



SOMERSET WEST

ZONING SCHEME

NOVEMBER 1992

(Approved in terms of Section 35 bis of Ordinance 33 of 1934 (AF231/6/0/2 dated 10/11/72)

(As amended by P.N Nos. 465 and 514 of 1992 (Official Gazettes Nos. 4770 and 4768 dated 25 September and 9 October 1992); P.N 14191 of 1996 (Provincial Gazette no. 5038 dated 19 April 1996)

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NO GUARANTEE IS GIVEN AS TO THE ACCURACY OF PARTICULARS FURNISHED AND NO RESPONSIBILITY IS TAKEN FOR ERRORS AND OMISSIONS OR THEIR CONSEQUENCES. ATTENTION IS EXPLICITLY INVITED TO CLAUSE 6.3 OF THESE REGULATIONS.

SOMERSET WEST ZONING SCHEME

PART 1 : DEFINITION AND INTRODUCTORY

1.1 INTERPRETATION OF TERMS

In this scheme unless the context otherwise requires :

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

"Administrator" means the Administrator of the Cape Province.

"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,

"Area of erf" means the surveyed area of such erf, taking into account any line prescribed, or resurveyed areas of such erf, but excludes the area of such erf which

- (a) has been encroached upon by the use of such portion by the public as a street or part of a street and which in the opinion of the Council should continue to be used as a street or part of a street; or
- (b) is reserved for street purposes under any other law;
- (c) has been expropriated under any law.

"Basement" means that portion of a building the finished floor level of which is at least 2 meter below the mean level of the ground immediately surrounding the building. These ground levels are to be taken at positions where the main building may be erected on the erf in terms of the building lines as described in these Regulations.

"Block of flats" means a building containing two or more dwelling units.

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

"Building for professional use" means a building used by a professional practice or partnership and includes a medical centre and consulting rooms.

"Building line" means a line delimiting the area measured from the boundary of the land unit within which no building or other structures except boundary fences.

"Bulk" means the maximum total floor area of all floors of all buildings which may be erected on an erf, measured over the outside walls and covered by a roof or projection and shall not in any event exceed the "maximum bulk" as herein defined, provided that,

- (a) any floor area, including basement area, to be used solely by the occupants of residential accommodation on the site for garaging or parking purposes, shall be excluded for the purpose of the maximum bulk of the building;
- (b) the area of all balconies, terraces, verandahs or stairs above 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 for business purposes and includes offices, a bank, professional chambers, stock or produce exchange and building designed for similar uses, but does not include a shop, a place of assembly or amusement, an institution, petrol service station, public garage, industrial building or noxious industrial building.

"Council" means the Municipal Council of Somerset West.

"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 portion, provided that the area covered by a maximum eaves projection of 1 meter shall be excluded for the purpose of determining the maximum permissible coverage.

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

"Duplex flats" means a block of flats where the division between the dwelling units is vertical, having a maximum height of two storeys.

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

"Dwelling unit" means a self-contained interleading group of rooms used only for the living accommodation and housing of a single family together with such outbuildings as are ordinarily used therewith.

"Erection" in relation to a building includes -

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

"Gross floor area" (G.F.A.) means in relation to any building or structure, the sum of the gross area which is covered by a roof, slab or projection, excluding a projection not exceeding 760 mm over an outside wall, if such a wall exists, provided that the area which is covered by a canopy or projection on the street side of a business building in the business zone, local business zone and special business zone as well as arcades, public toilets, service lanes, loading bays, basement area and half of the staircase to be used for garaging or parking purposes shall not be calculated as gross floor area.

G.F.A. is measured from the outside surface of the walls of a building and where a building has more than one floor, the G.F.A. shall be the total of all the floors, including basements.

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

"Group housing" means a group of separate and/or coupled and/or linked individual dwellings on smaller than conventional erven, and planned, designed and built as a harmonious architectural entity with a medium-density character and with structures which may vary between single- and double storeys.

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

"Group housing zone" means the land that has been formally zoned for such use. Such zoning should, however, not be interpreted as implying later cadastral subdivision.

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

"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, care-taker'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, or;
- (b) premises licensed 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 to which this Zoning Scheme applies.

"Lateral or side boundary" of a site or erf means a boundary other than a street boundary or a rear boundary.

"Light industrial building" means an industrial building or a building used or constructed or designed or adapted to be used as an industrial building in which the power machinery installed is only driven by electricity, no single motor being rated at more than 5 horsepower with a total maximum of 30 horsepower for all motors per site, the maximum number of employees in such establishment being restricted to twenty, and includes a shop for the sale of products manufactured on the premises.

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

"Map" means the plan marked map No. 5 which is the map forming part of this Zoning Scheme.

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

"Material date" means the date upon which the Council resolved to prepare a Zoning Scheme.

"Metre" has a meaning as defined in Systeme International (S1.).

"Motor vehicles" 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.

"Occupational practice" means the practising of an occupational enterprise or trade by the occupant of the dwelling unit which includes the husband and/or wife and children, where he and/or she, except in the case of a general practitioner, is the occupant without disturbances such as noise, obstruction of traffic, especially by heavy vehicles, air pollution, offensive trade, congregation or people, a safety risk with regard to fire hazard or health, overloading of municipal services or lowering of aesthetics being caused in the residential area concerned.

"Outbuildings" means a subsidiary and single storeyed structure, which in the opinion of the Council, is used or intended to be used for such purposes ordinarily and reasonably required in conjunction with the main structure.

"Owner" means the person registered in the Deeds Registry as the owner of the land and includes the liquidator of a company or a legal representative acting within the authority conferred upon him by law.

"Parking garage" means a building or any land designed or adapted to be used for the purpose of parking, washing and servicing of motor vehicles but does not include a building any part of which is designed or adapted for use as a workshop for the repair of motor vehicles or for the sale of petrol, oil and accessories.

"Petrol service station" means a building or part of a building used or designed or adapted for the sale of petrol, oil and other fuels and lubricants and accessories used in connection with motor vehicles, and includes an office and storeroom for use in connection therewith, together with facilities for the washing and servicing of motor vehicles which do not require the attention of more than one qualified mechanic or other qualified artisans, and a tea room with retiring rooms for both sexes.

"Place of assembly" means -

- (a) a public hall, social hall, theatre, 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;
- (e) any other place of 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, crèche, museum, gymnasium, 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.

"Professional person" means a person who qualifies as a professional person in terms of Council's policy regarding professional uses, as provided for in the Zoning Scheme and must practise one of the following professions :

Civil Engineering, Architecture, Quantity Surveying, Land Surveyor, Law, Medical Doctor, Dentist, Veterinary Consultant, Town Planning, any by-medical profession like hearing-aid, physiotherapist, orthodontist, teacher in music, arts and science and any other profession approved by Council as a professional use.

"Public garage" means a building or part of a building other than a parking garage used or constructed or designed or adapted for the purpose of carrying on a trade or business in respect of which a licence referred to in Item 15 of the Second Schedule to the Licences Act 1962 (Act No. 44 of 1962) is required and shall include the trade or business of fuelling motor vehicles for payment or reward.

"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" means a natural person who physically lives in a dwelling house, flat or residential building and who uses such dwelling house, flat or residential building as his place of continued residence.

"Residential building" means a building (other than a dwelling house, block of flats or licensed hotel) for humane 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".

"Scheme" means the Somerset West Zoning Scheme adopted by the Council in terms of section 7(1) of Ordinance No. 15 of 1985, and as amended from time to time. The term "date of introduction" of this scheme shall mean the said date upon which this scheme was so adopted.

"Scrap yard" means any land or building used for the storage of builder's materials, or used for the stacking, storing or preparation for re-sale of scrap material.

"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 4.11.2.

"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 manufacturing does not constitute a factory within the meaning of the Factories Act, No. 22 of 1941, and includes a launderette 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.

