

SIMON'S TOWN

TOWN PLANNING REGULATIONS

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TOWN PLANNING REGULATIONS

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As amended 22.7.75 (Min. 6144)

THE MUNICIPALITY OF SIMON'S TOWN : TOWN PLANNING STATEMENT

1. Definitions

In this scheme -

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

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

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

"building" means in addition to the meaning assigned thereto in paragraphs (a) and (b) of section 1 of Ordinance No. 15 of 1952, any structure or erection whatsoever irrespective of its nature or size;

"bulk" means the total area of all floors of all buildings, which area is covered by a roof, slab or projection from any such buildings; such area shall be measured from the external surfaces of the walls of any such building but shall not in any event exceed "maximum bulk" as herein defined; provided that for the purpose of determining the bulk of any building -

- (a) any floor area, including basement area which is to be used solely by the occupiers of residential accommodation on the site for garaging or parking purposes, and the area covered by the projection of eaves shall be excluded, but
- (b) all balconies, terraces, verandahs or stairs above the floor level of the ground floor whether or not they are covered by any roof, slab or other covering, shall be included;

"business premises" means a building used or intended to be used as shops and/or offices and includes a bank, professional chambers, doctors' surgeries, stock or produce exchange and buildings designed for similar uses, but does not include a place of assembly, an institution, public garage, industrial building or noxious industrial building;

"Council" means the Municipality of Simon's Town;

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

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

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

"dwelling unit" means a self-contained inter-loading group of rooms used only for the living accommodation and housing of a single family together with such out-buildings as are ordinarily used therewith;

"erection" in relation to a building includes -

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

"ground floor" means the lowest floor of a building not being a basement;

"industrial building" means a building, other than a noxious industrial building, used or intended to be used as a factory within the meaning of the Factories Act, No. 22 of 1941, and includes any office, caretaker's quarters, or other building the use of which is incidental to, and such as would ordinarily be incidental to, or reasonably necessary in connection with the use of such factory on the same site;

"institutional building" means a building or portion of a building used or intended to be used as a charitable institution and/or the administration thereof, and includes a hospital, clinic or dispensary, whether private or public used in connection therewith, but does not include -

- (a) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;
- (b) premises licenced under Act No. 38 of 1916 for the detention of mentally disordered persons, or
- (c) a mental hospital;

"land" includes land covered with water and any right in or over land. Any reference to land is limited to land in the area of the Municipality of Simon's Town.

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

"light industrial building" means an industrial building in which the only power-driven machinery is driven by electricity, no single motor being rated at more than 4 kw with a total maximum of 23 kw for all motors per site;

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

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

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

"motor vehicle" means any 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;

"noxious industrial building" means a building used or intended to be used for the purpose of carrying on an offensive trade such as set out in Government Notice No. 1606 of 1934, with any additions made thereto, in terms of Public Health Act No. 36 of 1919, and any amendments thereto;

"occupier" in relation to any building, structure or land means and includes any person in actual occupation of, or legally entitled to occupy such building, structure or land, or any person having the charge or management thereof and includes the agent of any person absent from the area or whose whereabouts is unknown;

"outbuilding" means a subsidiary and single storeyed structure used or intended to be used for the housing of servants, the garaging of motor vehicles and for storage purposes, ordinarily and reasonably required in conjunction with the main structure;

"place of assembly" means -

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

"place of instruction" means a school, college, technical institute, academy, lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery, convent, public library, art gallery, museum, gymnasium, "crèche", but does not include a building used or intended to be used wholly or principally as a certified reformatory or industrial school, or as a school for mentally defective children;

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

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

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

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

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

"rear boundary" of a site or erf means every boundary thereof (other than a street boundary), which is parallel to, or is within 45° of being parallel to every street boundary of such site or erf, and which does not intersect a street boundary;

