

MINUTES OF THE NDLAMBE COUNCIL MEETING HELD ON TUESDAY, 27 MAY 2003 AT 16:00

C 03/05/6

L-2.1 TOWN PLANNING: REZONING OF ERVEN IN KWANONOUEBELA, ALEXANDRIA AND NEMATO (Ref. 15/P/1)

COUNCIL RESOLVED

that the rezoning of residential erven as indicated below to the zoning indicated, BE ADVERTISED for public comment and objections:

1. Alexandria: All Residential I zoned erven in new extension east of town which were subdivided portions of erf 1277 to be rezoned to Informal Residential.
2. Nemato (portion of remainder of erf 361): (Port Alfred town planning scheme) All Single Residential zoned erven to be rezoned to Special Residential
3. Nolukhanyo, Bathurst: All Residential I zoned erven to be rezoned to Informal Residential.

MINUTES OF THE MANAGEMENT COMMITTEE MEETING HELD ON TUESDAY, 16 SEPTEMBER 2003 AT 14:00

M.03/09/66

L-1.31 POLICY WITH REGARD TO SUBDIVISIONS AND MINIMUM ERE SIZES OF ERVEN ZONED SINGLE RESIDENTIAL OR RESIDENTIAL I (Ref. 15IP/1 - dvc)

COMMITTEE RESOLVED

that in view of the large variations in erf sizes in the different towns in the Ndlambe area, as well as in different parts of towns, the policy BE ADOPTED that no subdivisions of single residential erven be allowed where the proposed subdivision would create land units smaller than the average size of the surrounding land units. The surrounding erven which generally would be taken into account would include all like sized single residential erven contiguous to (i.e. touching) the property which it is proposed to subdivide and the three erven on the opposite side of the street, provided that if it is proposed to subdivide a corner erf the contiguous erven as well as the erven on the opposite corners of the street/s be taken into account.

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PORT ALFRED TOWN PLANNING SCHEME (AS AMENDED)

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PART I GENERAL

CLAUSE 1 Authority

This Town Planning Scheme has been prepared in terms of the Townships Authority Ordinance No.34 of 1934 as amended

CLAUSE 2 Area of Scheme

The area to which this scheme applies shall consist of the area reflected within the inner edge of the boundary line of the Map, but excludes the Kowie river as defined by the high water marks in terms of the proclamation of the municipal area.

CLAUSE 3 Definitions

In this scheme the following words and expressions have the respective meanings hereby assigned to them. Interpretation of words not listed will rely on the Oxford English Dictionary.

3.1 "Administrator" shall mean the Administrator of the Cape of Good Hope as appointed by the State President in terms of Section 66 of the Constitution Act of the Republic of South Africa, Act. no. 32 of 1961 as amended

3.2 "agricultural building" means a building, including a dwelling house or dwelling unit, 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 thereof as agricultural land;

"amenity" see clause 12.4

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

"billiard saloon" see clause 3.42

3.4 "block of flats" means a building containing two or more dwelling units but not including semi-detached houses or row houses;

"boundary walls" – see clauses 4.7.9, 12.5.8 and 13.5

3.5 "building" means any structure or erection whatsoever irrespective of its nature or size including:-

a) any structure, whether of a permanent or temporary nature, erected or used for the housing or accommodation of human beings, animals, poultry, birds or reptiles, the storage, manufacture or sale of goods or materials or the destruction or treatment of refuse or other waste material;

b) a dwelling;

c) a wall, swimming pool, swimming bath, reservoir, water tower, bridge, summerhouse or- hothouse and any structure appurtenant thereto; petrol and other fuel pumps and tanks used in connection therewith, and

e) any portion of a building or anything referred to in paragraph (a), (b), (c) or (d).

3.6 "building line" means an imaginary line on an erf or piece of land, usually parallel to and at a specified distance from a particular boundary thereof and between which boundary and the building line the erection of buildings is totally or partially prohibited in terms of this scheme or any other legislation;

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

3.7 "construction" in relation to a building or structure, has the same meaning as "erection" (sub-clause 3.14);

"club" see clause 3.43

3.8 "council" means the Municipal Council of Port Alfred;

3.9 "coverage" means the total percentage area of site that may be covered by buildings, measured as stipulated in clause 4.6 of this scheme;

"crèche" see clause 3.42

3.10 "drive-in restaurant" means any land or buildings used for a restaurant or cafe from

which food and refreshment are served to patrons who mainly remain seated in motor-cars parked in the vicinity of such restaurant or cafe;

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

3.13 "dwelling unit" means a self contained interleading group of rooms used only for the living accommodation and housing of a single family and may include such outbuildings as are ordinarily used therewith, but may not contain more than one kitchen;

3.14 "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;

3.15 "erf" means any piece of land

- (a) registered in the Deeds Office or in the Office of the Surveyor-General as an erf, stand or lot through a property deed or general plan; or
- (b) which is shown as an erf, stand or lot on a valid plan of subdivision as approved by any competent authority and includes a public open space as defined in Ordinance no. 33 of 1934, as amended;

"funeral parlour" see clause 3.42

3.16 "gross floor area" means the total area of all floors of all buildings which area is covered by a roof, slab or projection from any such buildings; such area shall be measured from the external surfaces of the walls of any such building, provided that for the purpose of determining the permissible gross floor area of any building (vide sub-clause 3.29):-

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

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

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

3.18A "group housing" means a group of separate and/or linked dwelling units planned, designed and built as a harmonious architectural entity and arranged around or inside a communal open space in a varied and ordered way, of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided.

3.18B "group housing site" means one or more land units on which a group housing scheme has been or is to be erected.

3.17 "industrial building" means a building used or intended to be used as a factory within the meaning of the Factories Act, no. 22 of 1941 as amended, and may include one caretaker's quarters and any office 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, but shall not include a noxious industrial building or a public garage;

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

- (a) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;
- (b) premises licensed under At no. 38 of 1916 for the detention of mentally disordered persons, or
- (c) a mental hospital;
- (d) only with the written consent of Council, any building associated with the treatment and boarding of animals;

3.21 "land" includes land covered with water and any right in or over land. Any reference to land is limited to land in the area of the scheme;