"Site development plan" means a plan reflecting full details of the intended development for all zones except the single residential zone. The site development plan shall include the following particulars :

- (a) a contour plan at a scale of 1:100 reflecting a 1 m contour interval;
- (b) a site plan indicating
 - (i) all existing municipal services and connections;
 - (ii) all proposed services such as water, electricity, storm-water, sewerage and road access;
 - (iii) complete parking layout to Council's requirements;
 - (iv) all structures and buildings on abutting erven;

- (v) road widening if applicable;
- (vi) landscape proposals;
- (c) complete elevations from all directions;
- (d) perspective plan to indicate finishes to be used on the proposed building;
- (e) a plan indicating the purposes for which the entire floor area of the building will be used.

"Special business purposes" means the manufacturing and selling of home craft articles, and commercial activities as listed in Part 3 Clause 3.1 para. 3.1.6 and uses to be permitted with the special consent of the Council.

"Street" shall have the meaning thereto assigned 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 reserved in terms of the Zoning 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.

"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 -

- (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

has been rezoned to a subdivisional area.

"The Central Business Area" means the area bordered by Bright Street, Railway Line, Lourens River and Main Street, which has been declared a special planning area, as well as the area bordered by Lourensford Road, Caledon Street, Drama Street, New Street, Gordon road and Main Street.

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

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

"Zone" means a portion of the area shown on the map in a distinctive manner for the purpose of indicating the restrictions imposed by this scheme on the erection and use of buildings and the use of land.

1.2 AREA AND PURPOSE OF SCHEME

The area to which this scheme applies, shall be the Municipality of Somerset West. The general purpose of the Scheme is a co-ordinated and harmonious development of the area of the Municipality of Somerset West, including where necessary the reconstruction of any part thereof which has already been subdivided and built upon in such a way as will most effectively tend to promote health, safety, order, amenity, convenience and general welfare as well as efficiency and economy in the process of such development.

1.3 APPROVED TOWNSHIPS

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

PART 2 : RESERVATION OF LAND

2.1 RESERVATION OF LAND

- 2.1.1 The several pieces of land specified in column (1) of Table "A" are reserved for use of the respective purposes indicated in column (2) of Table "A" and except as hereinafter provided, shall not be used for any other purposes whatsoever.

TABLE "A"

<u>MAP REFERENCE</u>	<u>USES FOR WHICH LANDS ARE RESERVED</u>
(a) Carmine	New streets and proposed street widenings.
(b) Hatched Dark Red	Street closures.
(c) Dark Green	Public open space.
(d) Light Green	Private open space.
(e) Spring green with broken hatching	Cemetery.
(f) Red Brown	Local authority purposes.
(g) Red	Government purposes.
(h) Turquoise with "E" superimposed	Educational.
(i) Grey	Railway purposes.
(j) Pastel Red	Public parking purposes.
(k) Uncoloured	Existing streets.

2.1.2 Save with the consent of the Council and the Administrator no person shall erect a building, or execute works or make excavations on land reserved under Clause 2.1.1 hereof other than buildings, works, or excavations required for or incidental to the purpose for which the land is reserved, provided that nothing herein contained shall be deemed to absolve any person from due compliance with the provisions of the Council's Regulations insofar as they are not in conflict herewith.

2.1.3 Save as provided in sub-clause 2.1.2 above, no person shall spoil or waste land reserved in terms of clause 2.1.1 hereof so as to destroy or impair its use for the purpose for which it is reserved; provided that the Council may consent to the deposit on such land of waste materials or refuse.

- 2.1.4 Land reserved in terms of clause 2.1.1 may continue to be used for the purpose for which it was used on the material date until such time as the Council has in terms of the Ordinance or any other law, required the owner to use or set such land aside for the purpose for which it is reserved or until the land has been transferred to the Council or to the authority for whose purpose it has been reserved.
- 2.1.5 Subject to the provisions of any other law, nothing in this clause shall be construed as prohibiting the reasonable fencing of the land.
- 2.1.6 Any buildings erected on land reserved under Table "A" shall comply in all respects with the provisions of the Scheme relating to that type of building.
- 2.1.7 In giving its consent under this Clause, the Council may impose such conditions as it deems fit.

PART 3 : USE OF LAND AND BUILDINGS

3.1 ERECTION AND USE OF BUILDINGS AND USE OF LAND

- 3.1.1 The purpose for which buildings and land may be erected or used or may be erected and/or used only with the special consent of the Council, in each of the use zones specified in Table "B", are shown in columns (3) and (4) of the Table, respectively. Any use not reflected in columns (3) and (4) may not be permitted in the relative zone. No land shall be used for a purpose for which a building may not be erected or used on such land, provided that where a building may be erected and used for a particular purpose on land with the special consent of the Council, such land may be used for such purpose with such special consent.

TABLE "B"

(1)	(2)	(3)	(4)
Zone	Map Reference	Purpose for which land may be used and buildings may be erected and used	Purpose for which land may be used and buildings may be erected and used only with the special consent of the Council.
A. Single Residential	Yellow	Dwelling houses	Place of public worship, place of instruction, agricultural building, occupation practice, additional dwelling unit.
B. General Residential 1	Orange	Dwelling houses, blocks of flats, residential buildings which do not conduct off-sales establishments	Place of instruction, place of public worship, institutional buildings, licensed hotels which do not conduct off-sales establishments, buildings for professional use, occupational practice.
C. General Residential 2	Brown	Dwelling houses, duplex flats, blocks of flats	Residential buildings, place of public worship, building for professional use, occupational practice.
D. General Business	Dark Blue	Blocks of flats and residential buildings above the ground floor, licensed hotels, shops, business premises, parking garages	Public garages, petrol service stations, launderettes and dry-cleanettes, place of assembly, place of public worship institutions, warehouses, drive-in restaurants, putting courses.

(1)	(2)	(3)	(4)
Zone	Map Reference	Purpose for which land may be used and buildings may be erected and used	Purpose for which land may be used and buildings may be erected and used only with the special consent of the Council.
E. Local Business	Light blue with hatching	Dwelling houses, shops, business premises	Place of public worship, place of instruction, institutions, blocks of flats, residential buildings, place of assembly, petrol service stations, drive-in restaurants, putting courses.
F. Light Industrial	Pastel Violet	Light industrial, warehouses, laundrettes and dry-cleanettes	Public garages, petrol service stations, business premises
G. Industrial	Purple	Industrial buildings, scrap yards, warehouses laundrettes and dry-cleanettes, public garage, light industrial buildings	Business premises place of instruction, petrol service station
H. Institutional	Hatched Brown	Place of public worship	Institutional buildings, place of instruction
I. Agricultural zone	Khaki green	Agricultural buildings subject to only one dwelling per erf.	Place of instruction, occupation practice.
J. Group Housing	Orange with black hatching.	Group units housing	Occupation practice.

(1)	(2)	(3)	(4)
Zone	Map Reference	Purpose for which land may be used and buildings may be erected and used	Purpose for which land may be used and buildings may be erected and used only with the special consent of the Council.
K. Special Business	Red bars at 60° angle on dark blue background.	Building for the manufacture and selling of home craft articles.	
L. Informal Residential zone	Yellow with light-brown outline	Shelters; Dwelling-house	

- 3.1.2 Subject to the provisions of clause 3.3 hereof, where any application is made to the Council for its consent to the erection and use of a building in a zone in which a building of the type proposed may be erected and used only with the Council's special consent, the Council may give or withhold its consent and shall in giving its consent be entitled to impose such conditions as it may deem fit, governing the erection or use of such building. In considering such application, regard shall be given to the question whether the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood including, in the case of an industrial building, injury due to the emission of smoke or fumes, or dust, noise or smell.
- 3.1.3 Nothing herein contained shall be deemed to exempt or excuse compliance with any of the Council's regulations.
- 3.1.4 A site development plan for all properties to be developed for any purpose whatsoever excluding single residential buildings shall be submitted for Council's approval before final building plans for new buildings, alterations of existing building or re-development thereof will be accepted. The submission of a site development plan shall accompany all rezoning applications and shall be compiled by a professional person.
- 3.1.5 With the Council's special consent, the following business uses may be permitted on residential erven, situated within the central business area :

Gymnasium for physical fitness, yoga classes, centre for instruction and training in pottery, art, needlework, cooking, sewing and other activities in this category, place of consulting rooms for by-medics, professional uses and other uses like hairdressers, beauticians, dog-grooming parlours.

