extend to a maximum height of 1,8 m provided that
 - i) the top 0,3 m of such street boundary wall or fence is constructed with ornamental open work to the satisfaction of Council, or
 - ii) special circumstances exist which, in the opinion of Council, justify such maximum height.
- c) The height of a street boundary wall or fence shall be measured from the level of the footway immediately adjacent to such wall or fence. If the ground level slopes longitudinally along the length of the boundary wall, the height of the boundary wall at each end of the slope shall not exceed the permitted height, and it shall be stepped in a series of even steps between piers (where necessary), which steps shall deviate as little as possible from the mean permitted height.
- d) Where piers or columns of brick, stone, concrete or similar materials are required by the Council to ensure stability, their size and spacing shall be in accordance with the requirements of the Council.

28.3 Materials of street boundary wall or fence

- a) A street boundary wall or fence shall consist of the following materials only:
 - i) Face bricks with face-brick finishing;
 - ii) plastered and painted brickwork;
 - iii) decorative brick blocks;
 - iv) galvanized or plastic-coated wire mesh;
 - v) wooden fences, which shall consist of properly processed timber as approved by the Town Engineer;
 - vi) cast iron work, or
 - vii) precast concrete panels with a decorative face-brick inlay or a natural stone inlay or patterned and permanently coloured by the addition of a pigment during the manufacturing thereof, as determined by the Town Engineer from time to time.
- b) The Council reserves the right to demand from owners, on whose property street boundary walls made of precast concrete panels have been erected before coming into effect of these regulations, to paint such boundary walls in a colour approved by the Town Engineer.
- c) All street boundary walls and fences shall present a decorative, patterned or coloured face to the street in accordance with the provisions contained in condition (a).

28.4 Maintenance of street boundary walls and fences

No person shall allow any street boundary wall or fence to fall into a ruinous, dilapidated or dangerous state and the Council may serve a written notice upon any person who allows this to happen, requiring him within a period of 28 days and subject to such instructions and conditions as may be contained therein, to repair, alter, demolish or remove such boundary wall or fence at his own cost. Should the owner fail to comply with the requirements thereof within the time specified therein the Council may carry out the requirements of such notice and thereafter recover the cost of so doing from such owner.

29. SIGNS AND ADVERTISEMENTS

29.1 Definitions

In this section the undermentioned words shall have the following meanings:

- a) "Display" in relation to a sign, without in any way limiting its ordinary meaning, includes the erection of any structure intended for the support of such sign.
- b) "Sign" means any sign, signwriting, mural, graphic design, signboard, screen, blind, hoarding or other device by means of which an advertisement or notice is publically displayed.

29.2 Application to Display New Sign or Alter Existing Sign

- a) Any person intending to display a new sign or alter an existing sign shall submit an application to the Council together with supporting documents and plans prepared in the manner prescribed.
- b) The Council may grant or refuse an application to display or alter a sign and shall, in granting its approval, be entitled to impose such conditions as it may deem fit governing the erection or use of any such sign, the position or manner in which the sign is displayed and the period for which it may be displayed.

29.3 Certain Signs Prohibited

- a) Notwithstanding anything to the contrary contained herein, the Council may prohibit any person from displaying any new sign or altering any existing sign where, in the opinion of Council
 - i) the style, colour, size, method of construction, general appearance, content and situation of such new sign, or existing sign as altered does not bear a satisfactory and direct relationship to elevational treatment of the building, or to the premises or to other signs in the vicinity;
 - ii) such new sign or existing sign as altered will detract from the character or amenities of the area; or
 - iii) such new sign or existing sign as altered will cause annoyance or obstruction to inhabitants in the vicinity.

- b) All signs shall be maintained in a clean and orderly condition, and where a sign is removed, any damage or defacement to a building on which such sign was displayed, shall be made good to the satisfaction of Council.

30. SCHEME REGULATIONS PROMULGATED BY THE PROVINCIAL ADMINISTRATION

Scheme regulations promulgated by the Provincial Administration of the Western Cape in terms of section 7(2) of the Ordinance, which apply to the area of the zoning scheme, are contained in the Appendix.

ANNEXURE A
SPECIAL ZONE A : HOWARD CENTRE

A.1 GENERAL

- A.1.1 The following special conditions shall apply to the area referenced "A" on the map (hereinafter referred to as "Howard Centre") and must be read in conjunction with the drawing designated as Annexure "A".
- A.1.2 These special conditions shall apply in addition to the other conditions of the zoning scheme, but in the event of conflict between these special conditions and any other condition of the zoning scheme, the special conditions shall prevail.

A.2 ZONING PROVISIONS TABLE

- A.2.1 The various land units and buildings in Howard Centre shall be subject to the restrictions and requirements as set out in the appended zoning provisions table, which table shall be interpreted in accordance with the conditions set out hereunder.
- A.2.2 Where, in the zoning provisions table, an entry has not been made under a column against any land unit, the Council may, at its discretion, specify a restriction.

A.3 USES OF LAND AND BUILDINGS

- A.3.1 The uses permitted:
- a) on a land unit, and
 - b) on a land unit only with the consent of Council,
- for each of the even specified in column 1 are shown in columns 2 and 3 respectively of the zoning provisions table.
- A.3.2 Subject to condition A.3.3 no use shall be permitted on a land unit other than the uses stipulated in column 2 of the zoning provisions table for that land unit.
- A.3.3 An application may be made to the Council for its consent for a use stipulated in column 3 of the zoning provisions table relating to a particular land unit, and Council may grant or refuse its consent, and in giving its consent be entitled to impose such conditions as it may deem fit governing the erection or use of such building or land.
- A.3.4 Any use not reflected in columns 2 and 3 of the zoning provisions table for a particular land unit shall, subject to any provisions to the contrary in the Ordinance and these conditions, not be permitted on the land unit concerned.
- A.3.5 Buildings and uses which are permitted on a land unit in terms of columns 2 and 3 of the zoning provisions table may be subject to departures which may in effect make the right attached to the land unit more or less restricted than is apparent

from these special conditions. In such cases the relevant information relating to the land unit shall be recorded in the register.

A.4 MAXIMUM COVERAGE

No building shall be erected so as to cover a greater percentage of the land unit than is indicated under column 4 of the zoning provisions table relating to that land unit.

A.5 MAXIMUM HEIGHT

No building shall be erected on a land unit so as to exceed the height in number of storeys specified in column 5 of the zoning provisions table relating to that land unit.

A.6 MAXIMUM FLOOR SPACE

The maximum floor space permitted on any land unit shall not exceed that determined by applying the relevant floor factor specified in column 6 of the zoning provisions table for that land unit.

A.7 BUILDING LINES

- A.7.1 a) Subject to condition A.7.2 and A.7.3 no building on a land unit shall be erected closer to a boundary than the distance shown under columns 7 and 8 of the zoning provisions table relating to that land unit.
- b) In column 8 the expression "4.5 m or $\frac{1}{2}H$ " shall mean "4.5 metres or half the height of the building whichever is the greater", and the symbol "H" means the height of the highest point of such building or portion above the mean level of the ground.

A.7.2 Additional Building Line Requirements

- a) A building or portion of a building which is subject to a zero lateral or rear building line may only be erected on the boundary of a property if no doors or windows or ventilation openings are inserted in any wall on such boundary.
- b) Subject to the provisions of the National Building Regulations, a zero building line shall apply to all portions of a building, the ceiling level of which is below ground level.

A.7.3 Encroachment of Building Lines

- a) Notwithstanding condition A.7.1 the following structures or portions of a building may be erected over the prescribed building lines:
- i) boundary walls and fences;
 - ii) open and uncovered stoeps;
 - iii) entrance steps and landings;

- iv) eaves not projecting more than 1,0 m from the wall of the building;
 - v) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500mm from the wall of the building;
 - vi) screenwalls not exceeding 2,0 m in height above the ground provided that no screenwall shall be erected over the street building line without Council's consent;
 - vii) swimming pools not closer than 1 m from any boundary;
 - viii) drying yards.
- b) The Council may approve the erection of an outbuilding which exceeds a lateral or rear building line, subject to -
- i) the consent in writing of adjoining property owners;
 - ii) compliance with the street building line;
 - iii) such building not exceeding a height of one storey;
 - iv) no doors or windows being permitted in any wall of such building which fronts onto the side boundary concerned;
 - v) the provision of an access way, other than through a building and at least 1m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard;
 - vi) no runoff of rainwater discharging from the roof onto any adjoining property.