- 3.22 "lateral boundary" of a site or erf means a boundary other than a street boundary or a rear boundary;
- 3.23 "light industrial building" means an industrial building other than a noxious industrial building or public garage in which the power machinery installed is driven by electricity, no single motor being rated at more than 4 kW with a total maximum of 23 kW for all motors per site;
- 3.24 "licensed hotel" means a building designed to comply with the requirements of an hotel as laid down in the Liquor Act No. 87 of 1977 as amended and may include premises for off-sales of liquor and premises licenced by special authority granted in terms of Section 23 of the said Act;
"loading bay" see clause 3.40 –same size as parking bay
- 3.25 "local authority" has the same meaning as "Council";
- 3.26 "local authority purposes" shall have the meaning as assigned to "municipal purposes" in terms of Chapter 1 of Ordinance No. 20 of 1974;
- 3.27 "maisonettes" means a block of flats with a maximum height of two storeys and in which the division between dwelling units is vertical;
- 3.28 "map" means the map or plan indicating the town planning provisions in force at the time;
- 3.29 "maximum floor space" means the gross floor area determined by multiplying the maximum floor space ratio prescribed in these regulations for a specific zone, with the nett area of the site or with the nett area of that portion of the site that falls within that particular zone; provided that where a site falls within two or more zones to which different maximum floor space ratios apply, the maximum floor space for the whole site shall be the sum of the products of each maximum floor space ratio and the nett area of that portion of the site to which it applies;
- 3.30 "maximum floor space ratio" means the figure specified for a particular zone under column 5 of the zoning provisions tables contained in this scheme.
- 3.31 "mean ground level" means the average finished level of the surface of the ground immediately abutting the vertical faces of a building;
- 3.32 "motor graveyard" means land or a building used for the purposes of dumping and abandoning disused motor vehicles and parts thereof, not being for resale or ensuing use, and shall not include dealership in used or scrap parts of motor vehicles, which shall be deemed a "scrap yard" for the purposes of this scheme;
- 3.33 "motor-mart" means land used with or without ancillary buildings for the display and sale only of roadworthy motor vehicles;
- 3.34 "motor vehicle" means any vehicle designed or intended for propulsion by other than human or animal power and includes a motor cycle and a trailer or caravan but does not include a vehicle moving exclusively on rails;
- 3.35 "municipal purposes" in respect of the use of land, shall have the same meaning as "local authority purposes";
- 3.36 "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 the Health Act no. 63 of 1977 and any amendments thereto;
- 3.36A "occupational practice" means the practising of an occupation, enterprise or trade by not more than one person per dwelling unit of which such person is the occupant, without such disturbances as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or lowering of aesthetic standards being caused; provided that a maximum of two assistants may be employed; provided further that general practitioners shall be exempt from the condition with regard to residential occupancy and that two persons who are lawfully married and reside in the same dwelling unit may each practise his occupation subject to the relevant restrictions;
- 3.37 "occupier" in relation to any building, structure or land means and includes any person in actual occupation of, or legally entitled to occupy such building, structure or land, or any person having the charge or management thereof and includes the agent of any person absent from the area or whose whereabouts is unknown;
- 3.38 "office building" means a building comprising offices, professional chambers or suites,

consulting rooms, waiting rooms and ancillary uses;

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

3.40 "parking bay" means an area with minimum dimensions of 5,5m by 2,5m which is clearly outlined and demarcated for the parking of one motor vehicle, and which is accessible to the satisfaction of the Council;

3.40 "permitted use" means those uses which are permitted to be conducted on any erf or portion of land within a particular zone in terms of these regulations provided that land may be used for the purposes for which buildings are permitted to be erected thereon whether or not such buildings are actually erected;

3.41 "place of assembly" means:-

(a) a public hall, social hall, theatre, cinema, music hall, concert hall, dance hall, exhibition hall;

(b) a sports ground, amusement park, sports arena or similar undertakings open to the public on payment of an entrance charge;

(c) a billiard saloon or skating rink;

(d) a non-residential club, or

(e) any other place of public assembly (including a funeral parlour) whether used for purpose of gain or not, which does not fall within the scope of the definitions of place of public worship, place of instruction, or institutional building;

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

3.44 "place of worship" means a church, synagogue, chapel, mosque or other place of public devotion and includes buildings incidental thereto such as a Sunday school, manse and a social hall within the same site as, and associated with any of the foregoing buildings, but excludes funeral parlours and any chapel forming part thereof;

3.45 "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;

3.45A "professional usage" means such uses as are normally and reasonably associated with the concept "professional", e.g. uses by doctors, dentists, architects, engineers and town planners; the rendering of a service, as against carrying on a business, is one of the distinguishing factors;

3.46 "public garage" means a trade or business in respect of which a licence is required in terms of Item 45 of the First Schedule to the Registration and Licencing of Business Ordinance (No. 17 of 1981, as amended), and shall, unless otherwise determined by Council in terms of sub-clause 4.3.9, include the trade or business of fuelling motor vehicles for payment or reward;

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

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

3.49 "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;

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

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

3.51A "retirement village" means group housing which conforms to the following conditions:

- (a) Each dwelling unit shall only be occupied by an elderly person or by a family of which at least one member is an elderly person;
 - (b) A full spectrum of care and recreational facilities shall be provided to the satisfaction of the Council;
 - (c) Land use restrictions other than those applicable to group housing schemes may be determined by the Council in respect of a retirement village
- 3.52 "row houses" means a building of single storey height and containing three or more dwelling units attached to one another, side by side;
- 3.53 "scrap yard" means any piece of land or building used for the stacking, storing or preparation for resale of used material, motor vehicles, parts or components of whatever nature, but does not include a motor grave yard;
- 3.54 "service industry" means a small-scale industry incidental to the needs of a local community and the retail trade and which, in the opinion of the Council, shall not interfere with the amenity of surrounding properties or be of nuisance value by virtue of dust, noise, appearance, smell or activities or for any other reason whatsoever;
- 3.55 "service station" means a trade or business requiring a licence in terms of Item 45 of the First Schedule to the Registration and Licencing of Business Ordinance (No. 17 of 1981, as amended), such business or trade being restricted to effecting minor repairs and adjustments to motor vehicles, servicing them and supplying fuel to them at retail;
- 3.56 "shop" means a building:
- (a) for the purpose of carrying on a retail trade, including trade in motor vehicles, or
 - (b) for the purpose of carrying on a retail trade and repairing or manufacturing goods sold in such trade, provided such repair or manufacture does not constitute a factory within the meaning of the Factories Act no. 22 of 1941,
- and includes, subject to compliance with sub-clause 12.1, a launderette and a dry cleanette, but does not include any other industrial building or public garage;
- 3.57 "sign" includes every advertising or business device or matter of any kind whether consisting of a specially constructed device, structure, erection or apparatus, painted, printed, written, carved, inscribed, endorsed, projected onto, or otherwise fixed to or upon any building, wall, hoarding, pole, structure or erection of any kind whatsoever, or on any rock, stone, tree or other natural object, if such advertising or business device, or matter is visible from any building, public place, street, railway line or other thoroughfare;
- 3.58 "site" means the area of any erf less any land required for road purposes;
- 3.59 "site development plan" means a plan drawn according to a minimum scale of 1 : 500 and submitted by the owner of land to the local authority for approval prior to subdivision or, if subdivision is not required, submission of building plans. The plan shall reflect such information as may be required by the local authority in terms of these or any other regulations;
- 3.60 "special consent" means the Council's special consent pertaining an application involving the procedure laid down in clause 14 of this scheme;
- 3.61 "special recreation facility" means an outdoor recreation facility which is chiefly aimed at providing informal and unorganized recreation for the general public, and of which the most important feature is that it requires specialized structures and equipment, that the land use requirement thereof is not excessive, that it requires minimal development and that the public who utilise the facility do so mainly outside of any buildings and that it includes a drive-in restaurant, putting course, golf driving range and outdoor skating rink but excludes a drive-in cinema;
- 3.62 "storey" in relation to the height of a building as prescribed in this scheme, refers to the number of "floors" including the ground floor. The following shall not be regarded as a storey when determining the height of a building:-
- any basement;
 - any ground floor used for the parking of motor vehicles, which floor may also contain an entrance hall, lift foyer, servant's room(s), facilities for the service and maintenance of the building (excluding a caretaker's flat) provided the combined area of these uses do not exceed 20% of the area of the erf

that may be covered by the building in terms of this scheme;

accommodation on the roof of a building serving as a stairway or elevator penthouse, caretaker's or cleaners' quarters, or housing mechanical or maintenance equipment or consisting of water tanks-chimneys, turrets or towers or any other feature which is purely ornamental;

accommodation within the roof of a dwelling-house serving as an attic room, provided that in the opinion of the Council, the roof does not have an unacceptable visual impact on the environment or lower the aesthetic quality of the environment and provided that access to the attic room is through the dwelling-house.