Activities that constitute a business use which can only be accommodated on land zoned for general business purposes or on land zoned for special business purposes are as follows :

Offices for the following :

Estate agents, financial institutions, insurance brokers and building services contractors.

Office for the following -

Property developer, transport consultant, gardening consultant, swimming pool specialist, computer centres, interior decorating consultant.

Any shop for the purpose of carrying out a retail trade and repairing goods sold in such a trade and includes a photographer, chemist, florist, restaurant, nursery, dry-cleaning depot.

3.1.5.1 Play sites, play groups or nursery schools.

Any person requiring Council's special consent to use a building or land whether wholly or partly for above-mentioned use shall, before making such application to Council -

- (i) publish at his own expense once a week for two consecutive weeks in English and Afrikaans in a newspaper circulating the area, a notice of his intention to make such application to Council and shall with such application lodge with the Council proof of such publication. The notice shall state that any person having any objection to the erection and use of the proposed building or the proposed use of this land may lodge such objection with the Council and also with the applicant in writing within fourteen (14) days after the date of the last advertisement and shall further state where the plans, if any, may be inspected;

- (ii) before Council shall consider such application, the applicant shall serve a personal notice to the adjoining owners and to whom Council may decide. This is to be done concurrently with the advertisements in the press;
- (iii) the applicant must be the owner and the resident of the property concerned;
- (iv) on a single residential erf not more than six (6) children be accommodated and on a general residential erf not more than twenty (20) children to be accommodated, with the proviso that the mentioned maxima may be exceeded if the relevant premises have been found to conform with the health regulations and the provisions as laid down by the Department of Public Health and Welfare;
- (v) if an organised crèche, play school or nursery school is to be developed by the Municipality or any service organisation or non-profit organisation within an area where special consent to private individuals were previously granted within that area, Council reserves the right to revoke such special consent at any time;
- (vi) the Council reserves the right to impose further conditions as reflected in clause 3.1.5.7.

3.1.5.2 Gymnasium for physical fitness or yoga classes.

An application for the special consent of Council to utilise a building or land whether wholly or partly for the above-mentioned use, shall only be considered by Council if the property is situated within a residential area which is earmarked for future business purposes or situated within the Central Business Area and shall also be subject to the following requirements:

- (i) the normal advertising procedures to be followed as laid down in paragraph 3.1.5.1(i) above;
- (ii) any person intending to make application to the Council for its consent shall serve a personal notice to the adjoining owners as laid down in paragraph 3.1.5.1(ii) above;
- (iii) the applicant must be the owner and the resident of the property concerned;

- (iv) an application fee of R250 must be paid when application is lodged with the Municipality for consideration by Council and if successful, a R75 annual inspection fee shall be levied;
- (v) if music is used, it may not create a nuisance to the neighbours;
- (vi) no fitness classes or activities in conjunction with above-mentioned use may be conducted on Sundays;
- (vii) on-site public parking on the basis of four (4) parking bays per 100 m² G.F.A. shall be provided and constructed to Council's satisfaction;
- (viii) no advertising sign shall be erected on the premises prior to the approval of the necessary plans. The sign to be erected shall be a pole-sign not exceeding 600 mm x 900 mm in size and may only reflect the general description of the type of activity conducted on such premises as well as the name and telephone number of the occupier thereof. Such an advertising sign may not be against the building or encroach on Council's property;
- (ix) the Council reserves the right to impose further conditions as reflected in clause 3.1.5.7.

3.1.5.3 Place of instruction in pottery, art, needlework, cooking, swimming, etc. as well as a training centre :

- (i) Any person that requires Council's consent to use a building or land whether wholly or partly for above-mentioned use shall before making such application to Council, comply with the normal advertising procedure as laid down in paragraphs 3.1.5.1(i) and (ii) above;
- (ii) the applicant must be the owner of the property concerned;
- (iii) application and inspection fees are payable to Council as laid down in paragraph 3.1.5.2(iv) above;
- (iv) on-site public parking to be provided on the basis of four (4) parking bays/100 m² G.F.A. or one parking bay for every two students or pupils and shall be constructed to Council's satisfaction;

- (v) an advertising sign may be erected on-site but have to comply with all the requirements as laid down in paragraph 3.1.5.2 (viii) above;
- (vi) no instruction or training may be conducted on Sundays;
- (vii) Council's special consent is at Council's behest and can be revoked at any time;
- (viii) the Council reserves the right to impose further conditions as reflected in clause 3.1.5.7.

3.1.5.4 Place of consulting rooms by medics like hearing-aid, physiotherapist, orthodontist.

- (i) An application for special consent of Council to utilise a building or land whether wholly or partly under this category shall only be considered by Council if the property is zoned for general residential purposes or situated within an area earmarked for future business purposes or within the Central Business Area;
- (ii) before Council will consider such application, the applicant shall comply with the normal advertising procedure as laid down in paragraph 3.1.5.1(i) and (ii) above;
- (iii) the applicant must be the owner of the property concerned;
- (iv) application and inspection fees are payable to Council as laid down in paragraph 3.1.5.2(iv) above;
- (v) a minimum of six (6) on-site public parking bays/100 m² G.F.A. constructed and built to Council's satisfaction to be provided by the applicant;
- (vi) no advertising signs except for a bronze nameplate may be erected on-site;
- (vii) the Council reserves the right to impose further conditions as reflected in clause 3.1.5.7.

3.1.5.5 Professional Use.

A building for professional use means a building used by a professional practice or partnership and includes a medical centre and consulting rooms as well as a veterinary consulting room for the purpose of treating any domestic animal (household pet).

- (i) Any person requiring Council's special consent to use the building or land whether wholly or partly shall before making such application, comply with the normal advertising procedure as laid down in paragraph 3.1.5.1(i) and (ii) above;
- (ii) an application in this category shall only be considered by Council if the property is zoned for general residential purposes or situated within an area earmarked for future business purposes or within the Central Business Area;
- (iii) application and inspection fees are payable to Council as laid down in paragraph 3.1.5.2(iv) above;
- (iv) public parking shall be provided on the site for a medical centre and consulting rooms at a ratio of six (6) parking bays per 100 m² G.F.A. of which at least three (3) parking bays per professional person shall be reserved for patients or clients and adequately demarcated and tarred to Council's satisfaction;
- (v) veterinary surgeons shall only treat domestic animals and these animals may not be kept overnight on these premises;
- (vi) no medicines and other similar goods may be sold from a single residential or a general residential erf;
- (vii) no advertising signs except for a bronze plate may be erected on-site;
- (viii) the Council reserves the right to impose further conditions as reflected in clause 3.1.5.7.

3.1.5.6 Hairdressers, beauticians, dog-grooming parlour.

- (i) Any person that requires Council's special consent to use a building or land whether wholly or partly for the above-mentioned use shall before making such application to Council, comply with the normal advertising procedure as laid down in paragraphs 3.1.5.1(i) and (ii) above;
- (ii) an application for the special consent of Council under this category shall only be considered by Council if this property is situated within an area earmarked for future business purposes or within the Central Business Area;
- (iii) the applicant shall be the owner of the property concerned;
- (iv) on-site public parking must be provided as determined by Council on the basis of one parking bay per customer per hour and one parking bay per assistant or six (6) / 100 m² whichever is the more restrictive shall apply;
- (v) application and inspection fees are payable to Council as laid down in paragraph 3.1.5.2(iv) above;
- (vi) an advertising sign may be erected on-site but have to comply with all the requirements as laid down in paragraph 3.1.5.2(ix) above;
- (vii) no activities may be conducted on Sundays;
- (viii) the Council also reserves the right to impose such further conditions as reflected in clause 3.1.5.7.

3.1.5.7 General.

- (i) the Council reserves the right to impose such further conditions as it may deem fit when granting its special consent for any of the aforementioned uses which, with the exclusion of play sites, play groups or nursery schools, shall only be permitted in the Central Business Area as per definition;
- (ii) special consent granted by Council only represents the Council's permission and shall not be interpreted as an exemption from compliance with any other legal provision or requirements.

3.1.5.8 Occupation practice from a residence.

- (i) Except in the case of a professional person, who is exempted, no occupation may be practised from a dwelling unit before the person concerned has applied in writing, on the prescribed form, for the Council's special consent.