A.8 PARKING BAYS

A.8.1 Subject to condition A.8.2 parking bays shall be provided on the land unit in accordance with the requirements set out under column 9 of the zoning provisions table relating to that land unit. The expression "GLA" in column 9 is an abbreviation of "gross leasable area".

A.8.2 Alternative parking provisions

- a) ~~As an alternative to the parking requirement referred to in condition A.8.1, the owner may, with the consent of the council where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking space on the site, acquire the prescribed area of land for the parking facilities concerned elsewhere in a position approved by the council; provided that he shall register a notarial deed against such land to the effect that the council and public shall have free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the council; the cost of registration of the servitude shall be borne by the owner.~~
- b) As an alternative to condition A.8.2(a) the owner may, with the consent of the council, pay a cash sum to the council, equal to the estimated market value per m² of the land on which the building is erected, multiplied by the area in m² of the land which is required to be provided in terms of the relevant parking condition in which event the council itself shall be

responsible for acquiring the necessary land for such parking purposes when and where the council desires.

A.8.3 Additional Parking and Site Access Requirements

- a) The vehicular entrances and exitways shall be limited to one each per site per street abutting the site, or alternatively one combined entrance and exitway per site per street abutting the site.
- b) Notwithstanding condition (a), where the total length of any street boundary of a site exceeds 30 m in length, one additional entrance and exitway may be permitted provided that no two entrances or exitways, or combined entrance and exitways, are closer together than 15 m.
- c) No vehicular entrance or exitway shall exceed 3 m in width where it crosses the street boundary and no combined entrance and exitway shall exceed 6 m in width where it crosses the street boundary.
- d) If the corner at a street intersection is not splayed, vehicular entrances or exit ways shall not be closer than 10 m to such corner.
- e) If the corner at a street intersection is splayed, vehicular entrances or exit ways shall not be closer than 10 m to such corner or 5 m measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.
- f) Parking areas shall be properly constructed to the satisfaction of the Council.
- g) Parking areas shall be used for the parking of vehicles which are lawfully allowed on them and trading, displaying of wares or any other activity is not permitted without the prior consent of Council.
- h) The way in which it is intended that vehicles shall park and the means of entrance and exit shall be shown on a plan and submitted to the Council which may approve or disapprove the plan and impose such conditions as it may deem necessary.
- i) Notwithstanding conditions a) to h) the Council may lay down more restrictive requirements in connection with parking and site access if deemed necessary from a pedestrian or traffic point of view, and such requirements may include additional parking.

A.9 LOADING AND UNLOADING FACILITIES

- a) The Council may, for the purpose of preventing the obstruction of traffic on any street or proposed street on which a proposed building will front or abut, require the owner to submit for its approval proposals for ensuring, to the Council's satisfaction, suitable and sufficient space on the site for any loading, unloading or fuelling of vehicles which the utilisation of the building is likely to entail under normal circumstances.
- b) No owner or occupant of the building in respect of which proposals under this regulation have been required, shall undertake or knowingly permit the loading or unloading or fuelling of vehicles otherwise than in accordance with approved proposals.

A.10 CANOPY PROJECTION

A.10.1 The Council may require, and shall permit, a canopy projection over the street boundary in accordance with the following conditions:

- a) the canopy shall not project nearer than 500 mm to a vertical plane through the kerb line;
- b) no portion of a canopy projection shall be less than 3 m above the pavement;
- c) Council may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy.

A.11 GROUP HOUSE REGULATIONS

A.11.1 Land Use Restrictions

- a) Height : At most two storeys
- b) Building lines :
 - i) Street building line : Zero, subject to condition A.11.6.
 - ii) Lateral and rear building lines : Zero, subject to condition A.11.6.
- c) Parking : At least two parking bays per group house subject to regulation A.11.8.

A.11.2 Objectives

The objectives which are reflected in the definition of "group housing" shall be closely followed and implemented.

A.11.3 Density

- a) The maximum gross density shall be twenty units per hectare or a 3:1 ratio with regard to the gross density of surrounding dwelling units, whichever permits the smaller number of units.
- b) Notwithstanding condition A.11.3(a) where open spaces and/or roads have already been suitably provided to the satisfaction of the Council and need not be provided on the group housing site, a gross density up to a maximum of thirty units per hectare shall be permitted.

A.11.4 Open space

- a) A minimum open space of 80 m² per dwelling unit shall be provided and in this context the term "open space" means public and common open spaces except roads, service yards and private outdoor spaces.
- b) In cases where the public open space has been suitably provided (partially or in full) in the vicinity, the minimum requirement for communal open space per dwelling unit may be reduced to the satisfaction of the Council.
- c) At least 40% of the gross floor space of the unit concerned shall consist of

private outdoor space, in a form which shall not exceed a ratio of 2:1 (length to width).

- d) Garages and carports shall be excluded in the calculation of floor space for the purpose of determining the area of the private outdoor space.
- e) Where there is no distinction between communal open space and private outdoor space, the requirements of a) and b) shall be replaced by a combined open space requirement of at least 130 m² per dwelling unit.

A.11.5 Service yard

In addition to the private outdoor space or the combined open space, as the case may be, a service yard of an adequate area and screened by a wall so as to render it out of sight of anyone other than the occupant(s) of the dwelling unit concerned, shall be provided to the satisfaction of the Council.

A.11.6 Building lines

- a) Street building lines may be zero provided that the Council may require a street building line of 2 m to ensure safe traffic circulation or for other reasons such as the character of development in the area, and any driveway shall have an adequate area to allow comfortably for the parking of an average motor car thereon.
- b) Lateral and rear building lines may be zero provided that the Council may require an adequate lateral building line for fire fighting purposes, and a 3 m lateral building line shall apply where a group housing zone abuts on another zone.

A.11.7 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.

A.11.8 Parking

- a) At least two parking bays per group house shall be provided on the group housing site.
- b) Parking may be provided at the group house concerned, or part of the required number of parking bays at some of the group houses and the remainder in the form of communal parking, or the entire requirement may be provided in the form of communal parking.

A.11.9 Road width

The minimum internal road reserve width shall be 8 m provided that Council may require a road reserve width of 10 m where it considers the vehicular use or length of road justifies the greater road reserve width.

A.12 OCCUPATIONAL PRACTICE

Without prejudice to any power of the Council derived from any other law, nothing in this scheme shall be construed as prohibiting or restricting the utilisation of a portion of a dwelling unit for purposes of occupational practice subject to Council's regulations relating to occupational practice.

ANNEXURE A HOWARD CENTRE : ZONING PROVISIONS TABLE

Erf no.	Uses permitted (Primary uses)	Uses only permitted with consent of Council (Consent uses)	Maximum coverage	Building Lines					Maximum Height (storeys)	Floor factor	Street Boundary	Lateral and Rear Boundaries	Parking bays
				1	2	3	4	5					
2237	Special business	None	50% ground and first storey, (35%) for the remainder.					10	2.0	9.0m	4.5m or ½H	1 bay per 50m² GLA	
2241	Business premises	None	66%					3	1.8	7.6m	1.5m	1 bay per 25m² GLA	
2242	Service Station	None	66%					3	2	7.5m	0	-	
2243	Business premises	None	66%					3	1.5	6.0m	4.5m or ½H	1 bay per 25m² GLA	
2247	Authority usage	None	-					-	-	-	-	-	
3146	(This erf is to be consolidated with 3382 and 3734 and the following conditions apply to all three erfen) Offices	None	50%					6	2.0	Forest Drive : 7.5m; Between erfen 3146 and 3748 : 1.0m; All other boundaries : 4.5m	-	3 bays per 100m² GLA	
3148	Block of flats	Residential building	50%					3	1.5	7.5m	4.5m or ½H	Block of flats: 1.25 bays per dwelling unit	
3149	Block of flats	Residential building	50%					3	1.5	7.5m	4.5m or ½H	Residential building: 0.7 bay per bedroom	
3245	Place of Assembly	None	50%					3	-	7.5m	4.5m	-	
3374	Public open space	None	-					-	-	-	-	-	
3377	Public parking	None	-					-	-	-	-	-	
3382	This erf is to be consolidated with 3146 and 3734 and is subject to the same parameters as specified for erf 3146							-	-	-	-	-	
3389	Public parking	None	-					-	-	-	-	-	
3394	Public parking	None	-					-	-	-	-	-	
3414	Private open space	None	-					-	-	-	-	-	
3415	Special business	Block of flats	60%					10	2.0	7.5m	4.5m or ½H	Special business: 1 bay per 50m² GLA Block of flats: 1.25 bays per dwelling unit.	
3463	Block of flats	None	30%					10	2.0	9.0m	4.5m or ½H	1.25 bays per dwelling unit	

ANNEXURE A : ZONING PROVISIONS TABLE (cont.)