A permissible height of three storeys would therefore mean the ground floor and two additional floors excluding any of the above.

3.63 "street" means :-

- a) any street which has at any time been:-
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by a council- or other competent authority, or constructed by a local authority, and
- (b) any land, with or without buildings or structures thereon, which is shown as a street on:-
 - (i) any plan of subdivision or diagram approved by a council or other competent authority and acted upon, or
 - (ii) any general plan as defined in section 49 of the Land Survey Act, 1927 (Act 9 of 1927), registered or filed in a deeds registry or the Surveyor-General's office;

unless such land is on such plan or diagram described as a private street;

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

3.65 "street building line" means the building line prescribed by this scheme in respect of the street boundary of an erf or piece of land;

3.66 "structure" means the result of a deliberate human action of putting together elements consisting of natural or man made materials to form a shelter, framework, building or object of similar nature;

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

"workshop" see "shop" and "service industry"

3.68 "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;

3.69 "zoning provisions tables" means the tables contained in this scheme, consisting of columns numbered 1 to 12 and containing information regarding each zone, the uses permitted therein, the maximum floor space ratio, height and coverage restrictions and the building line, parking and loading bay requirements applicable to land in any zone.

PART II

USES, FLOOR SPACE, HEIGHT, BUILDING LINES, PARKING AND LOADING SPACES AND USE OF ANNEXURES.

TABLES STIPULATING THE PERMITTED USES, RESTRICTIONS, REQUIREMENTS AND CONDITIONS FOR THE VARIOUS ZONES OF THE SCHEME ARE GROUPED TOGETHER IN THE ZONING PROVISIONS TABLES WHICH SHALL BE INTERPRETED SUBJECT TO THE PROVISIONS OF THIS STATEMENT

CLAUSE 4 Uses, restrictions and requirements in Use Zones.

4.1 Use of Annexures

4.1.1 The erven situated within any specific area depicted on the Map in terms of Clause 4.1.3 hereunder, shall, in addition to the provisions of the Scheme, be entitled to the uses, and further be subject to the special conditions, restrictions, densities, maximum floor area ratios, height and coverage restrictions, building lines, parking and loading requirements and all other requirements contained in the relevant section of Annexure A. This annexure may consist of annexures to both the Map and Statement of the Town Planning Scheme.

4.1.2 The provisions, conditions and restrictions contained in Annexure A shall prevail should they be in conflict with any other clause or provision of this scheme.

4.1.3 The area to which any particular section of Annexure A applies, shall have inscribed on it the letter "A" followed by the number of the particular section of Annexure A which applies thereto and shall be distinctively bordered (e.g. Section 1 of Annexure A shall apply to the area bearing the inscription A/1).

4.2 Council May Prescribe

Where, in the zoning provisions tables, an entry has not been made under a column against any use, the Council may at its discretion, specify a restriction when granting its special consent to an application.

4.3 TABLE A LAND USES

4.3.1 The uses permitted:

in a zone;

in a zone only with the special permission of the Council;

are shown in columns 3 and 4, respectively, (Table "A") of the zoning provisions tables;

4.3.2 subject to the provisions of sub-clause 4.3.3 no use shall be permitted in a zone other than the uses reflected in column 3 (Table "A");

4.3.3 application may be made for the special consent of the Council for a use stipulated under Column 4 (Table "A") of the zoning provisions tables;

Provided that if title conditions or other legislation prohibits or restricts the intended use the Council shall not issue its special consent before such other concessions as may be necessary have been obtained by the applicant;

Provided further that the owner of an erf in any zone shall be absolved of the requirement of obtaining Council's special consent in respect of any use listed under column 4 in respect of such zone, if that particular use is notated in writing on the map with reference to that particular erf. It may then be considered that Council's special consent had already been granted in respect of such use *on* that particular erf;

4.3.4 any use not included under columns 3 and 4 (Table "A") is prohibited and may only be allowed after amending the scheme, regardless of whether or not the title conditions or other concessions authorise the use;

4.3.5 the Council may in its discretion approve an application to erect a single dwelling unit with or without outbuildings in the general industrial zone if such dwelling unit is required as a caretaker's residence/flat;

4.3.6 in the special circumstances where an erf in a local business and central business zone is vacant and development for business purposes is not likely to be required on the erf in the foreseeable future, the Council may in its discretion allow the erection of a single dwelling on such erf; provided that the residential use of the property shall be terminated as soon as the erf is used for the purposes of its zoning;

4.3.7 an existing building which is not in conformity with the provisions of this scheme relating to the erection and use of buildings and use of land but is lawful otherwise, may with the written consent of the Council be altered structurally, or rebuilt on its existing site, or extended, subject to the coverage, height, building line, maximum floor space and aesthetic requirements of this scheme and other conditions the Council may deem fit being complied with;

4.3.8 no person shall use or allow any building or portion thereof to be used for a use other than that for which it has been erected in accordance with approved building plans. In the event of the use of a building being changed, the necessary consent of the Council shall first be obtained;

4.3.9 subject to the provisions of clause 15 hereof where any application is made to the Council for its consent to the use of land and/or 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 special consent of the Council, the Council may give or withhold its special 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;

provided that consideration 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, without prejudice to the generality of the foregoing, in the case of an industrial building, injury due to the emission of smoke or fumes, or of dust, noise or smell;

4.3.10 notwithstanding anything to the contrary in this scheme, no land in a Single Residential zone shall be used for the parking, storage or garaging of any vehicle (other than a motor vehicle as defined in the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966), as amended, and having a gross vehicle mass not exceeding 3 500 kg, and other than a boat and/or a trailer) without the written consent of the Council;

4.3.11 in this clause the expression "erection and use" of a building for a particular use includes the conversion of the building whether or not involving the structural alteration thereof, to that use;

4.3.12 no land shall be used for the purposes of refuse tipping, sewage disposal, stock yard, ash dump or cemetery without the written consent of the Council.

4.4 TABLE B - MAXIMUM FLOOR SPACE AND DENSITIES

4.4.1 In each zone, the maximum floor space permitted on any site shall not exceed that determined by applying the maximum floor space ratio stated under column 5 of the zoning provisions tables, to the nett area of the site (vide definition "maximum floor space" sub-clause 3.29);

4.4.2 whenever application is made to Council for the subdivision of an erf, Council may in addition to any other requirements, require the applicant to submit a site development plan containing such information as it may prescribe;

4.4.3 when considering an application to subdivide land the Council may grant or refuse such application and, in granting consent, may impose conditions in regard to matters arising out of or incidental to or connected with such subdivision;

4.4.4 pending the installation and commissioning of a waterborne sewerage scheme to serve the Single Residential zone, no erf in this zone shall be further subdivided in such a manner that any resultant portion has an area of less than 750m².

See also Council policies on minimum erf sizes

4.5 TABLE C MAXIMUM HEIGHT ALLOWED

4.5.1 No building may be erected so as to exceed the height in number of storeys specified in column 6 Table "C", of the zoning provisions tables for any particular zone;

4.5.2 the height of any single dwelling unit in the residential zones shall not exceed two storeys. In special circumstances such as excessive slope of building site an additional storey may be added with the written consent of the Council;

4.5.3 the maximum height of a storey shall be four (4) metres and any storey exceeding four metres in height shall be regarded as a pro rata plurality of storeys for the purposes of this scheme.