The application shall contain full details of the type of occupation, enterprise or trade envisaged, the hours of business, the number of staff who will work on the premises, as well as a personal statement to the effect that should any written complaints be received, or should the approved practice be deviated from, that this occupation practice is a nuisance in accordance with the definition, and that the practice of the enterprise shall cease immediately. The application shall also be accompanied by a layout plan (scale 1:100) indicating the area of the section of the residence to be used for the practice of the occupation, the position of the residence on the premises and the area which will be made available for parking purposes;

- (ii) Any person who intends to apply to Council for special consent shall comply with the provisions of paragraph 3.1.5.1(i) and (ii). The provisions of clause 3.3 concerning appeal shall also apply in certain cases;
- (iii) Application and inspection fees are payable to the Council as determined in paragraph 3.1.5.2(iv);
- (iv) Occupation practice from a dwelling unit shall comply with fire requirements as set out in the National Building Regulations, promulgated under Government Notice R.441 dated 1 March 1985, in so far as it concerns boundary distances, emergency exits and fire-fighting equipment. Special application shall also be made for the storing and handling of dangerous flammable materials the mass of which exceeds 10 kg;
- (v) (a) Electric motors shall not exceed the maximum limit of 2 kW and starters shall be of such nature as not to cause any interference on the municipal electricity network;

- (b) No apparatus, motor or welding machine shall be used if it causes interference on the municipal network;
- (c) The maximum circuit-breaker load shall not exceed 65 ampere, whether single or three-phase;
- (vi) The total floor area applicable to retail and storage space in respect of the occupation practice (excluding professional uses) shall not exceed 25% of the total floor area of a primary dwelling unit;
- (vii) No activities in connection with occupation practice shall be carried on from a dwelling unit on Sundays;
- (viii) Provision for at least two public parking bays over the above two existing parking bays for the residence, plus one parking bays for each employee, shall be made on the premises and provided with a permanent surface and demarcated to the satisfaction of the Council and shall also comply with the provisions of clause 3.2.6;
- (ix) No illuminated or luminous painted advertising signs shall be erected on the premises. Only a notice board indicating the name, telephone number and type of occupation practice of the occupier shall be displayed. The size of such notice board shall be not less than 600 x 450 mm and not exceed 950 mm x 750 mm and shall not be affixed to a boundary wall or fence;
- (x) In the case of an occupation practice from a dwelling unit where food is manufactured, prepared, packed, stored or sold, the premises shall -
 - (a) be vermin-proof in terms of the Regulations regarding the Prevention of Rodent Infestation and the Storage of Grain, Forage, etc., in Urban and Rural Areas of the RSA promulgated under Government Notice R.1411 dated 23 September 1966, and

(b) comply with the stipulations of the Health Regulations, promulgated under Government Notice R.185 dated 30 January 1987, as well as the Standard By-Law relating to Butcheries, promulgated under P.N.875 dated 7 October 1988, as well as the By-law relating to the Pasteurisation of Milk, promulgated under P.N. 951 dated 1 December 1967, as well as the Standard By-law relating to Restaurants, Refreshment or Tearooms and Eating Houses, promulgated under P.N. 348 dated 9 April 1954;

(xi) The Council's special consent may be revoked at any time;

(xii) The Council reserves the right to impose such further conditions as it may deem fit when granting its special consent to any type of occupation practice from a dwelling unit;

(xiii) Special consent granted by the Council shall not be interpreted as an exemption from compliance with any other legal provision or requirement. Such special consent granted by Council shall not be transferable to successors in title.

3.1.6 The Council may permit any or more of the following activities on land zoned for special business purposes:

A bakery for home cooking;
A silkscreen and sign writing printing studio;
A restorer and dealer in antiques;
An upholsterer and dealer in interiors;
An art framing shop and art dealer;
Maker of hand-made paper book binder and seller of antique books and personalised paper stationery;
Glass worker for stained glass;
Glass blowing;
Seller of herbs and health products;
Travel agents;
Dress maker and boutique;
Goldsmith and jeweller;
Gunsmith and watchmaker, engraving;
Leather works and shoemaker;
Duplicating service and word processing;
Tailor;
Potter and shop dealing in potter goods;
Flower seller-dried flower dealer
Market stall holders trading with hawkers licences;
Specialist boutique selling handmade dresses;
Shop for accessories in ladies fashions imported;
Tea Room;

Place of instruction of demonstrations lectures and training of people in craft and other skills;
Hotel with only a restaurant licence and no off-sales or bar;
Shop dealing in travelling goods and gear for out-door living;
Toy shop;
Stamp shop;
Demonstration area for tools and equipment to be used for hobbies and crafts;
Rentable workshop/studio area for special projects by hobbyist or for short term specialists;
Personnel consultants and professional offices;
Health services such as foot clinics and fitness clubs with gym facilities;
Gift and curio shop;
Shops selling produce of the area, e.g. a farm stall fresh unpacked or home made preserved goods;
Trade or services related to promoting crafts and hobby interests in the area, such as a touring operator, industrial or agricultural consultants, e.g. a toy and party services shop - kids parties;
Club and societies and exchanges e.g. film society, historical society, archive for historical data;
Shop for cane furniture;
Restaurant/Coffee shop with outside tables;
Pedicure parlour (hands and feet);
Interiors.

3.2 SPECIAL PURPOSES, DEPARTURES, SUBDIVISION AND REMOVAL OF RESTRICTIONS

3.2.1 **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 or enabling the Council to prohibit or restrict -

- (a) the letting, subject to the Council's regulations relating to lodging and boarding-houses, of any part of the house otherwise than as a tenement;
- (b) the occasional use of a place of public worship, place of instruction or institution as a place of assembly;
- (c) the use by any resident of a dwelling house, flat or residential building or of any portion thereof as a medical doctor's surgery, consulting and waiting rooms, as well as a veterinary's consulting room for the purpose of treating only domestic animals (household pets).

- 3.2.2 Notwithstanding any other provisions of the Scheme, no land may be used as a drive-in theatre without the consent of the Administrator.
- 3.2.3 Where in a single residential zone it appears to the Council that having regard to the character of the neighbourhood an existing dwelling house is too large for further occupation as a single family dwelling, the Council may by special consent authorise the conversion of such dwelling house into no more than two separate units of accommodation, provided that no authority shall be granted by the Council unless -
- (a) the dwelling house was erected before the material date;
 - (b) the erf on which the dwelling house exists is not less than 1 000 m² or more;
 - (c) each unit of accommodation created by such conversion is 150 m² or more;
 - (d) provision can be made on the erf for the parking of at least two vehicles.
- 3.2.4 No shop or other building in a general and local business zone shall be erected unless the Council is satisfied that such shop or building will constitute an integral portion of a comprehensive and co-ordinate development of the general and local business zones in question, provided that the Council may, having regard to the economic and physical life of an existing shop or building in such zone, permit alterations to such shop or building subject to such alterations being deemed to have been erected otherwise than in conformity with the provisions of this scheme.
- 3.2.5 The Council may permit any one or more of the following shops or activities, viz.
- Hairdressing saloons,
Book shops or news agents,
Florists,
Curio shops,
Theatre booking agents
- to be established -
- (a) in any hotel which has been classified and graded under categories A, B or C of the Second Schedule to Government Notice No. 583 of 1966, or any amendment thereof made in terms of section 71 bis (3) of the Liquor Act 1928,

- (b) by special consent in any hotel other than those referred to in sub-paragraph (a) hereof, provided that no external advertising of any shop or activity shall be permitted and access thereto shall be gained only from within the hotel.

3.2.6 Notwithstanding any other provisions of this scheme, the occupant or owner of a dwelling house, block of flats or residential building shall not park or cause to be parked on the site of a dwelling house, block of flats or residential building more than one commercial vehicle which is used for business purposes or for financial gain, provided that commercial vehicles may be parked for the purpose of loading and unloading of goods normally required in connection with the servicing of a dwelling house, block of flats or residential building.

3.2.7 **Departures**

The Council may in terms of subsection (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 88 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.