Erf no.	Uses permitted (Primary uses)	Uses only permitted with consent of Council (Consent uses)	Maximum coverage	Maximum Height (storeys)	Floor factor	Building lines Street Boundary	Lateral and Rear Boundaries	Parking bays
1	2	3	4	5	6	7	8	9
3505	Authority usage	Public parking	-	-	-	-	-	-
3533	Business premises	None	55%	3	2.0	7.5m	1.5m	1 bay per 25m ² GLA
3542	Business premises	None	35%	6	1.25	7.5m	4.5m or ½H	1 bay per 25m ² GLA
3549	Business premises	None	55%	3	1.8	7.5m	1.5m	1 bay per 25m ² GLA
45	Special business	Block of flats	55%	10	2.5	4.5m	4.5m	Special business: 1 bay per 50m ² GLA Block of flats: 1.25 bays per dwelling unit
3664	Residential building	None	35%	5	1.8	7.5m	3.0m	0.7 bay per bedroom
3720	Special business Group house	None None	50% In accordance with regulation A.11	10	2.5	4.5m	4.5m	Special business: 1 bay per 50m ² Block of flats: 1.25 bays per dwelling unit Group house: 2 bays per group house
3725	Special business	Block of flats	50%	10	2.5	4.5m	0m	Special business: 1 bay per 50m ² GLA Block of flats: 1.25 bays per dwelling unit
3727	Place of instruction Public parking	None None	50%	3	1.8	4.5m	4.5m	-
3734	The erf is to be consolidated with 3146 and 3382 and is subject to the same parameters as specified for erf 3146							
3748	Public parking	None	-	-	-	-	-	-
3751	Special business	Block of flats	60%	10	2.5	4.5m	4.5m	1 bay per 50m ² GLA
3753	Special business	Block of flats	45%	5	1.9	Howard Drive: 7.5m Rose-Innes: 1.5m	South east: 12m North west: 1.5m	Special business: 1 bay per 50m ² GLA Block of flats: 1 bay per dwelling unit
3759	Residential building	None	50%	6	2.0	7.5m	4.5m or ½H	0.7 bay per bedroom
3812	Offices	None	50%	2	1.0	4.5m	3.0m	1 bay per 50m ² GLA minimum 12 bays

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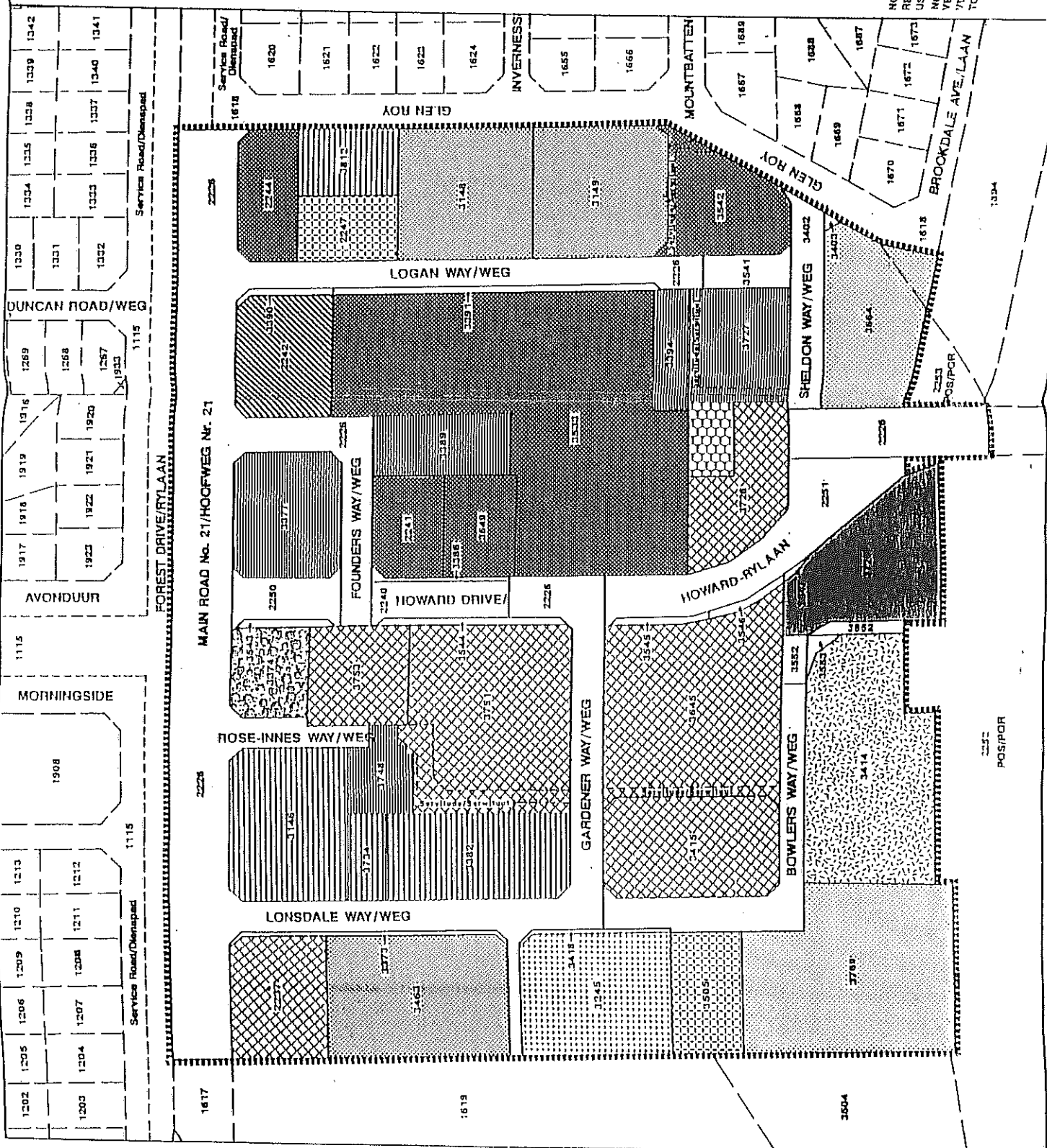
ANNEXURE A BYLAE

PRIMARY USE	NOTATION	PRIMÊRE GEBRUIK
BLOCK OF FLATS	[Pattern]	WOONSTELGEBOU
RESIDENTIAL BUILDING	[Pattern]	WOONGEBOU
SPECIAL BUSINESS, GROUP HOUSE	[Pattern]	SPEZIALE SAKE GROEPGEHUISING
PLACE OF ENTERTAINMENT & BLOCK OF FLATS	[Pattern]	VERMAAKLIKHEIDSPLEK EN WOONSTELGEBOU
SPECIAL BUSINESS AND BLOCK OF FLATS	[Pattern]	SPEZIALE SAKE EN WOONSTELGEBOU
BUSINESS	[Pattern]	SAKE
SPECIAL BUSINESS	[Pattern]	SPEZIALE SAKE
SERVICE STATION	[Pattern]	DIENSTSTASIE
OFFICES	[Pattern]	KANTORE
PLACE OF INSTRUCTION	[Pattern]	ONDERRIGPLEK
AUTHORITY USAGE	[Pattern]	OWERHEIDSGEBRUIK
PUBLIC OPEN SPACE	[Pattern]	OPENBARE OOPRUIMTE
PRIVATE OPEN SPACE	[Pattern]	PRIVAAT OOPRUIMTE
PUBLIC PARKING	[Pattern]	OPENBARE PARKERING
PUBLIC ROAD	[Pattern]	OPENBARE PAD
PLACE OF ASSEMBLY	[Pattern]	VERGADERPLEK
BOUNDARY OF ANNEXURE A	[Pattern]	GRENS VAN BYLAE A

NOTE: REFER TO ANNEXURE A SCHEME CONDITIONS FOR CONSENT USES AND OTHER CONDITIONS PERTAINING TO THIS AREA.
NOTA: VERWYS NA BYLAE A SKEMA VOORWAARDES VIR VERGUNNINGSGEBRUIKE EN ANDER VOORWAARDES VAN TOEPASSING OP HIERDIE GEBIED.