4.6 TABLE D -MAXIMUM COVERAGE

4.6.1 No building shall be erected so as to cover a greater percentage of the site than is indicated under column 7, Table "D", of the zoning provisions tables;

4.6.2 the area covered by any building shall be measured over the outside walls of that part of the building covered by a roof or projection provided that the area covered by a maximum eaves projection of 1,0 metre shall be excluded for the purpose of determining the coverage which shall include all outbuildings or accessory buildings;

4.6.3 where a proposed building is designed for more than one use, the proportion of site to be occupied by the building at the floor level of each storey shall comply with the provisions of Table "D" in respect of the use of such storey.

4.7 TABLE E -BUILDING LINES

4.7.1 Except with the written consent of the Council no building shall be erected closer to a boundary than the distance shown under columns 8, 9 and 10, Table "E" of the zoning provisions tables;

4.7.2 the area between a boundary and the specified building line shall be open space and shall allow unobstructed access at all times. No building other than boundary walls or fences or temporary structures erected in connection with building operations shall thereafter be erected between the street boundary and any such building line;

4.7.3 the Council may, if it deems fit, permit the erection of a building in front of a building line in the

case of corner erven or if on account of the levels of the site or of adjoining land, or the propinquity of existing buildings, or any other special circumstances, compliance with the building line would interfere with the development of the site;

4.7.4 building lines imposed in terms of the provisions of this scheme, substitute any less restrictive building line which is laid down by any title condition, controlling authority or which is stipulated by other legislation;

4.7.5 the relaxation of a building line by the Council shall not be construed as overruling any building line restriction applicable by virtue of any other legislation or stipulated in the title deed of the property or laid down by the controlling authority;

4.7.6 notwithstanding anything to the contrary no windows shall be inserted in any wall of a building where such wall is less than 1,5m away from any lateral and/or rear boundaries; see also clause 11.2.2

4.7.7 in the event of the common boundary between two erven forming the boundary between local business, central business, a general industrial or a noxious industrial zone and a residential zone, the side or rear space, as the case may be, applicable to the latter shall apply on both sides of the boundary in so far as it is more restrictive;

4.7.8 subject to the provisions of section 17 of Ordinance no. 19 of 1976, as amended, the building line restrictions need not be complied with insofar as basements are concerned;

4.7.8 notwithstanding these building lines, no row houses, maisonettes, block of flats and residential buildings in the general residential zone and buildings in the general industrial and noxious industrial zones may be erected unless:-

the site abuts a street of at least 13m in width which street shall be connected by a street or streets of not less than 16m in width, and

all street boundary walls or fences of the site are erected at a distance of not less than 8m 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 8m 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.

TABLE F -PARKING AND LOADING SPACES *see also clauses 11.2.3 and 12.3.3*

Parking

4.8.1 Parking bays, maneuvering space and loading bays shall be provided on all properties in accordance with the requirements set out under columns 11 and 12 Table "F", of the zoning provisions tables and shall be designed, sited and constructed to the satisfaction of the Council;

4.8.2 the gross area per parking or loading bay shall be determined by the Council and shall apply in the case of new buildings (other than a single dwelling unit) and/or additions to existing buildings (other than a single dwelling unit);

4.8.3 as an alternative to the provisions of Table "F", the owner may, with the consent of the Council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking area on the site, acquire the prescribed area of land for the parking facilities elsewhere in a position approved by the Council provided he registers a notarial deed against such land to the effect that the Council and the public shall have a free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface, and maintain it to the satisfaction of the Council and to such specifications as may be approved by the Council; the cost of registration of the servitude to be borne by the Council;

4.8.4 as an alternative to sub-clause 4.8.3 above, the Council may require a cash sum to be paid to Council, in which event the Council shall itself acquire and develop the necessary land for such parking purposes in a locality to be determined by the Council. The cash sum to be paid shall be equal to the market value per square metre of the land on which the building is erected, multiplied by the number of parking bays which is required to be provided in terms of Table "F" multiplied by 30 (sq. m per bay). Such market value shall be determined by sworn appraisal as at the time of submission of building plans;

4.8.5 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;

4.8.6 if additions to existing buildings (other than a single dwelling unit) are undertaken which, in the opinion of the Council, are not of such extent as to warrant the provision of parking and maneuvering space, the Council may in its discretion relax the requirements of Table "F";

4.8.7 parking required for Local Business purposes in terms of clause 4.8.1 may partly or in full be provided within specially widened parts of street reserves directly adjacent to respective erven. Such parking shall be laid out, designed and constructed to the entire satisfaction of the Council and generally in accordance with the relevant provisions of Clause 4.8;

Loading *see also clause 11*

4.8.8. the Council may, within twenty-eight (28) days of receipt of building plans submitted in terms of the by-laws, require the owner to submit for its approval, proposals for the provision of suitable and sufficient facilities on the erf for any loading, unloading or fuelling of vehicles;

4.8.9. if the Council requires proposals to be submitted in terms of this clause or if the owner submits proposals together with the building plans, the Council shall either approve the proposals with or without modification or disapprove of them within a reasonable period of time from the date of submission of the proposals;

4.8.10. no owner or occupier of a building in respect of which proposals in terms of this clause are required shall undertake or knowingly permit the loading, unloading or fuelling of vehicles other than in accordance with approved proposals unless such requirements have been relaxed or altered by the Council.

Layout

4.8.11 no vehicular crossing over the pavement shall be located nearer than 5m to any street corner (i.e., the point of intersection of two street boundaries) provided that in the case of public garages, the provisions of Clause 11.5 shall apply where more restrictive than the provisions of this sub-clause;

4.8.12 the manner in which it is intended that vehicles shall park or stand on such parking or loading areas and the means of gaining access and exit shall be shown on a plan to be submitted to the Council which may approve, disapprove or impose such conditions as it may deem fit. The Council may also restrict the number of access/exit ways to the site and the width thereof where they cross the street boundary shall be a maximum of 6m;

Construction

4.8.13 All on-site parking and loading areas shall be constructed and the bays demarcated in accordance with the approved plan and no owner or occupier of a building shall undertake or knowingly permit the loading, unloading, parking or fuelling of vehicles other than in accordance with the approved plan.

4.8.14 Council may, if it is convinced that adequate provision for parking is provided in some other suitable locality, relax the requirements in respect of parking to be provided on any site in the Single and General Residential zones

TABLE 1. Single Residential zone.

TABLE A:

1. Permitted Uses: Dwelling house

1. Uses only permitted with Special Consent of Council: Place of Worship, Place of Instruction, Institutional building, Retirement village, Group Housing

TABLE B: Maximum floor space ratio:

Retirement village and Group Housing **see Annexure B**

Institutional building: **0.75**

Other uses: **nil.**

TABLE C Maximum height (storeys):

Retirement village and Group Housing **see Annexure B**

Institutional building: **3**

Other uses: **2**

TABLE D Maximum Coverage:

Retirement village and Group Housing **see Annexure B**

Dwelling house, Place of worship, and Place of Instruction: **50%**

Institutional Building: **25%**

TABLE E Building Lines in metres (Subject to the provisions of section 117 of ordinance 19 of 1976 as amended) (Subject also to clause 11.2)

1 From Street boundary:

Retirement village and Group Housing **see Annexure B**

Dwelling house: **5**

Place of Instruction and Place of Worship: **10**

Institutional building: **8**

2 From Lateral boundary:

Retirement village and Group Housing **see Annexure B**

Dwelling house: **2**

Place of Instruction and Place of Worship: **10**

Institutional building: **4.5 or half the height of the building, whichever is the greater**

3 From rear boundary:

Retirement village and Group Housing **see Annexure B.**

Dwelling house: **3**

Place of Instruction and Place of Worship: **10**

Institutional building: **4.5 or half the height of the building, whichever is the greater**

TABLE F

1. Parking bays (Subject to clause 11.2.3)

Retirement village and Group Housing **see Annexure B.**

Dwelling house: **nil**

Place of Instruction and Place of Worship: **1 bay for every 8 seats provided in all buildings on the site**

Institutional building: **1 bay per bed where applicable otherwise 2 per 100m² gross floor space**

2. Loading bays: nil

=====

TABLE 2: Special Residential zone.