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

"residential building" means a building (other than a dwelling-house, block of flats or licensed hotel) for human habitation, together with such outbuildings as are ordinarily used therewith and includes tenements, residential clubs and hostels, but does not include any building mentioned whether by way of inclusion or exclusion in the definitions of "place of instruction" and "institutional building";

"shop" means a building -

- (a) for the purpose of carrying on a retail trade, or
- (b) for the purpose of carrying on a retail trade and repairing or manufacturing goods sold in such trade, provided such repair or manufacture does not constitute a factory within the meaning of the Factories Act No. 22 of 1941,

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

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

"street" shall have the meaning assigned thereto by section 2 of Ordinance No. 20 of 1974;

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

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

"use area" means an area where the use of property is existing or is authorised by the Council.

2.

Area of Scheme

2.1

The area to which this scheme applies shall be the Municipality of Simon's Town.

Reservation

Paragraphs 3 to 6 reserved for use when a zoning plan is adopted.

7.

Saving for Special Purposes

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

7.1

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

7.2

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

7.3

The use by any resident of a dwelling-house, flat or residential building or of any portion thereof as medical doctors or a dentist's surgery, consulting and waiting rooms, as well as a veterinary's consulting room for the purpose of treating only domestic animals (household pets), provided the resident himself is the user.

7.4

The use of part of a dwelling-house, flat or residential building by a resident therein for the conduct by himself of a profession or occupation, provided that -

7.4.1

such dwelling-house, flat or residential building or any portion thereof shall not be used as a shop, business premises, industrial building or noxious industrial building;

7.4.2

no goods shall be publicly displayed;

7.4.3

no advertising sign or notice shall be displayed other than an unilluminated sign or notice, not projecting over a street and not exceeding 1 858 cm² in area, indicating only the name and profession or occupation of the resident;

7.4.4

no activities shall be carried on which are or are likely to be a source of nuisance, disturbance or annoyance to residents of other dwelling-houses, flats or residential buildings or portions thereof.

8.

Density Control

The following restrictions shall apply according to the nature of the existing use of the site, or as approved by the Council; or according to the appropriate zones when these are adopted by the Council.

.1

Agricultural Use Area

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

.2

Single Residential Use Area

.2.1

Dwelling-houses

.2.1.1

Building Lines

No building or any portion thereof except boundary walls and fences shall be erected on a site nearer than -

.2.1.1.1

4.50 m to any street boundary;

1 M TO THE LATERAL BOUNDARIES SUBJECT TO
THERE BEING AN AGGREGATE OF 3 M TO BOTH
LATERAL BOUNDARIES AND 3 M TO THE REAR

BOUNDARY.

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- *8.2.1.1.2 ~~3 m to the lateral boundaries and the rear boundary.~~
~~1 m to lateral boundary with aggregate of 3 m~~
~~on both lateral boundaries.~~

*8.2.1.2 Relaxations of Building Lines

Notwithstanding these building lines but subject to the consent of the affected adjoining owners first being obtained in writing, the Council may permit a relaxation of the lateral and/or rear building lines in the case of a dwelling-house, provided that the Council shall ensure that -

8.2.1.2.1 a means of access at least 1 m wide other than through a building shall be provided from a street to every unbuilt upon portion of the site of a dwelling other than a courtyard within a building;

8.2.1.2.2 no windows are inserted in any wall of a dwelling which is less than 1,5 m away from any lateral and/or rear boundaries;

*8.2.1.3 Outbuildings

Notwithstanding these building lines but subject to the Council's consent, an outbuilding used solely for the housing of motor vehicles may be erected within such side and rear spaces and any other outbuilding may be erected within the rear space and side space for a distance of 11 m measured from the rear boundary of the site or in the case of corner sites, from the point furthest from the streets abutting the site, provided that the 11 m restriction can be relaxed by the Council after the adjoining or affected owners' consent has been obtained in writing and subject further to the street building line being complied with, and

8.2.1.4 an outbuilding in terms of subparagraph 8.2.1.3 may only be erected nearer to a lateral or rear boundary of a site than the distance laid down for dwelling-houses, if no windows or doors are inserted in any wall facing such boundary, except if they are shielded from the boundary by a wall at least 2 metres high and extending 1½ metres laterally from the extremities of said windows and doors.