SCALE 1:2000 SKAAL



ANNEXURE B SPECIAL ZONE B : MUTUAL PARK

B.1 GENERAL

- B.1.1 The following special conditions shall apply to the area referenced "B" on the map, and must be read in conjunction with the drawing identified as "Annexure B".
- B.1.2 These special conditions shall apply in addition to the other conditions of the zoning scheme, but in the event of conflict between these special conditions and any other condition of the zoning scheme, the special conditions shall prevail.

B.2 DEFINITIONS

Unless the context indicates otherwise, "Insurance office" means an office and/or site, building or structure necessary for the purpose of carrying on the business of an insurance and financial services organisation and to do all things incidental thereto, including any ancillary uses such as a shop for the exclusive use by staff employed by the insurance society.

B.3 USE OF BUILDINGS AND LAND

- B.3.1 The land uses and categories of buildings which:

- a) may be erected and used as a primary use; and
 - b) may be erected and used only with the consent of the Council as a consent use,
- in Special Zone B are:

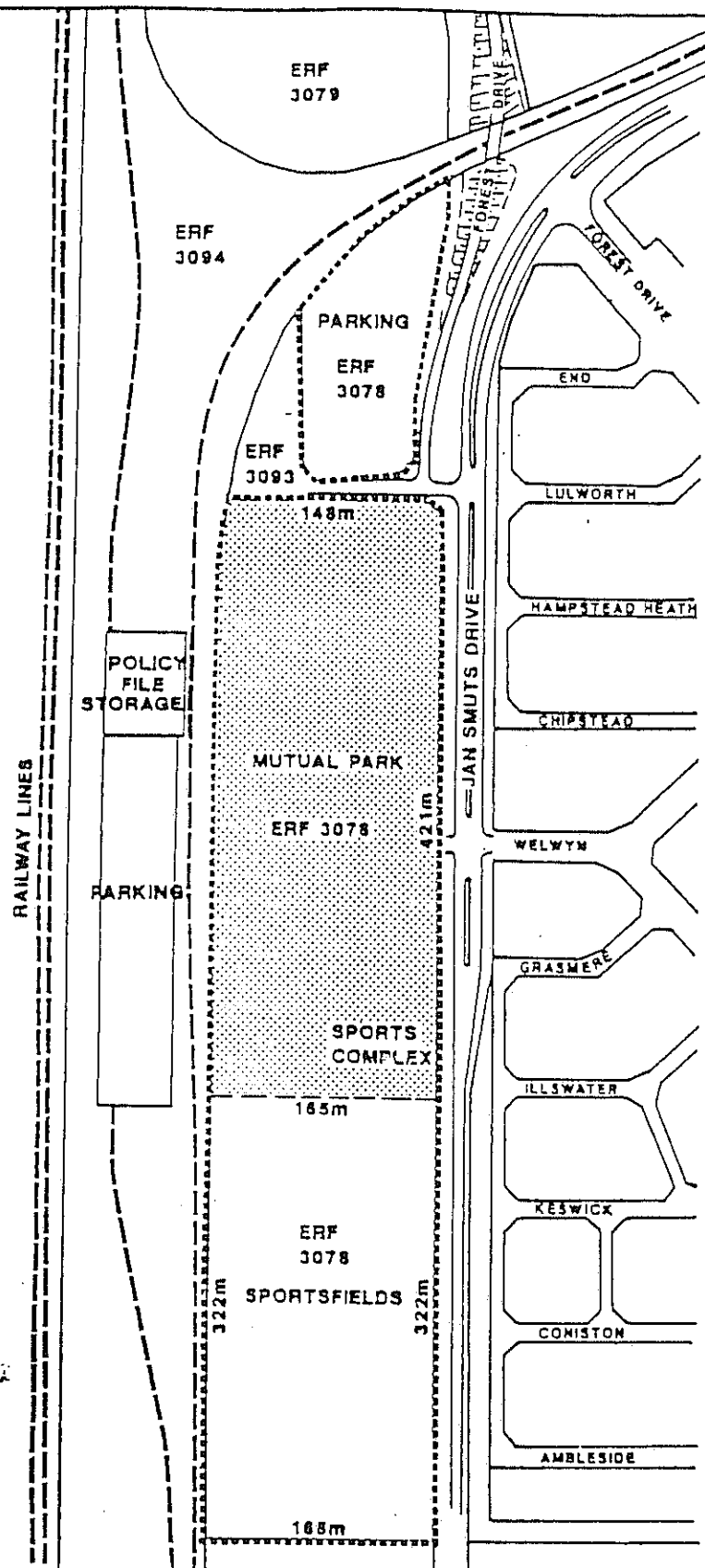
- | | | | |
|-----|--------------|---|----------------------|
| i) | Primary use | : | Insurance office |
| ii) | Consent uses | : | Block of flats |
| | | | Residential building |
| | | | Group house |

- B.3.2 Subject to condition B.3.3 no use shall be permitted in Special Zone B other than the uses stipulated as primary uses in this Annexure.

- B.3.3 An application may be made to the Council for its consent for a use stipulated as a consent use in this Annexure and Council may grant or refuse its consent, and in giving its consent be entitled to impose such conditions as it may deem fit governing the erection or use of such building or land.

- B.3.4 Any use not reflected in condition B.3.1 shall, subject to any provisions to the contrary in the Ordinance and these conditions, not be permitted in Special Zone B.

- B.3.5 Buildings and uses which are permitted as a primary use or which may be approved with the consent of Council may be subject to departures which may in effect make the right attached to the land unit more or less restricted than is apparent from these special conditions. In such cases the relevant information relating to the land unit shall be recorded in the register.



PINELANDS MUNICIPALITY ZONING SCHEME ANNEXURE B

----- BOUNDARY OF ERF 3078

 DESIGNATED AREA
OF ERF 3078



SCALE $\pm 1:5000$

B.4 MAXIMUM COVERAGE

No building or combination of buildings shall be erected so as to cover a greater percentage of the land unit than is indicated below for the relevant use:

- | | | | |
|----|--------------------------------------|---|-------------------------|
| a) | Insurance office | : | At most 50% |
| b) | Block of flats, residential building | : | At most 50% |
| c) | Group house | : | Refer to condition B.12 |

B.5 DEFINITION OF DESIGNATED AREA OF ERF 3078

For the purpose of administering conditions B6 and B7, and notwithstanding subsequent changes to cadastral boundaries or erf numbers, the designated area of erf 3078 shall be the area shown on the appended drawing "Annexure B" : "Designated Area".

B.6 MAXIMUM HEIGHT

No building may be erected so as to exceed the height specified below for the relevant use:

- a) Insurance office on the designated area of Erf 3078: No insurance office building on the designated area of erf 3078 shall extend above an envelope contained by a plane originating at a height of 35 m above mean sea level on the Jan Smuts Drive or Forest Drive street building line, whichever is applicable, and extending at an elevation of 20 degrees above the horizontal as far as the rear building line. The measurement of the plane shall be perpendicular to the street building line.
- b) Insurance office on land other than the designated area of erf 3078: No insurance office building situated outside the designated area of erf 3078 shall exceed a height of 7 storeys.
- c) Block of flats, residential building: No building shall exceed a height of 7 storeys.
- d) Group house: No building shall exceed a height of 2 storeys.