TABLE A

1 Permitted Uses: Dwelling house

2 Uses only permitted with Special Consent of Council: Place of Worship, Place of Instruction, Institutional building, Retirement village, Group Housing, Place of Assembly.

TABLE B Maximum floor space ratio: nil.

Retirement village and Group Housing **see Annexure B**

TABLE C Maximum height (storeys):

Retirement village and Group Housing **see Annexure B**

Institutional building, Place of Assembly and Place of Worship and Place of Instruction: **3**

Other uses: **2**

TABLE D Maximum Coverage: 50%:

Retirement village and Group Housing **see Annexure B**

TABLE E Building Lines in metres (Subject to the provisions of section 117 of ordinance 19 of 1976 as amended) (Subject also to clause 11.2)

1 From Street boundary:

Retirement village and Group Housing **see Annexure B**

Dwelling house: **1**

Other uses: **6**

2 From Lateral boundary:

Retirement village and Group Housing **see Annexure B**

Dwelling house: **1**

Place of Instruction, Place of Worship and Place of Assembly: **4**

Institutional building: **4.5 or half the height of the building, whichever is the greater**

3 From rear boundary:

Retirement village and Group Housing **see Annexure B.**

Dwelling house: **1**

Place of Instruction, Place of Worship and Place of Assembly: **4**

Institutional building: **4.5 or half the height of the building, whichever is the greater**

TABLE F

1. Parking bays: (Subject to clause 11.2.3)

Retirement village and Group Housing **see Annexure B.**

Dwelling house: **1 bay per dwelling unit**

Place of Instruction and Place of Worship: **1 bay for every 20 seats provided,**

Place of Assembly: **1 bay for every 100m² of gross floor space or every 20 seats provided, whichever is the higher number of bays, subject to a minimum of 15 bays for each funeral parlour – see also clause 12.2**

Institutional building: **1 bay for every 4 beds where applicable, otherwise 1 per 100m² gross floor area.**

2. Loading bays: nil

=====

TABLE 3: General Residential zone.

TABLE A

1 Permitted Uses: Dwelling houses with or without outbuildings (see also clauses 6.1.4 and 6.1.3), Row houses, Maisonettes, Group housing, Block of Flats and Residential buildings

2 Uses only permitted with Special Consent of Council: Place of Worship, Place of Instruction, Institutional building, Retirement village, Place of Assembly, Licensed hotel not conducting off-sales establishments, Medical Centre or other professional usage (see clause 6.1.4)

TABLE B Maximum floor space ratio:

Retirement village and Group Housing **see Annexure B**

Dwelling houses, Place of Worship, Place of Instruction, Place of Assembly: **nil.**

Row houses and Maisonettes: **0.6**

Block of Flats, Residential buildings and Institutional buildings and Licensed hotel: **0.75**

TABLE C Maximum height (storeys):

Retirement village and Group Housing **see Annexure B**

Dwelling houses: **2**

Other uses: **3**

TABLE D Maximum Coverage:

Retirement village and Group Housing **see Annexure B**

Block of flats, Residential buildings, Institutional buildings and Licensed hotel: **25%**

Row houses and Maisonettes; **30%**

Dwelling houses, Place of Worship, Place of Instruction and Place of Assembly: **50%**

TABLE E Building Lines in metres (Subject to the provisions of section 117 of ordinance 19 of 1976 as amended) (Subject also to clause 11.2)

1 From Street boundary:

Retirement village and Group Housing **see Annexure B**

Dwelling house: **5**

Row houses, Maisonettes, Block of Flats, Residential buildings, Institutional buildings and Licensed hotel: **8**

Place of worship, Place of Instruction and Place of Assembly: **10**

2 From Lateral boundary:

Retirement village and Group Housing **see Annexure B**

Dwelling house: **3**

Place of Instruction, Place of Worship and Place of Assembly: **10**

Row houses, maisonettes, Block of Flats, Residential buildings, Institutional building and Licensed hotel: **4.5 or half the height of the building, whichever is the greater**

3 From rear boundary:

Retirement village and Group Housing **see Annexure B**

Dwelling house: **3**

Place of Instruction, Place of Worship and Place of Assembly: **10**

Row houses, maisonettes, Block of Flats, Residential buildings, Institutional building and Licensed hotel: **4.5 or half the height of the building, whichever is the greater**

TABLE F

1 Parking bays: (Subject to clause 11.2.3)

Retirement village and Group Housing **see Annexure B.**

Dwelling house, Row houses, Maisonettes: **1 bay per dwelling unit**

Place of Instruction and Place of Worship: **1 bay for every 8 seats provided**

Place of Assembly: **1 bay for every 8 seats provided, or in the case of funeral parlours with a chapel a minimum of 15 bays and without, 2 bays for every 100m² gross floor area (see also clause 12.2)**

Institutional building: **1 per bed where applicable, otherwise 2 per 100m² gross floor area. Other uses see clause 11.2.3**

2. Loading bays: nil

=====

TABLE 4. Local Business zone.

TABLE A

1 Permitted Uses: Shop (excluding laundrette and dry cleanette), Office buildings, Block of Flats, and Residential Buildings above the ground floor only and restricted to one floor

2 Uses only permitted with Special Consent of Council: Laundrette and dry-cleanette, Place of Assembly,, Licensed hotel, Special Recreational facilities, Service Station

TABLE B Maximum floor space ratio:

Shop, Office buildings, Laundrette and dry-cleanette: **1.5**

Block of flats and residential buildings restricted as above: **1.0**

Place of Assembly, Licensed hotel: **2**

Other uses: n/a

TABLE C Maximum height (storeys): 2 (except as restricted for block of flats and residential buildings as indicated in permitted uses above)

TABLE D Maximum Coverage:

Shop, Office buildings, Laundrette and dry-cleanette: **100%**

Block of flats, Residential buildings: **50%**

Place of Assembly, Licensed hotel: **85%**

Special Recreational Facilities: **see special conditions in clause 12.3**

Service Station: **60% subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended**

TABLE E Building Lines in metres (Subject to the provisions of section 117 of ordinance 19 of 1976 as amended) (Subject also to clause 11.2)

1 From Street boundary:

Shop, Office buildings, Laundrette and dry-cleanette, Block of Flats, Residential buildings: **nil**

Place of Assembly, Licensed hotel: **4.5**

Special Recreational Facilities: **see special conditions in clause 12.3**

Service Station: **4.5 but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended**