8.2.2 Places of Instruction. Places of Public Worship

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

8.2.3 Places of Public Worship

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

8.2.4 Maximum coverage for all buildings in this area shall be 50%

* 8.2.5 Parking

8.3 General Residential Use Area

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

*

"8.2.5 *Parking (residential areas)*

2 parking bays per unit shall be provided: provided that the Council may waive this requirement if the site gradient will make the provision of such parking bays excessively costly in the Council's opinion, and in case of such waiver, the Council may require a financial contribution to a public parking area."

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		Blocks of flats	Licensed hotels	Other residen- tial and insti- tutional build- ings
8.3.1	<u>Minimum size of site</u>	1 000 m ²	4 000 m ²	2 000 m ²
8.3.2	<u>Maximum coverage</u>	25%	25%	25%
8.3.3	<u>Maximum bulk</u>	.75	.75	.75
8.3.4	<u>Space about buildings:-</u>			
8.3.4.1	No building or structure, except boundary walls and fences, shall be erected nearer than 8 m from any street boundary (vide definition of "street boundary") of the site or the new street boundary provided for in clause 8.3.7.2, whichever is the more restrictive on the site or erf.			
8.3.4.2	<u>Lateral Space:</u>	) 4,5 m or $\frac{1}{2}$ the height of the building,) whichever is the greater.		
8.3.4.3	<u>Rear Space:</u>			
8.3.4.4	<u>Outbuildings</u>			
	Outbuildings with the consent of the Council may be erected in the lateral and rear spaces for a distance of 11 m reckoned from the rear boundary, or in the case of corner sites, from the point furthest from the streets abutting the site, provided that the 11m restriction can be relaxed by the Council after the adjoining or affected owners' consent has been obtained in writing and subject further to the street building line being complied with.			
8.3.4.5	An outbuilding may only be erected nearer to any lateral or rear boundary of a site than the distance laid down for the main building if no windows or doors are inserted in any wall facing such boundary, except if they are shielded from the boundary by a wall at least 2 metres high and extending 1½ metres laterally from the extremities of said windows and doors.			
8.3.5	<u>Height</u>			
	The height limit to be determined by the Council according to aesthetic considerations and the effect on surrounding properties.			
8.3.6	<u>Parking</u>			
	The requirements in respect of minimum on-site parking prescribed for flats and residential buildings in the business area shall be complied with in all respects. (see 8.4.5)			
8.3.7.	<u>Street widths</u>			
	No building may be erected in this area on any site unless -			
8.3.7.1	the site abuts a street of at least 12,5 m in width which street shall be connected by a street or streets of not less than 12,5 m in width to a street of greater width, and			

8.3.7.2

All street boundary walls or fences of the site are erected at a distance of not less than 5 m from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary is made up as part of such street. The portion(s) of the site falling within 5 m of the centre line of the abutting street(s) shall be excluded for the purpose of determining the coverage and bulk on the remainder of the site, provided, however, that if the owner transfers the said portion(s) of the site to the Council free of compensation, such portion(s) may be included for the purpose of determining the permissible bulk on the remainder of the site. The Council shall pay the cost of survey and transfer.

8.3.8

Other Buildings

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

8.4 Business Use Area

8.4.1 Coverage

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

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

8.4.2 Maximum Bulk

No building in this area shall exceed a bulk factor of 1,80 of which not more than 1,00 may be utilized for residential accommodation above the ground floor.

8.4.3 Building Lines

8.4.3.1 Street Boundaries

8.4.3.1.1 Subject to the provisions of section 146 of Ordinance No. 15 of 1952, as amended, business premises and flats above the ground floor may be erected on the street boundary (vide definition of "street boundary").