3.2.8 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 :

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

3.2.8.2 Notwithstanding the provisions of regulation 3.2.8.1 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.

3.2.8.3 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.

3.2.8.4 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.

3.2.8.5 **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.

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

3.2.9 Subdivision

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 subdivisational area, as well as an application for the subdivision of land involving no change in zoning.

3.2.10 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.

3.2.11 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;

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

3.2.11.2 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.

3.2.12 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 -

- 3.2.12.1 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.
- 3.2.12.2 Maintain every part of such wall, roof, pipe, gutter, wiring or other structure or thing which is on or traverses such land unit.
- 3.2.12.3 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
- 3.2.12.4 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.
- 3.2.13 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 -
 - 3.2.13.1 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
 - 3.2.13.2 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 retaining walls to the satisfaction of and within a period to be determined by the Council.
- 3.2.14 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.

3.2.15 **Removal of restrictions**

Notwithstanding regulations 3.2.7 to 3.2.11 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.

3.3 ADVERTISEMENT AND APPEAL IN CERTAIN CASES

- 3.3.1 Any person intending to make application to the Council for its consent to the erection and use of a building or the use of land in Zones (A) to (E) and (J) to (K) in Table "B", whether wholly or partially for any purpose requiring the Council's special consent, shall before making such application, publish at his own expense once a week for two consecutive weeks in English and Afrikaans newspapers circulating in each case in the area, a notice of his intention to make such application, and shall post and maintain conspicuously for fourteen (14) days such notice on some part of the building or land, and shall with such application lodge with the Council proof of such publication and posting. The notice shall state that any person having any objection to the erection and use of the proposed building or to the proposed use of the land may lodge such objection with the Council and also with the applicant in writing within fourteen (14) days after the date of the last advertisement, and shall further state where the plans, if any, may be inspected.
- 3.3.2 The Council shall further decide whether or not an applicant for special consent should serve a personal notice to the adjacent owners and to whom it must be sent. This is to be done concurrently with the advertisements in the press and on the property.
- 3.3.3 The Council shall take into consideration any objections received within the said period of fourteen (14) days and shall notify the applicant and the persons, if any, from whom objections were received of its decision.
- 3.3.4 Any decision of the Council given in terms of this section shall be by special resolution of the Council as defined in Ordinance No. 20 of 1974, as amended.

- 3.3.5 Every special consent granted by the Council for the use of land or for the erection of buildings shall lapse if such use or erection is not commenced within 1 year of the date of granting by the Council of such special consent, provided that where the Council is satisfied that the failure to commence building has resulted from the application of any Government legislation or regulations relating to building control, such consent may be extended by the Council for such period as it may deem fit.

3.4 PROPERTIES EXEMPTED FROM PAYMENT OF RATES

3.4.1 Zoning of properties exempted from the payment of rates

Notwithstanding any other provisions of this Scheme any property on which municipal rates are not required to be paid, shall not be used without the consent of the Council and the Administrator for any other purpose than that which qualified it for such rate exemption.

PART 4 : DENSITY CONTROL

4. The following restrictions shall apply in the relative zones :

4.1 SINGLE RESIDENTIAL ZONE

4.1.1 Dwelling Houses

- (a) No building or any portion thereof except boundary walls and fences shall be erected on a site nearer than -
- (i) 4,50 metre to any street boundary;
 - (ii) 3 metre to the rear boundary;
 - (iii) if the frontage of an erf exceeds 22 metre in length, 2,50 metre to any lateral boundary provided that the aggregate side space shall be not less than 6 metre;
 - (iv) if the frontage of an erf is between 19 and 22 metre in length, 1,5 metre to any lateral boundary provided that the aggregate side space shall not be less than 5 metre;

- (v) if the frontage of an erf is less than 19 metre in length, 1 metre to any lateral boundary provided that the aggregate side space shall not be less than 3,50 metre and further that no windows are inserted in any wall which is less than 1,50 metre from any lateral boundary.
- (b)
 - (i) Notwithstanding the building lines mentioned in sub-paragraph (a) above, and 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 of the same height may be erected within the rear space and side space of a distance of 11 metre measured from the rear boundary of the site;
 - (ii) An outbuilding in terms of sub-paragraph (b)(i) 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. In the case of a corner erf or an erf which in terms of the definition has no rear boundary, Council may determine the building line which would achieve the same objective as the above development provision;
 - (iii) That an outbuilding in terms of sub-paragraph (b)(i) which is constructed from concrete panels or any other prefabricated materials which in the opinion of the Council may detract from the aesthetical appearance of the main building on the erf or any other building in the vicinity, may not be erected if it will be visible from any public street. The erection of the aforementioned building will only be favourably considered if it will be concealed by the main building or existing outbuildings.

4.1.2 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 9 metre from any boundary of the site.

4.1.3 Agricultural buildings

No building or any portion thereof except boundary walls or fences may be erected nearer than 30 metre from any boundary of the site.

4.1.4 Places of public worship

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

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

4.1.6 Additional dwelling unit

The Council may 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 provisions of regulations 3.2.8 hereof.

4.2 GENERAL RESIDENTIAL ZONE 1

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

4.2.1	<u>Density Control</u>	<u>Blocks of Flats</u>	<u>Licensed Hotels</u>	<u>Residential and Institutional buildings.</u>
(a)	Minimum size site	2 000 m ²	4 000 m ²	2 000 m ²
(b)	Max. coverage	33%	33%	33%
(c)	<u>Bulk factor (Sliding Scale)</u>			
	<u>Size of site</u>			
	<u>Square metre</u>		<u>Bulk Factor</u>	
	Less than 2 000		0,6	
	2 000 - 2 999		0,75	
	3 000 - plus		0,9	

Professional Buildings

- | | | |
|-----|----------------------|---------------|
| (a) | Minimum size of site | No limitation |
| (b) | Maximum coverage | 50% |
| (c) | Maximum bulk factor | 0,75 |

Notwithstanding the provisions of sub-paragraph 4.2.1 above, the Council may by special consent in circumstances beyond the control of the applicant, authorise the erection of a block of flats, residential building or licensed hotel on a site of lesser extent than 2 000 m² provided the site shall be at least 1 000 m² and the bulk shall not exceed 0,6.

4.2.2 Space about buildings

- (a) No building or structure except boundary walls and fences shall be erected, in the case of sites, which in the opinion of the Council are abutting major arterial roads including national roads, nearer than 15 metres from the street boundary, or in the case of other streets, 7,5 metres from the street boundary;
- (b) Provided that outbuildings, other than for the accommodation of servants, with the consent of the Council may be erected in the lateral and rear spaces on condition that no building or structure except boundary walls and fences may be erected nearer to the lateral and rear boundaries than 4,5 metres or half the height of the building, whichever is the greater;
- (c) Provided that outbuildings with the consent of the Council may be erected in the lateral and rear spaces on condition that no outbuilding is erected within 21 metres of a road and no windows or doors are inserted in any wall facing such boundary.

4.2.3 The requirements in respect of minimum on-site parking prescribed for flats, licensed hotels and residential buildings in the general business zone shall be complied with in all respects.

4.2.4 Except with the consent of the Council, no building may be erected in this zone on any site unless -

- (i) the site abuts a street of at least 13 metres in width which street shall be connected by a street or streets of not less than 15 metres in width to a street of greater width and;

- (ii) all street boundary walls or fences of the site are erected at a distance of not less than 8 metres from the centre line of the abutting street or streets and the land between such boundary walls or fences and the legal street boundary is made up as part of such street. The portion(s) of the site falling within 8 metre 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 for single residential purposes.

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

4.2.6 The following provisions are applicable to buildings for professional use in this zone;

- (i) except for a caretaker no person shall be allowed to live on the site;
- (ii) parking to be provided on the site at the ratio of 6 parking bays per professional person, of which at least 3 parking bays per professional person shall be reserved for patients/clients and adequately denoted as such.

4.2.7 No building for professional use may exceed a height of 2 storeys above the average natural ground level on the higher side of the building.