B.7 MAXIMUM FLOOR SPACE

B.7.1 The total floor space shall not exceed that determined by applying the relevant floor factor specified below:

- | | | |
|----|--|---|
| a) | Insurance office on erf 3078: | Floor factor 3.0 subject to condition B.7.2 |
| b) | Insurance office on land other than erf 3078 | Floor factor 2.0 |
| c) | Block of flats or Residential building : | Floor factor 2.0 |
| d) | Group House : | In accordance with condition B.12 |

B.7.2 Notwithstanding condition B.7.1a), the following additional conditions shall apply to the maximum floor space permitted on erf 3078:

- a) The total floor space on erf 3078 shall not exceed a floor factor of 2.5 unless Council certifies in writing that its requirements have been met with regard to parking, traffic circulation, road infrastructure, utility services and landscaping.
- b) Before issuing the certificate referred to in B.7.2a) Council may:
 - i) require the owner to submit such studies or reports that are necessary, including a traffic impact assessment, and
 - ii) impose conditions relating to the matters referred to in B.7.2a).
- c) Of the total floor space permitted on erf 3078, not more than 20% may be erected outside the designated area of erf 3078, provided that the coverage on erf 3078 shall not exceed 50%.

B.8 BUILDING LINES

B.8.1 Subject to condition B.8.2 and B.8.3, no building shall be erected closer to a boundary than the distance specified below:

- a) Any boundary with Jan Smuts Drive and Forest Drive : 7.5 m
- b) Any boundary abutting a railway reserve : 0 m
- c) Any boundary not abutting a railway reserve, Jan Smuts Drive or Forest Drive : 4.5 m

B.8.2 Additional Building Line Requirements

- a) A building or portion of a building which is subject to a zero lateral or rear building line may only be erected on the boundary of a property if no doors or windows or ventilation openings are inserted in any wall on such boundary.
- b) Subject to the provisions of the National Building Regulations, a zero building line may apply to all portions of a building, the ceiling level of which is below ground level.

B.8.3 Encroachment of Building Lines

- a) Notwithstanding condition B.8.1 the following structures or portions of a building may be erected over the prescribed building lines:
 - i) boundary walls and fences;
 - ii) open and uncovered stoeps;
 - iii) entrance steps and landings;
 - iv) eaves not projecting more than 1,0 m from the wall of the building;
 - v) cornices, chimney breasts, flower boxes, water pipes, drain pipes and minor decorative features not projecting more than 500 mm from the wall of the building;
 - vi) screenwalls not exceeding 2,0 m in height above the ground provided that no screenwall shall be erected over the street building line without Council's consent;
 - vii) swimming pools not closer than 1 m from any boundary;
 - viii) drying yards.

- b) The Council may approve the erection of an outbuilding which exceeds a lateral or rear building line, subject to -
 - i) the consent in writing of adjoining property owners;
 - ii) compliance with the street building line;
 - iii) such building not exceeding a height of one storey;
 - iv) no doors or windows being permitted in any wall of such building which fronts onto the side boundary concerned;
 - v) the provision of an access way, other than through a building and at least 1 m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard;
 - vi) no runoff of rainwater discharging from the roof onto any adjoining property.

B.9 PARKING

B.9.1 Parking bays shall be provided in accordance with the following requirements.

- a) Insurance office: At least two parking bays shall be provided for every 100 m² of gross leasable area.
- b) Block of flats: At least one parking bay shall be provided for each dwelling unit plus one additional bay for every four dwelling units for use by visitors.
- c) Residential Building: At least 0.7 parking bay shall be provided per bedroom.
- d) Group House: At least two parking bays shall be provided per group house.

B.9.2 The combined parking requirement for different activities within a building, or uses on a land unit, may be reduced at the discretion of Council in the following circumstances:

- a) Where Council is satisfied that the utilisation of the same parking area by different activities, such as offices and dining areas, is not concurrent, or
- b) Where Council is satisfied that the utilisation of the same parking area by different land uses, such as sports facilities and offices, is not concurrent.

B.10 LOADING AND UNLOADING FACILITIES

- a) The Council may, for the purpose of preventing the obstruction of traffic on any street or proposed street on which a proposed building will front or abut, require the owner to submit for its approval proposals for ensuring, to the Council's satisfaction, suitable and sufficient space on the site for any loading, unloading or fuelling of vehicles which the utilisation of the building is likely to entail under normal circumstances.
- b) No owner or occupant of the building in respect of which proposals under this regulation have been required, shall undertake or knowingly permit the loading or unloading or fuelling of vehicles otherwise than in accordance with approved proposals.

B.11 CANOPY PROJECTION

B.11.1 The Council may require, and shall permit, a canopy projection over the street boundary in accordance with the following conditions:

- a) the canopy shall not project nearer than 500 mm to a vertical plane through the kerb line;
- b) no portion of a canopy projection shall be less than 3 m above the pavement;
- c) Council may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy.

B.12 ADDITIONAL CONDITIONS APPLICABLE TO A GROUP HOUSE

B.12.1 Objectives

The objectives which are reflected in the definition of "group housing" shall be closely followed and implemented.

B.12.2 Density

- a) The maximum gross density shall be twenty units per hectare or a 3:1 ratio with regard to the gross density of surrounding dwelling units, whichever permits the smaller numbers of units.
- b) Notwithstanding condition (a) where open spaces and/or roads have already been suitably provided to the satisfaction of the Council and need not be provided on the group site, a gross density up to a maximum of thirty units per hectare shall be permitted.

B.12.3 Open space

- a) A minimum open space of 80 m² per dwelling unit shall be provided and in this context the term "open space" means public and common open spaces except roads, service yards and private outdoor spaces.
- b) In cases where the public open space has been suitably provided (partially or in full) in the vicinity, the minimum requirement for communal open space per dwelling unit may be reduced to the satisfaction of the Council.
- c) At least 40% of the gross floor space of the unit concerned shall consist of private outdoor space, in a form which shall not exceed a ratio of 2:1 (length to width).
- d) Garages and carports shall be excluded in the calculation of floor space for the purpose of determining the area of the private outdoor space.
- e) Where there is no distinction between communal open space and private outdoor space, the requirements of a) and b) shall be replaced by a combined open space requirement of at least 130 m² per dwelling unit.

B.12.4 Service yard

In addition to the private outdoor space or the combined open space, as the case may be, a service yard of an adequate area and screened by a wall so as to render it out of sight of anyone other than the occupant(s) of the dwelling unit concerned, shall be provided to the satisfaction of the Council.

B.12.5 Building lines

- a) Street building lines may be zero provided that Council may specify a street building line to ensure safe traffic circulation or for other reasons such as

the character of development in the area, and any driveway shall have an adequate area to allow comfortably for the parking of an average motor vehicle thereon.

- b) Lateral and rear building lines may be zero provided that the Council may require an adequate lateral building line for fire fighting purposes, and a 3 m lateral building line shall apply where a group housing zone abuts another zone.

B.12.6 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.

B.12.7 Parking

Parking may be provided at the group house concerned, or part of the required number of parking bays at some of the group houses and the remainder in the form of communal parking, or the entire requirement may be provided in the form of communal parking.

B.12.8 Road width

The minimum internal road reserve width shall be 8m provided that Council may require a greater road reserve width where it considers the vehicular use or length of road justifies the greater road reserve width.

B.13 OCCUPATIONAL PRACTICE

Without prejudice to any power of the Council derived from any other law, nothing in this scheme shall be construed as prohibiting or restricting the utilisation of a portion of a dwelling unit for purposes of occupational practice subject to Council's regulations relating to occupational practice.

APPENDIX

SCHEME REGULATIONS IMPOSED BY THE PROVINCIAL ADMINISTRATION

The following regulations have been promulgated by the Provincial Administration of the Western Cape in terms of the Land Use Planning Ordinance, and apply to land within the area of the zoning scheme. These regulations may be amended by the Provincial Administration from time to time and are therefore not integrated with the Pinelands zoning conditions, but are contained as an appendix for reference purposes. The numbering of regulations in this Appendix follows the numbering as promulgated in the relevant *Provincial Gazette*.