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

8.4.3.2 Lateral Boundaries

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

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

8.4.3.3 Rear Boundaries

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

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

8.4.3.4 Further Restrictions

- 8.4.3.4.1 A building or portion of a building may only be erected on the lateral or rear boundary of a property if no windows, doors or ventilation openings are inserted in any wall on such boundary.
- 8.4.3.4.2 In the event of the common boundary between two erven forming the boundary between this area and a residential area, the side or rear space, as the case may be, applicable to the latter shall apply on both sides of the boundary in so far as it is more restrictive.

8.4.4 Basements

Subject to the provisions of section 146 of Ordinance No. 15 of 1952, as amended, the building line provisions need not be complied with in so far as basements are concerned.

8.4.5 Provisions for On-Site Parking (For loading and off-loading facilities see clause 9.3).

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

8.4.5.1.1 Business Premises (Including Shops)

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

8.4.5.1.2 Blocks of Flats and Residential Buildings

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

8.5.1.3 Places of Assembly

A minimum area shall be provided on the basis of one parking bay for every twenty seats provided in the building subject to a minimum of 15 parking bays for each funeral parlour.

8.5.2. Further parking and site access requirements

- 8.5.2.1 No parking area in the case of the general residential areas to which these provisions also apply by virtue of clause 6.3.6. shall be laid out within 4.5 m of a street boundary (vide definition of street boundary).
- 8.5.2.2 The vehicular access/exit ways to the site shall be restricted to not more than one each per site per street abutting the site, provided that in the case of public garages the provisions of clause 8.4.8 shall apply.
- 8.5.2.3 The vehicular access/exit ways to the site shall be restricted to a maximum width of 6 m where they cross the street boundary, provided that in the case of public garages the provisions of clause 8.4.8 shall apply.

- 8.4.5.2.4 No vehicular crossing over the pavement shall be located nearer than 5 m to any street corner (i.e. the point of intersection of two street boundaries) provided that in the case of public garages, the provisions of clause 8.4.8 shall apply where more restrictive than the provisions of this subclause.
- 8.4.5.2.5 Such parking areas shall be properly constructed to the satisfaction of the Council.
- 8.4.5.2.6 Such parking areas shall be used exclusively for the parking or standing of vehicles lawfully coming thereon and shall not be used for trading purposes or any other purpose.
- 8.4.5.2.7 The manner in which it is intended that vehicles shall park or stand on such parking areas and the means of gaining access and exit shall be shown on a plan to be submitted to the Council which may approve, disapprove or impose such conditions as it may deem fit. The Council may impose more restrictive requirements than those of subclause 8.4.5.2 if considered necessary from any traffic point of view.

8.4.5.3 Parking Alternatives

- 8.4.5.3.1 As an alternative to the provisions of paragraph 8.4.5.1.1, the owner may, with the consent of the Council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on the site, acquire the prescribed area of land for the parking facilities elsewhere in a position approved by the Council provided he registers a notarial deed against such land to the effect that the Council and the public shall have a free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the Council; the cost of registration of the servitude to be borne by the Council.
- 8.4.5.3.2 As an alternative to 8.4.5.3.1, the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the rateable valuation per square metre of the land on which the building is erected, multiplied by the area of the land which is required to be provided in terms of paragraph 8.4.5.1.1, in which event the Council shall itself acquire the necessary land for such parking purposes.

8.4.6 Places of Assembly

Where a building or portion of a building is to be used as a place of assembly, there shall be provided for such place of assembly a foyer with a minimum area of 0,25 m² per seat for one quarter of the total seating capacity and a minimum frontage of 1 m for each 100 seats in the building licensed by the Council.

8.4.7 Non-conforming Premises

Before a registration certificate or licence of the Council is issued in respect of any premises for which there is no current licence at the date of coming into force of these provisions, or when additions or alterations are made to any building in this area, all the buildings on the site as well as the premises itself shall be made to comply with the provisions of the scheme, the regulations of the Council and any other laws which may be applicable.