2 From Lateral boundary:

Shop, Office buildings, Laundrette and dry-cleanette: **nil**

Block of Flats, Residential buildings: **nil for a distance of 12.5m from the street boundary or street line, whichever applies, and thereafter set back at least 4.5m or half the height of the building (whichever is the greater) from the lateral boundary**

Place of Assembly, Licensed hotel: **nil**

Special Recreational Facilities: **see special conditions in clause 12.3**

Service Station: **nil, but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended.**

3 From rear boundary:

Shop, Office buildings, Laundrette and dry-cleanette: **nil**

Block of Flats, Residential buildings: **4.5m or half the height of the building (whichever is the greater)**

Place of Assembly, Licensed hotel: **nil**

Special Recreational Facilities: **see special conditions in clause 12.3**

Service Station: **nil, but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended.**

TABLE F

1 Parking bays: (Subject to clause 11.2.3)

Shop, Office buildings, Laundrette and dry-cleanette: **2 bays for every 100m² of gross floor area**

Block of Flats, Residential buildings: **see clause 11.2.3**

Place of Assembly: **1 bay for every 8 seats provided, or in the case of funeral parlours with a chapel a minimum of 15 bays and without, 2 bays for every 100m² gross floor area (see also clause 12.2)**

Licensed hotel: **see clause 11.2.3**

Special Recreational Facilities: **see special conditions in clause 12.3**

Service Station: **4 bays for every lubrication or repair/service bay: minimum 8 bays.**

2. Loading bays: nil

Shop, Office buildings, Laundrette and dry-cleanette: **2 bays for the first 1000m² or part thereof of gross floor area devoted to business usage, plus one bay for every additional 1000m² or part thereof.**

Licensed hotel: **1 bay**

Other uses: **nil**

=====

TABLE 5. Central Business zone.

TABLE A

1 Permitted Uses: Shops, Office buildings, Licensed hotel, Block of Flats and Residential Buildings above the ground floor only and provided the total height of the building does not exceed 3 storeys

2 Uses only permitted with Special Consent of Council: Laundrette and dry-cleanette, Service Industry, Place of Assembly, Place of Instruction, Place of Worship, Institutional Buildings, Special Recreational facilities, Service Station

TABLE B Maximum floor space ratio:

Shop, Office buildings, Licensed hotel, Laundrette and dry-cleanette, Service Industry,: **2**

Other uses: **n/a**

Special Recreational facilities: **subject to certain special conditions set out in clause 12.3**

TABLE C Maximum height (storeys):

Shop, Office buildings, Licensed hotel, Laundrette and dry-cleanette, Service Industry,: **3**

Service Station: **2**

Other uses: **no restriction**

Special Recreational facilities: **subject to certain special conditions set out in clause 12.3**

TABLE D Maximum Coverage:

Shop, Office buildings, Licensed hotel, Laundrette and dry-cleanette, Service Industry,: **100%**

Block of flats, Residential buildings restricted as above: **50%**

Place of Assembly, Place of Instruction, Place of Worship, Institutional Buildings: **85%**

Special Recreational Facilities: see special conditions in clause 12.3

Service Station: **75%** but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended

TABLE E Building Lines in metres (Subject to the provisions of section 117 of ordinance 19 of 1976 as amended) (Subject also to clause 11.2)

1 From Street boundary:

Shop, Office buildings, Licensed hotel, Laundrette and dry-cleanette, Service Industry, Block of Flats and Residential Buildings: **nil**

Place of Assembly, Place of Instruction, Place of Worship, Institutional Buildings: **4.5**

Special Recreational Facilities: see special conditions in clause 12.3

Service Station: **4.5** but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended

2 From Lateral boundary:

Shop, Office buildings, Licensed hotel, Laundrette and dry-cleanette, Service Industry: **nil**

Block of Flats and Residential Buildings: **nil for a distance of 12.5m from the street boundary or street line, whichever applies, and thereafter set back at least 4.5m or half the height of the building (whichever is the greater) from the lateral boundary**

Place of Assembly, Place of Instruction, Place of Worship, Institutional Buildings: **nil**

Special Recreational Facilities: **see special conditions in clause 12.3**

Service Station: **nil** but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended

3 From rear boundary:

Shop, Office buildings, Licensed hotel, Laundrette and dry-cleanette, Service Industry: **nil**

Block of Flats and Residential Buildings: **nil for a distance of 12.5m from the street boundary or street line, whichever applies, and thereafter set back at least 4.5m or half the height of the building (whichever is the greater) from the lateral boundary**

Place of Assembly, Place of Instruction, Place of Worship, Institutional Buildings: **nil**

Special Recreational Facilities: **see special conditions in clause 12.3**

Service Station: **nil but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended.**

TABLE F**1 Parking bays:** (Subject to clause 11.2.3)

Shop, Office buildings, Laundrette and dry-cleanette, Service Industry: **2 bays for every 100m² of gross floor area.**

Licensed hotel: **see clause 11.2.3**

Block of Flats, Residential buildings: **see clause 11.2.3**

Place of Assembly: **1 bay for every 8 seats provided, or in the case of funeral parlours with a chapel a minimum of 15 bays and without, 2 bays for every 100 m² gross floor area (see also clause 12.2)**

Place of Instruction, Place of Worship: **1 bay for every 8 seats provided in all buildings on the site**

Institutional Buildings: **1 bay per bed where applicable, otherwise 2 bays per 100m² gross floor area.**

Special Recreational Facilities: **see special conditions in clause 12.3**

Service Station: **4 bays for every lubrication or repair/service bay: minimum 8 bays.**

2. Loading bays: nil

Shop, Office buildings, Licensed hotel, Laundrette and dry-cleanette, Service Industry: **2 bays for the first 1000 m² or part thereof of gross floor area devote to business usage plus 1 bay for every additional 1000m² or part thereof.**

Other uses: nil

TABLE 6. Commercial zone.

TABLE A

1 Permitted Uses: Shops, Office buildings, Service Industry, Block of Flats and Residential Buildings above the ground floor

2 Uses only permitted with Special Consent of Council: Laundrette and dry-cleanette, Service Station, Motor Mart, Special Recreational facilities,

TABLE B Maximum floor space ratio:

Shop, Office buildings, Service Industry, Laundrette and dry-cleanette, **2**

Block of Flats and Residential Buildings above the ground floor: **1**

Special Recreational facilities: **subject to certain special conditions set out in clause 12.3**

TABLE C Maximum height (storeys):

Shop, Office buildings, Service Industry, Laundrette and dry-cleanette, **2 or 10 m**

Service Station, Motor Mart: **2**

Other uses: **no restriction**

Special Recreational facilities: **subject to certain special conditions set out in clause 12.3**

TABLE D Maximum Coverage:

Shop, Office buildings, Service Industry, Laundrette and dry-cleanette, **100%**

Block of Flats and Residential Buildings above the ground floor: **50%**

Special Recreational facilities: **subject to certain special conditions set out in clause 12.3**

Service Station, Motor Mart: **75%** but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended

TABLE E Building Lines in metres (Subject to the provisions of section 117 of ordinance 19 of 1976 as amended) (Subject also to clause 11.2)

1 From Street boundary:

Shop, Office buildings, Service Industry Laundrette and dry-cleanette, Block of Flats and Residential Buildings: **nil**

Special Recreational Facilities: see special conditions in clause 12.3

Service Station, Motor Mart: **4.5** but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended

2 From Lateral boundary:

Shop, Office buildings, Service Industry, Laundrette and dry-cleanette, : **nil**