4.2.8 No prefabricated outbuildings to be erected within this zone.

4.3 GENERAL RESIDENTIAL ZONE 2

The restrictions applying to duplex flats, residential buildings and blocks of flats in this zone shall be :

4.3.1	<u>Size of site and Coverage</u>	<u>Duplex Flats and blocks of Flats</u>	<u>Residential Buildings</u>
(a)	Minimum size of site	1 000 m ²	2 000 m ²
(b)	Maximum coverage	40%	40%
(c)	Maximum bulk	0,5	0,5

Professional buildings

(a)	Minimum size of site	No limitation
(b)	Maximum coverage	50%
(c)	Maximum bulk factor	0,75

4.3.2 Height Control

Except with the special consent of the Council, no building in this zone shall exceed a height of seven (7) metres above the average natural ground level on the higher side of the building. This height shall be calculated at the line where the building may be erected in terms of the prescribed building lines.

Notwithstanding the provisions of sub-paragraph 4.3.1 above, the Council may by special consent in circumstances beyond the control of the applicant, authorise the erection of a block of flats, residential building or duplex flats on a site of lesser extent than that specified in sub-paragraph 4.3.1 hereof.

4.3.3 Space about building and parking

- (a) No building or structure except boundary walls and fences shall be erected, in the case of sites which in the opinion of the Council are abutting major arterial roads including national roads, nearer than 9 metres from the street boundary or in the case of other streets, 4,5 metres from the street boundary, or in the case of buildings for professional use, 8 metres from the street boundary;
- (b) no building or structure except boundary walls and fences may be erected nearer to the lateral and rear boundaries than 4,5 metres or half the height of the building, whichever is the greater provided -

- (i) that outbuildings other than for the accommodation of servants, with the consent of the Council, may be erected in the lateral and rear spaces;
- (ii) that no outbuilding is erected within 21 metres of a road and no windows or doors are inserted in any wall facing such lateral or rear boundary.

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

4.3.5 The provisions applicable to buildings for professional use in the general residential zone 1, are also applicable to buildings for professional use in this zone, with the further proviso that where buildings for professional use are erected in this zone, a street building line of 8 metres must be complied with.

4.3.6 No prefabricated outbuildings to be erected within this zone.

4.4 GENERAL BUSINESS ZONE

4.4.1 Coverage

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

Blocks of flats above the ground floor	50%
Licensed Hotels and Residential buildings	70%
Shops	90%
Business Premises	90%
Places of instruction, worship and assembly	80%
Institutions	70%
Parking Garages	90%
Public garages, petrol service stations, light industrial buildings, warehouses	80%

4.4.2 Height Control

- (a) Notwithstanding any provisions in this scheme in respect of maximum height no part of any building or structure shall project above or beyond a line drawn towards the site containing the building or structure at an angle of 50° to the horizontal from any point on that street boundary or proposed street boundary which is opposite the street boundary of the site concerned, such line being aligned so as to be at right angles to the street boundary of the site concerned;
- (b) Where a site fronts onto streets of varying widths the height calculated for the wider of the two streets shall be applicable for a distance of 15 metres from the corner along the narrower street;
- (c) In the case of public garages, petrol service stations, light industrial buildings and warehouses, no building in this zone shall exceed a height of three storeys.

4.4.3 Bulk

No building shall be erected, altered or extended so as to exceed the bulk factor applicable for that type of building provided that the total bulk shall not exceed a maximum bulk factor of 2,4.

Business premises	- 2,4
Parking garages	- 2,4
Blocks of flats above the ground floor	- 0,75
Licensed hotels and residential buildings	- 0,9
Shops only	- 2,0
Places of instruction, worship and assembly	- 1,0
Institutions	- 1,0

4.4.4 Building lines

(a) Street boundaries

- (i) Subject to the provisions of section 146 of Ordinance No. 15 of 1952 as amended, shops, business premises, parking garages, flats above the ground floor and warehouses may be erected on the street boundary;
- (ii) All other buildings shall be set back 4,5 metres from the street boundary.

(b) Lateral Boundaries

Buildings may be erected on the lateral boundary for a distance of 13 metres back from the building line and thereafter shall be set back a distance of 4,5 metres or half the height of the building, whichever is the greater, provided that a building comprising shops and/or business premises may be erected on the lateral boundary for the first two storeys.

(c) Rear Boundaries

(i) Buildings on the ground floor may not be erected nearer than 4,5 metres to the rear boundary, provided that a building comprising shops and/or business premises may be erected on the rear boundary for the first two storeys if no windows, doors or ventilation openings are inserted in any wall on such boundary;

(ii) Buildings above the ground floor, or in the case of shops and business premises above the first floor, may not be erected nearer than 4,5 metres or half the height of the building whichever is the greater.

(d) Common Boundaries

In the event of the common boundary between two erven forming the boundary between this zone and a residential zone, the lateral or rear space as the case may be, applicable to the latter shall apply on both sides of the boundary insofar as it is more restrictive.

4.4.5 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 insofar as basements are concerned.

4.4.6 Projections

In this zone projections, excluding advertising signs approved by the Council in accordance with the provisions of any other laws, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,50 metres of the pavement edge, provided no portion of any projection shall be less than 3 metres above the pavement and there shall be no access from the building to the canopy.

4.4.7 Provisions for on-site parking

4.4.7.1 In this zone minimum provision shall be made on the site for public parking and garaging of vehicles on the following basis :

(a) Shops and business premises

1. In every new building containing shops and business premises provision shall be made for public parking based on the ratio of 1 sq. metre of parking for every 2 sq. metre of gross floor area devoted to such uses.
2. Notwithstanding the provisions of subparagraph 1 hereof the owner may -
 - (i) 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 public 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 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, or

- (ii) with the consent of the Council, pay a cash sum to the Council, equal to the market valuation per square metre of the land on which the building is erected multiplied by the total area required for public parking in terms of sub-clause (a)(1), in which event the Council shall itself acquire the necessary land for such public parking purposes, wherever the Council may deem fit.

(b) Blocks of flats, Residential buildings and Licensed Hotels

One parking bay for each dwelling unit, or in the case of licensed hotels and residential buildings, one parking bay for each 2 bedrooms, plus an additional twenty parking 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 licensed hotels and residential buildings, and the twenty additional 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.

(c) Places of assembly and public worship

A minimum area shall be provided on the basis of one parking bay for every 5 seats provided in the building subject to a minimum of 15 parking bays for each funeral parlour.

(d) Public garages and petrol service stations

111,5 square metres exclusive of showroom and workshop areas for every grease bay or wash bay.

(e) Institutional buildings

A minimum area shall be provided on the basis of 1 parking space for every two beds.

4.4.7.2 General Provision

- (a) Parking area in the case of the general residential zones to which these provisions also apply by virtue of clause 4.2.3 may be laid out within 4,5 metres of a street boundary.

- (b) The parking facilities including ingress and egress to the site shall be situated, designed, constructed, marked and maintained to the satisfaction of the Council, provided that in the case of public garages and petrol service stations, the provisions of clause 5.2 shall apply.
- (c) The manner in which it is intended that vehicles shall park on such parking areas and the means of gaining ingress and egress shall be shown on a plan to be submitted to the Council, who may approve, disapprove or impose such conditions as it may deem fit.
- (d) The facilities to be provided for parking in terms of this clause shall not be used for the purpose of exhibition, sale, repair or maintenance of vehicles or for any purpose other than the parking of vehicles.

4.4.8 Non-Conforming Premises

Before a registration certificate or licence of the Council is issued in respect of any premises of 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 zone, all the buildings on the site shall be made to comply with the provisions of the Scheme, the regulations of the Council and any other laws which may be applicable.

4.4.9 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.

4.4.10 Blocks of Flats and Residential Buildings

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

4.4.11 Side Streets

No shops, business premises, public garages, petrol service stations, parking garages, or places of assembly shall front onto any street unless a minimum building line of 7,0 metres is observed from the centre line of every such street.

4.5 LOCAL BUSINESS ZONE

4.5.1 Coverage

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

Dwelling houses, flats and residential buildings above ground floor	40%
Shops and business premises	50%
Places of instruction, worship and assembly, institutions and petrol service stations	40%

4.5.2 Bulk

No building shall be erected, altered or extended so as to exceed the bulk factor applicable for that type of building as stated below, nor shall any building exceed a maximum bulk factor of 1,0.