8.4.8

Public Garages

The provisions of the Standard Regulations relating to Public Garages promulgated under P.N. 520 dated 28 May, 1971, as amended from time to time, shall apply.

8.4.9

Combined Buildings

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

8.4.10

Floors of Flats and Residential Buildings

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

8.4.11

Dry Cleanettes and Laundrettes

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

8.4.11.1

The floor area of the shop for receiving and returning clothes, the workshop and the space used for the clothes-racks together shall not exceed 275 m².

8.4.11.2

The minimum distance between the boundaries of any two dry cleanettes or laundrettes, unless situated on opposite sides of a street shall be 60 m.

8.4.11.3

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

8.4.11.4

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

8.4.11.5

The combined capacity of the dry cleaning machines that may be installed shall not exceed 20 kg dry weight of clothing or other articles per cleaning operation per half hour cycle.

8.4.11.6

The combined capacity of the washing machines that may be installed shall not exceed 27 kg dry weight of clothing or other articles per washing operation.

8.4.11.7

In any establishment comprising either a dry cleanette or a laundrette or a combination of both, the maximum personnel shall be 12.

8.4.11.8

Each individual application for the establishment of a laundrette or a dry cleanette in this area shall be submitted to the Council for its special consent and the Council shall be furnished with full information as to the maximum and minimum capacities of the machines to be operated, the number of employees and floor space to be occupied.

8.4.11.9

If the Council is of the opinion that the site of a proposed dry cleanette or laundrette is unsuitable on the grounds of possible nuisance, danger to public health, etc., it shall submit the application, together with its view and recommendations and the reasons therefor to the Administrator whose decision shall be final.

8.4.12

Funeral Parlours with Chapels

The following additional provisions shall apply:-

- 8.4.12.1 For the purpose of these provisions, "intersection" and "traffic island" shall have the meanings assigned thereto in P.N. 520 of 28 May, 1971, referred to in clause 8.4.8 relating to public garages.
- 8.4.12.2 No funeral parlour with a chapel shall be permitted on a site abutting a street of less than 12.5 m in width.
- 8.4.12.3 No funeral parlour with a chapel shall be permitted nearer than 100 m from -
- 8.4.12.3.1 the intersection of a declared road, proclaimed road, prospective main road, or any other street to which the provisions of section 146 of the Divisional Council's Ordinance, 1952 (Ordinance No. 15 of 1952) apply with any other street of like status;
- 8.4.12.3.2 any road whether existing or provided for in the town planning scheme, and
- 8.4.12.3.3 any intersection where traffic is controlled, or is proposed to be controlled in terms of the town planning scheme, by a traffic island.

8.5

Minor Business Use Area

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

- 8.5.1 no erf shall form the site of both a dwelling-house and a flat, and
- 8.5.2 not more than one floor of business premises and one floor of flats shall be erected on a site in this area.

8.6

Light Industrial and Industrial Use Areas

- 8.6.1 The maximum coverage in this area shall be 75%.

8.6.2

Loading and Unloading

For the purpose of loading and unloading vehicles there shall be provided on the site a bay or bays to the Council's satisfaction, in accordance with Table "C" hereunder.

8.6.2.1

Table "C"

Gross floor area of building (to the nearest m ²)	Required loading and unloading area
0 - 2 500 m ²	1 bay
2 501 m ² - 5 000 m ²	2 bays
5 001 m ² - 10 000 m ²	3 "
Every additional 10 000 m ² or portion thereof	1 additional bay

- 3.6.2.2 Such bay or bays shall have vehicular access (which shall be to the satisfaction of the Council and shall not be less than 5 m wide and, if carried through a building, not less than 3 m in height) to a street.

3.6.3 Parking

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

- 8.6.3.1 Number of parking bays to be provided on the site, based on the gross floor area of the building.

- 8.6.3.1.1 1 Bay for every 100 m² of floor area up to 1 500 m².
 8.6.3.1.2 1 Bay for every 200 m² of floor area in excess of 1 500 m².
 8.6.3.1.3 25% of the bays in 8.6.3.1.2 shall be set aside and sign-posted for use by visitors.