P.K. 465/1992

25 September 1992

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985 (ORDONNANSIE NR 15 VAN 1985):

WYSIGING VAN SKEMAREGULASIES

Kragtens artikel 9(2) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie Nr 15 van 1985), saamgelees met Proklamasies Nr R.37 van 1989 en Nr 203 van 1989 asook Goewermentskennisgewing Nr 382 van 7 Februarie 1992, het die Administrateur, ten opsigte van daardie gedeeltes van die Kaapprovinsie wat nie verklaarde Blanke plaaslike bestuursgebiede is nie, en die Ministeriele Verteenwoordigers vir die gebiede Suidwes-, Oos- en Noord-Kaap, namens die Minister van Plaaslike Bestuur, Volksraad, ten opsigte van daardie gedeeltes van die Kaapprovinsie wat verklaarde Blanke plaaslike bestuursgebiede is, die Skemaregulasies wat gemaak is ingevolge artikel 3 van die voormelde Ordonnansie en afgekondig by Provinsiale Kennisgewings 353 van 20 Junie 1986 en 1048 van 5 Desember 1988, asook die Skemaregulasies gemaak ingevolge artikel 7(2) van die voormelde Ordonnansie ter aanvulling van die Skemaregulasies van die Soneringskemas uiteengesit in die Bylae gepubliseer in Provinsiale Kennisgewing 1047 van 5 Desember 1988 en in Provinsiale Kennisgewing 1049 van 5 Desember 1988, gewysig deur na paragraaf 5 die volgende paragraaf in te voeg:

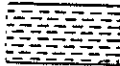
Informele Residensiële sone

- 6.1 Ondanks die bepalings van die Skemaregulasies van enige plaaslike owerheid, word die volgende sone geag deel te wees van die betrokke plaaslike owerheid se Soneringskema:

Sonering: Informele Residensiële sone.

Kleurnotasie: Geel met ligbruin omlining.

Monochroomnotasie:



Lettertipe: LT 121

Primêre gebruik: Skuilings
Woonhuis

Vergunningsgebruik: Geen

- 6.2 In hierdie sone het enige woorde die betekenis daaraan geneë in die Skemaregulasies opgestel ingevolge artikel 3 van Ordonnansie 15 van 1985 soos gepubliseer in Provinsiale Kennisgewing 1048 van 5 Desember 1988 en het, onderstaande woord die volgende betekenis:

"Skuiling" beteken 'n wooneenheid, geleë binne 'n informele dorp of vestiging, van watter materiaal ook al, wat nie aan die standaarde van duursaamheid soos beoog deur die Nasionale Bouregulasies, soos van toepassing in die Raad se regsgereed, voldoen nie en omvat enige grondgebruik wat voldoen aan regulasie 6.4.

6.3 Grondgebruikbeperkings

Skuilings:

Vloerfaktor: geen beperking

Dekking: geen beperking

Hoogte: hoogstens 3 verdiepings

Straatboulyn: minstens 1 m, indien die Raad dit verlang

Kantboulyn: minstens 1 m by een grens; met dien verstande dat wanneer 'n gebou nader as 1 m van 'n kantgrens opengang word, geen deure of vensters in die betrokke muur toegelaat sal word nie; verder met dien verstande dat indien 'n midblokriool voorsien is, 'n agterboulyn van tot 2 m veruit kan word indien die Raad dit verlang.

Terugset: geen beperking

Parking: geen beperking

P.N. 465/1992

25 September 1992

LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE NO 15 OF 1985):

AMENDMENT OF SCHEME REGULATIONS

Under section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance No 15 of 1985), read with Proclamations No R.37 of 1989 and No 203 of 1989 as well as Government Notice No 382 of 7 February 1992, the Administrator, in respect of those portions of the Cape Province which are not declared White local government areas, and the Ministerial Representatives for the areas South-Western, Eastern and Northern Cape on behalf of the Minister of Local Government, House of Assembly in respect of those areas of the Cape Province which are declared White local government areas, have amended the Scheme Regulations made in terms of section 3 of the aforementioned Ordinance and published in Provincial Notices 353 of 20 June 1986 and 1048 of 5 December 1988, as well as the Scheme Regulations made in terms of section 7(2) of the aforementioned Ordinance to supplement the Scheme Regulations of the Zoning Schemes set out in the Schedule published in Provincial Notice 1047 of 5 December 1988 and in Provincial Notice 1049 of 5 December 1988, by the addition after paragraph 5 of the following paragraph:

6. Informal Residential zone

- 6.1 Notwithstanding the provisions of the Scheme Regulations of any local authority, the following zone is deemed to be part of the Zoning Scheme of the relevant local authority:

Zoning: Informal Residential zone.

Colour notation: Yellow with light-brown outline.

Monochrome notation:



Letter type: LT 121

Primary use: Shelters
Dwelling-house

Consent use: None

- 6.2 In this zone any words have the meaning attached to it in the Scheme Regulations made in terms of section 3 of Ordinance 15 of 1985 as published in Provincial Notice 1048 of 5 December 1988 and the undermentioned word has the following meaning:

"Shelter" means a unit of accommodation, situated within an informal town or settlement, of any material whatsoever, which does not comply with the standards of durability intended by the National Building Regulations, as applicable to the area of jurisdiction of the council, and includes any land use complying with clause 6.4.

6.3 Land use restrictions

Shelters:

Floor factor: no restriction

Coverage: no restriction

Height: at most 3 storeys

Street building line: at least 1 m, if required by the Council

Side building line: at least 1 m on one boundary; provided that where a building is erected less than 1 m from a side boundary, no doors or windows shall be permitted in the wall concerned; provided further that if a midblock sewage system is provided, a rear building line of up to 2 m can be required by Council.

Setback: no restriction

Parking: no restriction

Woonhuis:

Vloerfaktor: geen beperking

Dekking: hoogstens 30%

Hoogte: hoogstens 3 verdiepings

Straatboulyn: minstens 1 m; met dien verstande dat daar geen beperking in die geval van 'n motorhuis met 'n oopdeur sal wees nie.

Kantboulyn: minstens 1 m by een grens; met dien verstande dat wanneer 'n gebou nader as 1 m van 'n kantgrens oorgang word, geen deure of vensters in die oetrokke muur toegestaan sal word nie; verder met dien verstande dat indien 'n midbloknoot voorsien is, 'n agterboulyn van tot 2 m veras kan word indien die Raad dit vermag.

Terugset: geen beperking

Parkering: minstens 1 parkeerplek per grondeenheid op die grondeenheid, indien sodanig deur die Raad vermag.

6.4 Addisionele regte met betrekking tot Informele Residensiële zone

6.4.1 Ondanks anderstuiende oepalings in die Sonenningskema —

(a) mag enige bewoner van enige skooling of woonhuis in hierdie sone sodanige eenheid benut vir enige sosiale, oovoedkundige, godsdienslike, beroeps- of sakdoeleindes, onderwerf aan die volgende voorwaardes:

(i) die oorneersende gebruk van die eiendom sal residensiële bly;

(ii) die oetrokke gebruk sal nie steurend vir bure wees nie, en

(iii) die oetrokke gebruk sal nie die bevaligheids van die direkte omgewing versteur nie.

(b) grond gesoneer vir straatdoeleindes aanliggend aan die sone mag vir sakdoeleindes benut word sonder die oprigting van enige permanente strukture; met dien verstande dat die raad sodanige aanwending mag beëindig indien dit, volgens die raad se mening, inmeng met voetganger- of voertuigverkeer of die bevaligheid van die buurt aantast.

6.4.2 Indien enige persoon met 'n direkte belang die mening huldig dat enige voorwaarde gemeld in regulasie 6.4.1 oortree word, kan sodanige persoon 'n skriftelike bewaar aan die raad rig waarin oprede ingevolge artikel 39(1)(b) van die Ordonnansie versoek word.