Block of Flats and Residential Buildings: **nil for a distance of 12.5m from the street boundary or street line, whichever applies, and thereafter set back at least 4.5m or half the height of the building (whichever is the greater) from the lateral boundary**

Special Recreational Facilities: **see special conditions in clause 12.3**

Service Station, Motor Mart: **nil** but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended

3 From rear boundary:

Shop, Office buildings, Service Industry, Laundrette and dry-cleanette: **nil**

Block of Flats and Residential Buildings: **nil for a distance of 12.5m from the street boundary or street line, whichever applies, and thereafter set back at least 4.5m or half the height of the building**

(whichever is the greater) from the lateral boundary

Special Recreational Facilities: **see special conditions in clause 12.3**

Service Station: **nil but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended.**

TABLE F

1 Parking bays: (Subject to clause 11.2.3)

Shop, Office buildings, Service Industry, Laundrette and dry-cleanette: **2 bays for every 100m² of gross floor area.**

Block of Flats, Residential buildings: **see clause 11.2.3**

Special Recreational Facilities: **see special conditions in clause 12.3**

Service Station, Motor Mart **4 bays for every lubrication or repair/service bay: minimum 8 bays.**

2. Loading bays:

Shop, Office buildings, Service Industry, Laundrette and dry-cleanette **2 bays for the first 1000 m² or part thereof of gross floor area devote to business usage plus 1 bay for every additional 1000m² or part thereof.**

Other uses: **nil**

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TABLE 7. General Industry zone.

TABLE A

1 Permitted Uses: Service Industrial buildings, Light Industrial buildings, Industrial buildings

2 Uses only permitted with Special Consent of Council: Warehouse, Public garage, Motor Mart, Scrap yard, Motor graveyard, Any buildings otherwise permitted in this zone, but which is more than 2 storeys or 8m high, Special recreational facilities.

TABLE B Maximum floor space ratio: Nil

TABLE C Maximum height (storeys):

Service Industrial buildings, Light Industrial buildings, Industrial buildings, Warehouse, Public garage: **2 or as permitted by special consent**

Motor Mart, Scrap yard, Motor graveyard: **2**

Other uses: **no restriction**

Special Recreational facilities: **subject to certain special conditions set out in clause 12.3**

TABLE D Maximum Coverage:

Service Industrial buildings, Light Industrial buildings, Industrial buildings, Warehouse, Motor Mart, Scrap yard, Motor graveyard **75%**

Special Recreational facilities: **subject to certain special conditions set out in clause 12.3**

Public Garage: **75%** but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended

TABLE E Building Lines in metres (Subject to the provisions of section 117 of ordinance 19 of 1976 as amended) (Subject also to clause 11.2)

1 From Street boundary:

Service Industrial buildings, Light Industrial buildings, Industrial buildings, Warehouse, Motor Mart, Scrap yard, Motor graveyard: **4.5**

Special Recreational Facilities: **see special conditions in clause 12.3**

Public garage: **4.5** but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended

2 From Lateral boundary:

Service Industrial buildings, Light Industrial buildings, Industrial buildings, Warehouse, Motor Mart, Scrap yard, Motor graveyard: **4.5**

Special Recreational Facilities: **see special conditions in clause 12.3**

Public garage: **nil** but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended

3 From rear boundary:

Service Industrial buildings, Light Industrial buildings, Industrial buildings, Warehouse, Motor Mart, Scrap

yard, Motor graveyard: **4.5**

Special Recreational Facilities: **see special conditions in clause 12.3**

Public garage: **nil** but subject also to compliance with the Standard Regulations relating to public garages promulgated under PN 871 dated 19 October 1973, as amended.

TABLE F

1 Parking bays: (Subject to clause 11.2.3)

Service Industrial buildings, Light Industrial buildings, Industrial buildings, Warehouse, Motor Mart, Scrap yard, Motor graveyard: **1 bay for every 100m² of gross floor area up to 1500m² thereafter 1 per 200 m² gross floor area; alternatively, to the Council’s discretion, 0 –25 employees, 1 bay per 4 persons or part, next 25 persons, 1 bay per 5 persons or part, next 50 persons, 1 bay per 10 persons or part, thereafter 1 bay per 25 persons or part thereof. 25% of bays shall be set aside and sign-posted for use by visitors.**

Special Recreational Facilities: **see special conditions in clause 12.3**

Public Garage: **4 bays for every lubrication or repair/service bay: minimum 8 bays. – see also clause 12.5.9**

2. Loading bays:

Service Industrial buildings, Light Industrial buildings, Industrial buildings, Warehouse, Motor Mart, Scrap yard, Motor graveyard: **Gross floor area: 0m² to 2500m²: 1 bay, 2501m² to 5000m²: 2 bays, 5001m² to 10 000 m²: 3 bays, Every additional 10 000m² or part thereof: 1 additional bay. Minimum width 5m. If carried through a building to a street, minimum height: 3m**

Other uses: **nil**

=====

TABLE 8. Noxious Industry zone.

TABLE A

1 Permitted Uses: Noxious Industrial buildings.

2 Uses only permitted with Special Consent of Council: Any buildings otherwise permitted in this zone, but which is more than 2 storeys or 8m high.

TABLE B Maximum floor space ratio: Nil

TABLE C Maximum height (storeys):

Noxious Industrial buildings: **2 or as permitted by special consent.**

Any buildings otherwise permitted in this zone, but which is more than 2 storeys or 8m high.: Not applicable

TABLE D Maximum Coverage:

Noxious Industrial buildings: **75%**

Any buildings otherwise permitted in this zone, but which is more than 2 storeys or 8m high: **Nil**

TABLE E Building Lines in metres (Subject to the provisions of section117 of ordinance 19 of 1976 as amended) (Subject also to clause 11.2)

1 From Street boundary:

Noxious Industrial buildings: **4.5**

Any buildings otherwise permitted in this zone, but which is more than 2 storeys or 8m high: **Nil**

2 From Lateral boundary:

All uses: **Nil**

3 From rear boundary:

All uses: **Nil**

TABLE F

1 Parking bays: (Subject to clause 11.2.3)

Noxious Industrial buildings: **1 bay for every 100m² of gross floor area up to 1500m² thereafter 1 per 200 m² gross floor area; alternatively, to the Council’s discretion, 0 –25 employees, 1 bay per 4 persons or part, next 25 persons, 1 bay per 5 persons or part, next 50 persons, 1 bay per 10 persons or part, thereafter 1 bay per 25 persons or part thereof. 25% of bays shall be set aside and sign-posted for use by visitors.**

Any buildings otherwise permitted in this zone, but which is more than 2 storeys or 8m high: **Nil**

2. Loading bays:

Noxious Industrial buildings: **Gross floor area: 0m² to 2500m²: 1 bay, 2501m² to 5000m²: 2 bays, 5001m² to 10 000 m²: 3 bays, Every additional 10 000m² or part thereof: 1 additional bay. Minimum width 5m. If carried through a building to a street, minimum height: 3m**

Any buildings otherwise permitted in this zone, but which is more than 2 storeys or 8m high: **Nil**

TABLE 9. Education zone.