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

- | | | |
|-----------|--|---|
| 8.6.3.2.1 | Up to 25 employees | - 1 Bay for every 4 persons or part thereof. |
| 8.6.3.2.2 | Thereafter, for the next 25 persons | - 1 Bay for every 5 persons or part thereof. |
| 8.6.3.2.3 | Thereafter, for the next 50 persons | - 1 Bay for every 10 persons or part thereof. |
| 8.6.3.2.4 | Thereafter, for any further number of persons employed | - 1 Bay for every 25 persons or part thereof. |

8.6.4 Street widths and building lines

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

- 8.6.4.2 No building or any portion thereof, except boundary walls and fences, shall be erected nearer than 3 m from any street boundary of the site (vide definition of "street boundary") or the new street boundary in the preceding subclause 8.6.4.1, whichever is the more restrictive on the site.

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

8.7 Undetermined Use Area (Applicable when zones adopted)

In this area no person shall erect a building or alter, add or extend an existing building, nor shall he use any existing building or land for a purpose for which, or in a manner in which, it was not used on the day of without the consent of the Council and the Administrator.

8.8 Group Housing Zone.

8.8.1. Definitions.

Group Housing zone means land that has been formally zoned for such use, or has been approved for such use by the Council and the Administrator. Such zoning or approval should however not be interpreted as implying later cadastral subdivision.

Group site means a portion of land in a group housing zone which is capable of subdivision into several erven with or without public street and with or without public open space.

Group erf means a piece of land in a group site approved for the erection of a single dwelling.

8.8.2. Maximum density.

The density should bear some relationship to the density of single residential development in the particular area, not in excess of a 2:1 ratio and the maximum density should in any event -

- (1) normally (i.e. in the case of a site of which portion(s) will be required for road(s) and/or public open space purposes) not be more than 30 units per gross hectare.
- (2) in special cases (i.e. where the group site was originally planned as such and public open space and/or road(s) have already been suitably provided to cater therefor and need not be deducted from the site) not be more than an utmost maximum of 40 units per gross hectare.

Note: The number of gross hectare is equal to the total area of the group site in hectare (where "group site" is as defined in 8.8.1 above)

8.8.3. Open Space : A minimum of 80 m² per dwelling unit shall be provided and in this context the term "open space" means public open space excluding roads and private yards. This requirement falls away -

- (1) In cases where public open space has been suitably provided in the vicinity to cater for group housing on the particular site.
- (2) in cases where it may be impractical to provide open space (or to provide all the open space required), in which event a cash endowment may be paid in lieu of the required open space (or the shortfall).
- (3) in the general residential zone(s) but only in the event of the provision of public open space as part of the group housing development being regarded unreasonable by virtue of compliance with the group housing density should this be more restrictive than the permissible general residential density.

8.8.4. Private Yard and Garden.

Group erven must be designed to provide an enclosed service yard of adequate area and in addition a private garden or outdoor living area of, in total, at least 40% of the dwellings floor area with a minimum of 50 m².

8.8.5. Side and Rear Building Lines.

The Council may not insist on side and rear building lines other than those required for fire fighting purposes or when a group erf abuts an erf with a different zoning. In the latter case a side and rear space of 3 metres is the minimum.

8.8.6. Street Building Line.

This shall be at the discretion of the Council and in certain cases no street building line other than that required for safe traffic movement may be imposed but this will depend on the nature of existing development in the vicinity of the group dwellings.

8.8.7. Height of Buildings.

The maximum possible height of buildings will normally be 8 metres measured from the mean ground level of the building to the top of the parapet or cornice in the case of a flat roof, or to a point midway between the eaves and the ridge in the case of a pitched roof.

8.8.8. On-site Parking.

Accommodation for the parking of motor vehicle shall be provided on each group erf on the minimum basis of at least 2 parking bays per erf. If possible one bay shall be under cover.