6.4.3 Die raad moet 'n bewaar gemeld in regulasie 6.4.2 oorweeg en indien daar na die mening van die raad 'n oortreding van voorwaardes gemeld in regulasie 6.4.1 plaasvind, moet sodanige raad ingevolge artikel 39(1)(b) van die Ordonnansie optree heug deur te gelas dat die aktiwiteit gestaak word of dat die oortreding reggestel kan word met voorsetting van die aktiwiteit, maar onderworpe aan enige beperkende voorwaardes wat die raad mag ople.

Dwelling house:

Floor factor: no restriction

Coverage: at most 30%

Height: at most 3 storeys

Street building line: at least 1 m; provided that there shall be no restriction in respect of a garage with a roll-up door.

Side building line: at least 1 m on one boundary; provided that where a building is erected less than 1 m from a side boundary, no doors or windows shall be permitted in the wall concerned; provided further that if a midblock sewage system is provided, a rear building line of up to 2 m can be required by Council.

Setback: no restriction

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

6.4 Additional rights pertaining to Informal Residential zone

6.4.1 Notwithstanding any provisions to the contrary in the Zoning Scheme —

(a) any occupier of any unit of accommodation may utilise such unit for any social, educational, religious, occupational or business purpose subject to the following conditions:

(i) the dominant use of the property shall remain residential;

(ii) the use concerned shall not be disturbing to neighbours, and

(iii) the use concerned shall not interfere with the amenity of the direct neighbourhood.

(b) land zoned for street purposes may be utilised for business purposes without the erection of any permanent structures; provided that the council may terminate such utilization if in its opinion interference with pedestrian or vehicular movement, or with the amenity of the neighbourhood, is caused.

6.4.2 If anybody with a direct interest is of the opinion that any condition referred to in clause 6.4.1 is contravened, such person may lodge a written complaint with the Council requesting action in terms of section 39(1)(b) of the Ordinance.

6.4.3 The Council must consider a complaint mentioned in regulation 6.4.2 and, if in the opinion of the Council a condition mentioned in regulation 6.4.1 is contravened, such Council must act in terms of section 39(1)(b) of the Ordinance, either by instructing that the activity be stopped or that the contravention be rectified with the continuation of the activity, but subject to any restrictive conditions that the Council may impose.

P.K. 1047/1988

5 Desember 1988

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985 (ORDONNANSIE 15 VAN 1985)

SKEMAREGULASIES INGEVOLGE ARTIKEL 7(2)

Die Administrateur het ingevolge artikel 9(2) van Ordonnansie 15 van 1985 die Skemaregulasies, gemaak ter aanvulling van die Skemaregulasies insake die soneringskemas uiteengesit in die Bylae hiervan, vervang deur die volgende regulasies:

1. Woordbepaling

Die woorde en uitdrukkings wat in hierdie regulasies of in enige goedkeuring wat deur die Administrateur ingevolge die Ordonnansie verleen word, gebruik word, het die betekenisse wat in artikel 2 van die Ordonnansie daaraan geneë word, en die volgende woorde en uitdrukkings het die betekenisse wat hierby daaraan geëë word:

1.1 "Die Ordonnansie" beteken die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985).

1.2 "Onderverdelingsgebied" beteken grond by artikel 22(1)(a) van die Ordonnansie bedoel, wat ingevolge artikel 14(4), 16 of 18 en onderworpe aan—

1.2.1 'n digtheidsvereiste;

1.2.2 die voorwaardes en bepalinge wat in hierdie regulasies vermeld is;

1.2.3 die beplanningebepalinge van enige toepaslike struktuurplan, en

1.2.4 enige ander voorwaardes wat tydens die goedkeuring van die hersonering bepaal is.

tot 'n onderverdelingsgebied hersonereer is.

2. Afwykings

2.1 Die raad kan ingevolge subartikels (1)(b) en (5) van artikel 15 van die Ordonnansie onderskeidelik 'n aansoek om 'n afwyking toestaan of weier, of 'n verlengde tydperk vasstel waarna sodanige afwyking vervalt; met dien verstande dat, waar die raad die aanwending van grond op 'n tydelike basis magtig, soos by artikel 15(1)(a)(ii) bedoel, sodanige vergunning vir 'n tydperk van hoogstens vyf jaar toegestaan word, met die uitsondering van 'n afwyking waarvoor 'n permit ingevolge artikel 6B van Wet 38 van 1967 benodig word, in welke geval die vergunning toegestaan kan word vir die aantal jare wat verband hou met die verwagte lewensduur van die betrokke myn.

2.2 Die raad kan, ten opsigte van enige grondeenheid waarop daar 'n reg bestaan om een woonhuis op te rig, 'n aansoek om 'n afwyking ingevolge artikel 15(1)(a)(i) van die Ordonnansie vir die oprigting van 'n tweede wooneenheid toestaan, onderworpe aan die volgende voorwaardes:

2.2.1 Uitgesonderd in die geval van plase en kleinboes mag die totale vloeroppervlakte van die tweede wooneenheid nie 120 m² oorskry nie.

2.2.2 Ondanks die bepalinge van regulasie 2.2.1 mag die totale vloeroppervlakte van al die geboue op 'n grondeenheid nie 66% van die oppervlakte van die betrokke grondeenheid oorskry nie.

2.2.3 Die boulyne wat op die tweede wooneenheid van toepassing is, moet dieselfde wees as dié wat op buitegeboue van toepassing is, soos in die raad se soneringskema bepaal.

2.2.4 In die geval van 'n plaas of kleinboes mag goedkeuring nie verleen word vir 'n tweede wooneenheid binne 1 km van die hoogwatermerk van die see nie.

2.2.5 *Bona fide*-personeelkwartiere of 'n wooneenheid wat verband hou met *bona fide*-boerderyaktiwiteite word vir die toepassing van hierdie regulasies nie as 'n tweede wooneenheid beskou nie.

2.2.6 Wanneer die raad ook al 'n aansoek om 'n tweede wooneenheid ingevolge hierdie regulasies toestaan, mag hy nie sy bevoegd-

P.N. 1047/1988

5 December 1988

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

SCHEME REGULATIONS IN TERMS OF SECTION 7(2)

The Administrator has in terms of section 9(2) of Ordinance 15 of 1985 substituted the following regulations for the Scheme Regulations, made to supplement the Scheme Regulations relating to the zoning schemes set out in the Schedule hereto:

1. Definitions

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

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

1.1.1 a density requirement;

1.1.2 the conditions and stipulations contained in these regulations;

1.1.3 the planning stipulations of any applicable structure plan, and

1.1.4 any other conditions laid down at the time of the approval of the rezoning

has been rezoned to a subdivisional area.

1.2 "The Ordinance" means the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

2. Departures

2.1 The Council may in terms of subsections (1)(b) and (5) of section 15 of the Ordinance respectively grant or refuse an application for a departure, or determine an extended period after which such departure shall lapse; provided that, where the Council authorises the utilisation of land on a temporary basis as contemplated by section 15(1)(a)(ii), such concession shall be granted for a maximum period of five years, with the exception of a departure for which a permit is required in terms of section 6B of Act 38 of 1967, in which case the concession may be granted for such number of years as is related to the expected lifetime of the mine concerned.

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

2.2.1 Except in the case of farms and small-holdings, the total floor space of the second dwelling unit shall not exceed 120 m².

2.2.2 Notwithstanding the provisions of regulation 2.2.1, the total floor space of all of the buildings on a land unit shall not exceed 66% of the area of the land unit concerned.

2.2.3 The building lines applicable to the second dwelling unit shall be the same as those applicable to outbuildings, as laid down in the Council's zoning scheme.

2.2.4 In the case of a farm or small-holding, approval shall not be granted for a second dwelling unit within 1 km of the highwater mark of the sea.

2.2.5 *Bona fide* staff quarters or a dwelling unit related to *bona fide* farming activities shall not be regarded as a second dwelling unit for the purposes of these regulations.

2.2.6 Whenever the Council grants an application for a second dwelling unit in terms of these regulations, it shall not use its power

heid ingevolge artikel 15(1)(c) van die Ordonnansie gebruik om te bepaal dat sodanige gebou vir die toepassing van die Wet op Deeltitels, 1971 (Wet 66 van 1971), geag moet word te voldoen aan die bepalinge van die betrokke soneringskema nie.