Shops and business premises	0,75
Blocks of flats above ground floor	0,5
Residential buildings, places of instruction, worship and assembly and institutions	0,6

4.5.3 Building lines

(a) Street Boundaries

All buildings shall be set back a distance of 4,5 metres from the street boundary.

(b) Lateral Boundaries

All buildings may be erected on the lateral boundary for a maximum distance of 12 metres measured from the street building line, and thereafter shall be set back a distance of 4,5 metres or half the height of the building whichever is the greater.

(c) Rear Boundaries

Buildings shall not be erected nearer than 4,5 metres or half the height of the building whichever is the greater, from the rear boundary of an erf.

The provisions applying to dwelling houses in the single residential zone shall apply in this zone.

4.5.4 Basements and Projections

The provisions applying to the general business zone shall apply in this zone.

4.5.5 Height Control

Except with the special consent of the Council, no building in this zone shall exceed a height of seven (7) metres above the average natural ground level on the higher side of the building. This height shall be calculated at the line where the building may be erected in terms of the prescribed building lines.

4.5.6 Parking

- (a) In every new building containing shops and business premises provision shall be made for parking on the basis of 4 parking bays per 100 m² gross floor area devoted to these uses. All parking bays and access thereto shall be provided with a permanent surface that is brick paving and/or tar as well as storm-water drainage in accordance with the requirements of the Town Engineer;
- (b) The provisions applying to places of public worship, places of assembly, flats and residential buildings in the general business zone shall be applicable in this zone.

4.6 LIGHT INDUSTRIAL AND INDUSTRIAL ZONES

4.6.1 Coverage

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

Light industrial buildings	80%
Public garages and warehouses in light industrial zone	80%
Industrial buildings including warehouses and public garages and scrap yards	80%
Petrol service stations, business premises and places of instruction	70%

4.6.2 Loading and Unloading

For the purpose of loading or off-loading of vehicles the following provision shall be made :

Area of building - square metre	No. off-loading bays required
0 - 499	1
500 - 1 500	2
1 500 +	3 + 1 bay for every additional 1 000 m ² of floor area.

Vehicular access to the loading bays shall be to the satisfaction of the Council, each bay having a minimum width of 4,5 metres.

4.6.3 Parking

- (i) In the case of light industrial and general industrial buildings there shall be provided to the satisfaction of the Council, sufficient accommodation for the parking of motor cars calculated on the following basis:

1 car parking bay per 100 square metres of building area up to 1 500 square metres

1 car parking bay per 200 square metres of building area over 1 500 square metres.

- (ii) The facilities to be provided for parking in terms of this clause shall not be used for the purpose of exhibition, sale, repair or maintenance of vehicles or for any purpose other than the parking of vehicles.

4.6.4 Building lines

- (i) All street boundary walls or fences on the site shall be erected at a distance of not less than 8 metres 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 metres 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.

- (ii) No building or any portion thereof, except boundary walls and fences, shall be erected nearer than 3 metres from any street boundary of the site (vide definition of "street boundary") or the new street boundary in the preceding sub-clause (i) whichever is the more restrictive on the site.
- (iii) Where the boundary of a site forms the common boundary between this zone and any residential or business zone, the relevant building line applicable in such residential or business zone shall apply on both sides of such common boundary.

4.6.4 Height

No building in these zones shall exceed a height of three storeys.

4.6.6 General Amenity

- (i) No industry which can be classified as an offensive trade, nor any industry which is likely to cause smoke, smell, fumes, noise or dust in any quantity, nor any industry whose effluent the Council will not accept in its sewers, shall be permitted;
- (ii) Only electricity, gas or oil shall be used for power;
- (iii) Any scrap yard or other use of land or buildings which would in the opinion of the Council, distract from the visual character of the area shall be screened by the provision of a wall having a minimum height of 2,5 metres and constructed to the satisfaction of the Council.

4.7 INSTITUTIONAL ZONE

The provisions applying to places of public worship, and places of instruction in the Single Residential Zone shall apply in this zone. The provisions applying to institutional buildings in the general business zone shall apply in this zone.

4.8 GROUP HOUSING ZONE

4.8.1 Meaning of Concept

"Group Housing" means a group of separate and/or linked and/or attached single dwellings on smaller than conventional erven, and planned, designed and built as a harmonious architectural entity with a single-dwelling character. The concept enables individual ownership, stemming from cadastral subdivision of erven smaller than the conventional single residential site.

4.8.2 Density

The gross density shall relate to the density of single residential development in the specific area, i.e. not in excess of a 4:1 ratio, and the maximum density shall in any event -

- (a) normally (i.e. in the case of a site of which a portion or portions will be required for road and/or open space purposes), not be more than 30 units per gross hectare;
- (b) in special cases (i.e. where the group site was originally planned as such and open space and/or road have already been suitably provided and need not be deducted from the site) not be more than 40 units per gross hectare.

NOTE :

- (1) Gross hectare is the area of the group site in hectare according to the definition of "group site" in interpretation of terms above;
- (2) The Administration can apply amended densities in respect of special categories of residents and structures.

4.8.3 Open Space

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

- (a) in cases where public open space has been suitably provided (partially or in full) in the vicinity, to the satisfaction of the Council with a view to group housing on the particular site;
- (b) in cases where it may be impractical to provide open space (or to provide all the open space required) in which event a cash endowment to be determined by the Council may be paid in lieu of the required open space (or the shortfall);
- (c) in the general residential zone(s) but only if the provisions of additional open space is regarded as unreasonable, in view of the fact that the group housing density will be lower than the permissible general residential density.

4.8.4 Service Yard and Private Outdoor Space

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

4.8.5 Street Building Lines

Street building lines may be zero except where there are one or more openings (apart from doors, ventilators and high-level windows) and except as may be required for safe traffic movement or for other reasons such as nearby development, in which case the minimum building line must be 2 m. These stipulations do not affect existing statutory building lines which must be duly observed or in respect of which the necessary relaxation must be obtained.

4.8.6 Side and Rear Building Lines

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

4.8.7 Height of Buildings

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

4.8.8 Storeroom

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

4.8.9 Parking

Off-street parking for at least two motor vehicles per group erf shall be provided on the group site, except in cases where the group site and the abutting street have been pre-planned accordingly, a standard of one parking bay per group erf may be considered. Lock-up garages shall be excluded from the calculation of the floor area for the purpose of determining the area of the service yard and outdoor space.

4.8.10 Roads

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

(a) Culs-de-sac

Maximum length	:	70 m
Maximum units to be served	:	10

(b) Crescents and Loops

Maximum length	:	100 m
Maximum units to be served	:	16

4.8.11 Joint Services

The provision of joint services with regard to different group erven, in order to save on service costs, is permissible, but separate meters shall be provided where applicable.

4.8.12 Television antennae

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

4.8.13 Aesthetics and Environmental Treatment

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

4.9 AGRICULTURAL ZONE

No buildings or any portion thereof except boundary walls and fences, shall be erected nearer than 33 m from any boundary of the site.

4.10 SPECIAL BUSINESS ZONE

4.10.1 Coverage

In this zone the area at the respective floor levels of all the buildings on any site in relation to the site area shall not exceed the maximum coverage of 50%.

4.10.2 Bulk

No building shall be erected, altered or extended so as to exceed a maximum bulk factor of 1,0.

4.10.3 Building Lines

The same building lines applicable to buildings in the general business zone shall apply for all buildings in this zone.

4.10.4 Height Control

Except with the special consent of the Council, no building in this zone shall exceed two storeys i.e. ground floor and first floor.

4.10.5 Parking

(a) On-site parking on the basis of 4 parking bays per 100 m² gross floor area shall be provided and that it be pointed out to the developer that he would not be allowed to use the road reserve in order to comply with this condition because it is situated on municipal property, but that he is free to submit a prescriptive claim in this regard;

(b) All parking bays shall be provided with a permanent surface i.e. tar or brick-paving and drainage in accordance with the requirements of the Town Engineer and that parking bays be marked out in consultation with the Chief Traffic Officer.