8.8.9. Aerials.

No aerial which can be seen from any point outside such erf may be erected on any group erf or attached to the buildings except for such communal masts as may be permitted by the Council.

8.8.10. Storeroom.

A storeroom with a minimum internal area of two square metres must be provided on each group erf if no lock-up garage is provided on the erf or on a separate erf ancillary thereto.

8.8.11. Aesthetic and Environmental Treatment.

Where landscaping, paving and any other treatment, such as the provision of public open space, is considered necessary to render the site suitable for group housing, this may be required by the Council and carried out to its satisfaction by the owner at his cost.

MUNISIPALITEIT SIMONSTAD:

SONERINGSKEMA

WYSIGING VAN SKEMAREGULASIES

Ingevolge artikel 9(2) van die Ordonnansie op Grondgebruikbeplanning 1985 (Ordonnansie 15 van 1985), wysig die Administrateur van die Kaap die Goeie Hoop hiermee artikel 8.9 van die Skemaregulasies van die Soneringskema van die Munisipaliteit van Simonstad deur die skrupping van artikel 8.9 en die vervanging daarvan met die volgende:

8.9 *Spesiale Sones*8.9.1 *Spesiale Sone A*

'n Sone soos afgebaken met die goedkeuring van die Administrateur as 'n area van besondere argitektoniese en historiese belang. Die voorwaardes van toepassing op hierdie sone is soos saamgevat in die aanhangsel tot die regulasies. Sone A is afgebaken soos aangedui op Plan Nr 1/696 en sluit alle eiendomme in die midde-dorp van Simonstad tussen die Simonstadse spoorwegstasie en Belmontweg in.

BYLAE TOT DIE SKEMAREGULASIES VAN
SIMONSTAD: VOORWAARDES VIR SPESIALE SONE A:
SENTRALE DORPSGEBIED

8.9.1.1 Die doel van hierdie voorwaardes is om te verseker dat die midde-dorp van Simonstad sy karakter en atmosfeer behou deur die bewaring van die vooraansigte van alle geboue in die gebied en die beheer van die ontwerp van veranderings of nuwe geboue, die versiering daarvan en die oprigting van uithangborde om toe te sien dat die vooraansigte harmonieër met die gebied.

8.9.1.2 Enige persoon wat van voorneme is om 'n nuwe gebou op te rig of om veranderings aan te bring aan 'n bestaande gebou moet die Raad tevrede stel dat die ontwerp daarvan vir die Raad aanvaarbaar sal wees soos verlang in artikel 8.9.1 hierbo, en moet aansoek doen by die Raad en sodanige planne en besonderhede van die voorstel soos deur die Raad benodig mag word, voorsien.

8.9.1.3 Enige strukturele veranderings aan bestaande of ontwikkeling van nuwe geboue sal alleenlik toegelaat word indien die Raad tevrede is dat sodanige bouwerk in ontwerp, styl en versiering ooreenstem met die algemene atmosfeer, karakter en aansig van geboue in die gebied soos meer volledig omskryf in "Guidelines for Conservation and Development".

Die Raad se besluit aangaande die aanvaarbaarheid van die voorstelle is finaal.

8.9.1.4 Die Raad mag 'n professionele argiteks-konsultant aanstel om hom te help om die aanvaarbaarheid van 'n ontwerp of styl te bepaal.

8.9.1.5 Die advertensies en tekens wat vanaf die straat sigbaar is en by wyse van uithangborde of tekens vertoon word, moet na goeddunke van die Raad aanpas by die karakter van die gebied en moet voldoen aan die Raad se verordeninge met betrekking tot advertensies.