3. Onderverdeling

3.1 Die raad kan 'n aansoek om die onderverdeling van grond ingevolge artikel 25(1) van die Ordonnansie binne, en onderworpe aan die voorwaardes van toepassing op, 'n onderverdelingsgeotied toestaan of weier, asook 'n aansoek om die onderverdeling van grond waarby geen verandering van sonering betrokke is nie.

3.2 Wanneer die raad ook al 'n onderverdeling ingevolge artikel 25(1) van die Ordonnansie toegestaan het, kan hy ingevolge artikel 30 van die Ordonnansie optree.

3.3 Die toestaan van 'n aansoek om onderverdeling ingevolge artikel 25(1) van die Ordonnansie met die oog daarop om toe te laat dat twee of meer aaneengeskeelde wooneenhede onder aparte titel gehou word, is onderworpe aan die volgende voorwaardes waaraan voldoen moet word voordat 'n skriftelike magtiging deur die raad, soos by artikel 31(1) van die Ordonnansie ooreen, uitgerik word:

3.3.1 Waar restaurasie of verbetering deur die raad nodig geag word, moet die geboue ten volle tot sy genoeg gerestoreer of verbeter word.

3.3.2 Waar dit deur die raad nodig geag word, moet daar op elk van die grondeenhede een parkeerplek tot genoeg van die raad voorsien en aangeleë word.

3.4 Nadat 'n onderverdeling ingevolge artikel 25(1) van die Ordonnansie toegestaan is met die oog daarop om toe te laat dat twee of meer aaneengeskeelde wooneenhede onder aparte titel gehou word, moet die persoon wat op enige tydstip die eienaar is van enige grondeenheid wat direk by die onderverdeling betrokke is—

3.4.1 enige gemeenskaplike deel van 'n steunmuur, dak, pyp, geut, bedrading of ander struktuur of ding op sodanige grondeenheid en enige ander grondeenheid onderhou;

3.4.2 elke deel van sodanige muur, dak, pyp, geut, bedrading of ander struktuur of ding wat op sodanige grondeenheid is of dit kruis, onderhou;

3.4.3 toegang tot sodanige grondeenheid toelaat vir die doel van die onderhoud, skoonmaak, opknapping, herstel, hernuwing en verandering van en byvoeging tot enige muur, dak, pyp, geut, bedrading of ander struktuur of ding, en niks doen om sodanige toegang of werk te verhoed of te belemmer nie, en

3.4.4 nie enige veranderinge aan of toevoegings tot enige deel van die geboue wat op sodanige grondeenheid opgeeng is, insluitende grensmure en heininge, aanbring of enige deel daarvan sloop nie, en ook nie die buitekleurskema of boustof van sodanige geboue verander sonder die skriftelike goedkeuring van die raad nie, of toelaat die buitekant van die geboue agteruitgaan en onnet of vuil raak nie.

3.5 Nadat 'n onderverdeling ingevolge artikel 25(1) van die Ordonnansie toegestaan is, moet die persoon wat op enige tydstip die eienaar is van enige grondeenheid wat direk by die onderverdeling betrokke is, sonder vergoeding—

3.5.1 toelaat dat hoofgasleidings, elektriese, telefoon- en televisiekabels en/of -drade, hoof- en/of ander waterpype en vuilriole en stormwaterpype, -vore, en -kanale van enige ander grondeenheid of -eenhede oor die betrokke grondeenheid vervoer word, en dat oppervlaktinstallasies soos mini-substansies, meterskakelkaste en dienspilare daarop opgerig word, indien dit deur die raad nodig geag word, op die wyse en plek wat van tyd tot tyd redelikerwys vereis word; dit sluit in die reg van toegang tot die grondeenheid op enige redelike tyd met die doel om enige werke in verband met bogenoemde op te rig, te verander, te verwyder of te ondersoek, en

3.5.2 die materiaal ontvang of die uitgrawings op die grondeenheid toelaat wat nodig is om die gebruik van die volle breedte van 'n aangrensende straat moontlik te maak en die padwal van 'n veilige en behoorlike helling te voorsien, wat vanweë verskille tussen die vlak van die straat, soos finaal gebou, en die vlak van die grondeen-

in terms of section 15(1)(c) of the Ordinance to determine that such building shall for the purposes of the Sectional Titles Act, 1971 (Act 66 of 1971), be deemed to comply with the provisions of the zoning scheme concerned.

3. Subdivision

3.1 The Council may grant or refuse an application for the subdivision of land in terms of section 25(1) of the Ordinance within, and subject to the conditions applicable to, a subdivisional area, as well as an application for the subdivision of land involving no change in zoning.

3.2 Whenever the Council has granted a subdivision in terms of section 25(1) of the Ordinance, it may act in terms of section 30 of the Ordinance.

3.3 The granting of an application for subdivision in terms of section 25(1) of the Ordinance with a view to permitting two or more attached dwelling units to be held under separate title shall be subject to the following conditions which shall be complied with before the issuing of a written authority by the Council, as contemplated by section 31(1) of the Ordinance:

3.3.1 Where restoration or improvement is considered necessary by the Council, the buildings shall be fully restored or improved to its satisfaction.

3.3.2 Where considered necessary by the Council, one parking bay shall be provided and constructed to the satisfaction of the Council on each of the land units.

3.4 Subsequent to the granting of a subdivision in terms of section 25(1) of the Ordinance with a view to permitting two or more attached dwelling units to be held under separate title, the person who at any time is the owner of any land unit directly involved in the subdivision shall—

3.4.1 maintain such part of any retaining wall, roof, pipe, gutter, wiring or other structure or thing as is common to such land unit and any other land unit;

3.4.2 maintain every part of such wall, roof, pipe, gutter, wiring or other structure or thing which is on or traverses such land unit;

3.4.3 permit access to such land unit for the purposes of maintaining, cleaning, renovating, repairing, renewing, altering and adding to any wall, roof, pipe, gutter, wiring or other structure or thing, and shall not do anything which will prevent or hinder any such access or work from being done, and

3.4.4 not make any alterations or additions to or demolish any part of the buildings erected on such land unit, including boundary walls and fences, or change the exterior colour scheme or materials of such buildings without the written consent of the Council, nor shall he permit the exterior of the buildings to deteriorate and become untidy or dirty.

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

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

3.5.2 to receive such material or permit such excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he elects to build

heid noodsaaklik is, tensy hy verkies om steunmure tot genoed van die raad en binne 'n tydperk wat deur die raad bepaal word, te bou.

3.6 Ingevolge artikel 31(2) van die Ordonnansie kan die raad toelaat dat 'n gebou of struktuur opgerig word op 'n grondeenheid wat deel uitmaak van 'n onderverdeling wat nie bevestig is nie.

4. Ophetfing van beperkings

Ondanks regulasies 2 en 3 moet alle voorwaardes wat 'n beperking plaas op onderverdeling, die getal geboue wat opgerig kan word of die aanwending van die grond of enige ander beperkende voorwaardes wat betrekking het op die onderverdeling of afwyking waarom aansoek gedoen is en wat teen die grondeenheid geregistreer is, waar toepaslik, eers opgehef word voordat 'n aansoek toegestaan word.

5. Algemeen

Onderworpe aan die bepalings van artikel 9 van die Ordonnansie, waar ook al regulasies wat ingevolge artikel 60 van die Ordonnansie op Dorpe, 1934 (Ordonnansie 33 van 1934), deur die Administrateur uitgevaardig is, deel gemaak is van enige soneringskema wat ingevolge artikel 7(1) van die Ordonnansie van Krag is, gaan sodanige regulasies voort om as deel van sodanige skema van Krag te wees.

retaining walls to the satisfaction of and within a period to be determined by the Council.

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

4. Removal of restrictions

Notwithstanding regulations 2 and 3, all conditions restricting subdivision, the number of buildings that may be erected or the utilisation of the land or any other restrictive conditions which may have a bearing on the subdivision or departure applied for and registered against the land unit shall, where applicable, first be removed prior to an application being granted.

5. General

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