4.10.6 General Provisions

(a) No dwelling in the area may be demolished unless it is defined as dangerous by the Town Engineer and new buildings erected must conform to the character of existing buildings.

- (b) All buildings on erven earmarked for special business purposes have to be restored before they may be put to a special business use. The restoration thereof as well as the method to be used will have to be approved by the National Monuments Council.
- (c) All pedestrian malls and outdoor sale areas shall be provided with brick paving or similar uniform materials as well as lighting and beautification which will include plants and other street furniture, to the satisfaction of the Council.
- (d) Ramps and not steps to be provided on the ground floor elevation to meet differences in floor height.
- (e) Proper toilet facilities for the use of the buying public, tourists and persons in wheel chairs to be provided to the satisfaction of the Council. These facilities can be provided on a joint basis but should at all times be maintained in a hygienic condition by the relevant businesses.
- (f) No advertising boards or placards be erected on the front of a building which will be visible from public streets. Advertising signs may also not be erected unless the necessary plans therefor have been submitted. The signs to be erected to be pole signs not larger than 600 mm x 900 mm and only the general description of the type of activity taking place in the building, to be indicated.
- (g) The activities that Council may permit in this zone are listed under paragraph 3.1.6 of part 3 Clause 3.1.

4.11 INFORMAL RESIDENTIAL ZONE

4.11.1 Land Use Restrictions

4.11.1.1 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

4.11.1.2 Dwelling House

Floor factor : No restriction

Coverage : At most 80%

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.

4.11.2 Additional rights pertaining to Informal Residential Zone

4.11.2.1 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.

4.11.2.2 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.

4.11.2.3 The Council must consider a complaint mentioned in regulation 4.11.2.2 and, if in the opinion of the Council a condition mentioned in regulation 4.11.2.1 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.

PART 5 : MISCELLANEOUS PROVISIONS

5.1 NUMBER OF BUILDINGS PER ERF

(a) Except in the case of places of instruction no erf shall form the site of more than one building together with such outbuildings as are ordinarily used in connection therewith.

- (b) Notwithstanding the provisions of sub-clause (a) hereof where an erf is not less than 4 000 m² in extent, the Council may by special consent permit, provided that the Council satisfies itself that the objects of section 10 of Ordinance No. 33 of 1934 shall not be defeated :
 - (i) in general residential zones more than one building of the type referred to in column 3 of Table "B" in respect of such use zone, and
 - (ii) in general business zones more than one building of the type referred to in column 3 of Table "B" in respect of such use zone.

5.2 PUBLIC GARAGES AND PETROL SERVICE STATIONS

Public Garages and Petrol Service Stations may be established in accordance with these Regulations subject to compliance with the provisions of the Standard Regulations relating to Public Garages PN.520/1971 dated 28 May 1971 and as may be amended from time to time.

5.3 DRY-CLEANETTES AND LAUNDERETTES

Dry-cleanettes and launderettes may be established in the General Business Zone provided that they comply with the following provisions :

- (a) The floor area of the shop for receiving and returning clothes, the workshop and the space for the clothes-racks together shall not exceed 255,5 square metres;
- (b) The minimum distance between the boundaries of any two dry-cleanettes or launderettes, unless situated on opposite sides of a street shall be 61 metres;
- (c) Only gas, electricity or illuminating paraffin shall be used for the production of steam or hot water;
- (d) The solution used in the cleaning process shall be non-inflammable;
- (e) The combined capacity of the dry-cleaning machines that may be installed shall not exceed 19 kilograms dry weight of clothing or other articles per cleaning operation per half hour cycle;

- (f) The combined capacity of the washing machines that may be installed shall not exceed 27 kilograms weight of clothing or other articles per washing operation;
- (g) In any establishment comprising either a dry-cleanette or a launderette or a combination of both, the maximum personnel shall be 12;
- (h) Each individual application for the establishment of a launderette or a dry-cleanette in the General Business Zone shall be submitted to the Council for its special consent and the Council shall be furnished with full information as to the maximum and minimum capacities of the machines to be operated, the number of employees and floor space to be occupied;
- (i) If the Council is of the opinion that the site of a proposed dry-cleanette or launderette is unsuitable on the grounds of possible nuisance, danger to public health, etc. it shall submit the application, together with its view and recommendations and the reasons therefor to the Administrator whose decision shall be final.

5.4

FUNERAL PARLOURS WITH CHAPELS

The following additional provisions shall apply :

- (a) For the purpose of these provisions, "intersection" and "traffic island" shall have the meanings assigned thereto by the Regulations relating to Public Garages promulgated under PN.520/1971 dated 28 May 1971, and as may be amended from time to time;
- (b) No funeral parlour with a chapel shall be permitted on a site abutting a street of less than 12 metre in width;
- (c) No funeral parlour with a chapel shall be permitted nearer than 91 metre from -
 - (i) 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 Councils Ordinance, 1952 (Ordinance 15 of 1952) apply, with any other street of like status;

- (ii) any robot whether existing or proposed, and
- (iii) any intersection where traffic is controlled, or is proposed to be controlled by a traffic island.

5.5 EXTERNAL APPEARANCE OF BUILDINGS

Any persons intending to erect any building shall furnish the Council for its consideration if it is so required (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 cm to every 1 metre except that where the building is so extensive as to render a smaller scale necessary, the drawings may be to a scale of not less than 1 cm to every 2 metre. The Council may require such alteration of the external appearance and building materials as it may deem necessary.

5.6 LOADING AND OFF-LOADING FACILITIES

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

5.6.2 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.

5.7 PUTTING COURSES AND DRIVE-IN RESTAURANTS : SPECIAL PROVISIONS

5.7.1 No putting courses or drive-in restaurants shall be established or operated except in accordance with the provisions of this clause.

- 5.7.2 No putting course or drive-in restaurant and the necessary parking area shall be permitted on a site abutting a road of less than 12,0 metre in width. No vehicular entrance or exit for these undertakings shall be nearer than 91 metres from an intersection as defined in clause 5.4 where two proclaimed roads meet or where traffic is controlled by robots or traffic islands.
- 5.7.3 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 area 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 4.4.7.2 shall be applicable, mutatis mutandis, to any parking areas required in terms of this clause.
- 5.7.4 The boundary of a putting course shall be set back at least 3,6 metre from the statutory boundary of any street abutting the course to provide suitable standing room for spectators off the street and pavement.
- 5.7.5 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.
- 5.7.6 Where the Council deems it necessary in the interest 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.
- 5.7.7 A putting course shall not be operated later than such closing hour as the Council may prescribe.
- 5.7.8 Any buildings or structures erected on the site of a putting course and/or a drive-in restaurant shall fully comply with the provisions stipulated in the scheme for the zone in which the site is located.
- 5.7.9 Any public address or sound system at a putting course and/or drive-in restaurant shall at all times be operated in such a manner that the Council is satisfied that no nuisance whatsoever is caused to the occupants of nearby properties.

- 5.7.10 In addition to the advertising of the proposed establishment of a putting course and/or drive-in restaurant for the purpose of the Council's special consent, the notice of surrounding owners shall be drawn in writing to the aforesaid advertisement.

5.8 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 outbuildings may be used until the main buildings are completed or occupied.

PART 6 : PROCEDURE

- 6.1 Where permission to erect any building or execute any works or to use any building or land for any particular purpose or to do any other act or thing, is granted under this Scheme, and conditions have been imposed, the conditions shall have the same force and effect as if they were part of this Scheme.
- 6.2 The Council shall keep, so as to be available for inspection at all reasonable times by any person interested, a record of approvals, consents, authorities or permissions granted by it, or on appeal from its decision under any provisions of this Scheme and of any conditions imposed or agreed between the Council or the Administrator and the applicant in connection therewith.
- 6.3 The Council shall permit any person to inspect at any reasonable time the Scheme and Map deposited in the offices of the Council, provided that any information given in regard to the Scheme to any person shall only be valid if it is in writing and signed by the official duly authorised thereto by the Council.
- 6.4 The provisions of section 250 of Ordinance No. 19 of 1951, as amended, shall mutatis mutandis apply to this Scheme.

PART 7 : SHORT TITLE

- 7.1 This Scheme shall be known as the Somerset West Zoning Scheme.