SIMON'S TOWN MUNICIPALITY:

ZONING SCHEME

AMENDMENT OF SCHEME REGULATIONS

In terms of section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the Administrator of the Cape of Good Hope hereby amends section 8.9 of the Scheme Regulations of the Zoning Scheme of the Municipality of Simon's Town by the deletion of section 8.9 and the substitution thereof of the following:

8.9 *Special Zones*8.9.1 *Special Zone A*

A zone demarcated with the approval of the Administrator as one of special architectural or historic interest. The conditions applicable to such a zone shall be in accordance with the annexure to these regulations. Zone A demarcated as per Plan No 1/696 includes all property situated in the central town, between the Simon's Town railway station and Belmont Road.

ANNEXURE TO THE SCHEME REGULATIONS OF
SIMON'S TOWN: CONDITIONS OF SPECIAL ZONE A:
CENTRAL AREA

8.9.1.1 The purpose of these conditions is to ensure that the central area of Simon's Town will retain its particular character and atmosphere by the preservation of external appearances of all buildings in the area and the control of the designs of alterations or of new buildings, decoration thereof and the erection of signs, to ensure that a satisfactory harmony is achieved in external appearances.

8.9.1.2 Any person wishing to erect a new building or undertake alterations to an existing building must satisfy the Council that the design thereof will be acceptable to the Council to satisfy section 8.9.1 above and he shall make application and supply such plans as may be required by the Council.

8.9.1.3 Any new building or alterations to buildings shall be permitted only if the Council is satisfied that such work is in respect of design, style and decoration in conformity with the general atmosphere and character of the appearances of buildings in the area as more fully described in the "Guidelines for Conservation and Development".

The Council's decision as to the acceptability of the plans shall be final.

8.9.1.4 The Council may engage professional architectural consultants to assist in assessing the acceptability of any plan submitted.

8.9.1.5 The advertisements and signs visible from the street displayed by means of signboards or painted signs shall, in the opinion of the Council, conform to the character of the area and shall comply with the Council's by-laws.

9 Miscellaneous9.1 Number of Buildings per Erf

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

9.2 External Appearance of Buildings

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

9.3 Loading and Off-Loading Facilities

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

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

9.4 Use of Outbuildings Prior to Completion of Main Building

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

9.5 Council's duties under this scheme.

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

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

9.6 Service of Documents

The provisions of section 211 of Ordinance No.20 of 1974, shall mutatis mutandis apply to this scheme.

9.7 Approved Townships

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

- 9.7.2 The layout plan of a township approved by the Administrator subsequent to the coming into operation of these provisions, shall form part of the town planning scheme and the map shall be amended accordingly.

9.8 Putting Courses and Drive-In Restaurants : Special Provisions

- 9.8.1 No putting course or drive-in restaurant shall be established or operated except in accordance with the provisions of this clause.

- 9.8.2 No putting course or drive-in restaurant and the necessary parking area shall be permitted on a site abutting a road of less than 12,5 m in width. No vehicular entrance/exit for these undertakings shall be nearer than 100 m from an intersection as defined in P.N. 520/1971 referred to in clause 8.4.6, where two proclaimed roads meet or where traffic is controlled by robots or traffic islands.

- 9.8.3 Provision shall be made on the site of every putting course for a parking area on the basis of 3 parking bays to every 2 holes in a putting course, provided that where a putting course is adjacent to a drive-in restaurant and the parking areas for the two undertakings are not clearly separated, 50 parking bays must be provided for the drive-in restaurant in addition to the parking facilities prescribed for the putting course. The provisions of clause 8.4.5.2 shall be applicable, mutatis mutandis, to any parking area required in terms of this clause.

- 9.8.4 The boundary of a putting course shall be set back at least 3 m from the statutory boundary of any street abutting the course to provide suitable standing room for spectators off the street and pavement.

- 9.8.5 Sanitary facilities shall be provided on the site of every putting course and drive-in restaurant to an extent prescribed by the Medical Officer of Health and shall be located in positions approved by the Council.

- 9.8.6 Where the Council deems it necessary in the interests of amenity, the site of every putting course and/or drive-in restaurant shall be screened and landscaped in a manner prescribed by the Council.

A putting course shall not be operated later than such closing hour as the Council may prescribe.