TABLE A

1 Permitted Uses: Place of Instruction, Place of Worship

2 Uses only permitted with Special Consent of Council: Institutional building

TABLE B Maximum floor space ratio:

Place of Instruction, Place of Worship: **Nil**

Institutional building: **0.75**

TABLE C Maximum height (storeys):

Place of Instruction, Place of Worship Institutional building: **3**

TABLE D Maximum Coverage:

Place of Instruction, Place of Worship: **50%**

Institutional building: **25%**

TABLE E Building Lines in metres (Subject to the provisions of section 117 of ordinance 19 of 1976 as amended) (Subject also to clause 11.2)

1 From Street boundary:

Place of Instruction, Place of Worship: **10**

Institutional building: **8**

2 From Lateral boundary:

Place of Instruction, Place of Worship: **10**

Institutional building: **4.5m or half the height of the building, whichever is the greater**

3 From rear boundary:

Place of Instruction, Place of Worship: **10**

Institutional building: **4.5m or half the height of the building, whichever is the greater**

TABLE F

1 Parking bays: (Subject to clause 11.2.3)

Place of Instruction, Place of Worship: **1 bay for every 8 seats in anyplace of worship or social hall**

Institutional building: **1 bay per bed where applicable, otherwise 2 per 100m² gross floor space**

2. Loading bays:

All uses: **Nil**

TABLE 10. Institutional zone.

TABLE A

1 Permitted Uses: Institutional building, Blocks of Flats, Residential buildings

2 Uses only permitted with Special Consent of Council: Place of Assembly

TABLE B Maximum floor space ratio:

Institutional building and Place of Assembly: **0.75**

Block of Flats, Residential buildings: **0.50**

TABLE C Maximum height (storeys):

Institutional building and Place of Assembly: **3**

Block of Flats, Residential buildings: **2**

TABLE D Maximum Coverage:

Institutional building and Place of Assembly: **25%**

Block of Flats, Residential buildings: **50%**

TABLE E Building Lines in metres (Subject to the provisions of section 117 of ordinance 19 of 1976 as amended) (Subject also to clause 11.2)

1 From Street boundary:

All uses: 8

2 From Lateral boundary:

All uses: 4.5m or half the height of the building, whichever is the greater

3 From rear boundary:

All uses: 4.5m or half the height of the building, whichever is the greater

TABLE F

1 Parking bays: (Subject to clause 11.2.3)

Institutional building: 1 bay per bed where applicable, otherwise 2 per 100m² gross floor space.

Block of Flats, Residential buildings: Refer to clause 11.2.3

Place of Assembly: 1 bay for every 8 seats provided, or in the case of funeral parlours with a chapel a minimum of 15 bays and without, 2 bays for every 100m² gross floor area (see also clause 12.2)

2. Loading bays:

All uses: Nil

=====

TABLE 11. Local Authority purposes zone.

TABLE A

Permitted Uses: Municipal purposes

No restrictions

=====

TABLE 12. Government zone.

TABLE A

Permitted Uses: Central and Provincial government purposes

No restrictions.

=====

TABLE 13. Public Open Space zone.

TABLE A

Permitted Uses: Open Space, Municipal purposes

No restrictions

=====

TABLE 14. Private Open Space zone.

TABLE A

1 Permitted Uses: Open Space, Municipal Purposes

2 Uses only permitted with Special Consent of Council: Dwelling Unit, Place of Assembly

TABLE B Maximum floor space ratio:

No restrictions

TABLE C Maximum height (storeys):

No restrictions

TABLE D Maximum Coverage:

No restrictions

TABLE E Building Lines in metres (Subject to the provisions of section 117 of ordinance 19 of 1976 as amended) (Subject also to clause 11.2)

No restrictions

2 From Lateral boundary:

No restrictions

3 From rear boundary:

No restrictions

TABLE F

1 Parking bays: (Subject to clause 11.2.3)

Place of Assembly: **1 bay for every 8 seats provided, or in the case of funeral parlours with a chapel a minimum of 15 bays and without, 2 bays for every 100m2 gross floor area (see also clause 12.2)**

Other uses: **No restrictions**

2. Loading bays:

All uses: **Nil**

=====

TABLE 15. Cemetery zone.

TABLE A

Permitted Uses: Municipal purposes

No restrictions

=====

TABLE 16. Undetermined zone.

TABLE A

Permitted Uses: Existing buildings and uses only.

=====

TABLE 17. Conservation zone.

Refer to special conditions as per Annexure A Section 1.

=====

TABLE 18. Amenity zone.

Refer to special conditions as per clause 12.4

=====

TABLE 19. Kowie Mental hospital zone.

TABLE A

Permitted Uses: Kowie Mental Hospital

No further restrictions.

=====

TABLE 20. Public Assembly zone.

TABLE A

1 Permitted Uses: Place of Assembly

2 Uses only permitted with Special Consent of Council: Place of Instruction, Institutional building, Place of worship.

TABLE B Maximum floor space ratio:

All uses: **2**

TABLE C Maximum height (storeys):

All uses: **2**

TABLE D Maximum Coverage:

All uses: **85%**

TABLE E Building Lines in metres (Subject to the provisions of section 117 of ordinance 19 of 1976 as amended) (Subject also to clause 11.2)

1. From street boundary:

All uses: **4.5**

2 From Lateral boundary:

No restrictions

3 From rear boundary:

No restrictions

TABLE F

1. Parking bays: (Subject to clause 11.2.3)

All uses: **2 bays for every 100m² of gross floor area or 1 bay for every 6 seats whichever is the greater.**

2. Loading bays:

All uses: **Nil**

=====

TABLE 21. Parking Area zone.

TABLE A

Permitted Uses: Public parking

No further restrictions.

=====

CLAUSE 5 Buildings used for more than one purpose

5.1 Where land is used, or a proposed building is designed or used for more than one purpose it shall be treated for the purposes of Clause 4 hereof as being used or designed partly for each of those uses but for the purposes of the other provisions of this scheme it shall be treated as being used or designed for its predominant use and the council may, and shall, if the person having control of, or proposing to erect the building, requests clarification for that purpose, decide which is the predominant use;

5.2 the Council shall give written notice of any decision under this Clause to the applicant.

CLAUSE 6 Special exemptions.

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

6.1.1 the letting, subject to the Council's Regulations relating to lodging and boarding houses, by any occupier of a dwelling-house, of any part of the house otherwise than as a tenement;

6.1.2 the occasional use of a place of worship, place of instruction or institution as a place of assembly;

6.1.3 the use by any resident of a dwelling-house, flat or residential building or of any portion thereof as a medical doctor's or a dentist's surgery, consulting and waiting rooms, as well as a veterinary's consulting room for the purpose of treating only domestic animals (household pets), provided the practitioner himself resides in the dwelling-house or residential building (general practitioners being exempt from the requirement of residential occupancy);

6.1.4 the use of a building in any General Residential zone for the purposes of a medical centre or other professional usage, provided that, over and above any other regulation pertaining to such zone, the following requirements shall be complied with:

- * Council's special consent shall be obtained (vide Clause 14) ;
- * On-site parking shall be provided in accordance with Clause 4.8, to the extent of six (6) parking bays per professional practitioner employed on' the site; half of the total number of bays thus provided being reserved for visitors/clients;
- * In the case of partnerships, no person other than a caretaker shall be permitted to reside on the erf.

6.2 without prejudice to any powers of the Council in terms of any other law, nothing in these regulations shall be interpreted as prohibiting the Council from permitting the use of a dwelling house, flat or residential building by a resident therein, for occupational practice or professional usage; provided that -

6.2.1 any person wishing to practise such occupation or usage shall apply in writing to the Council;

6.2.2 such application shall be considered on merit by the Council, and permission may be granted or withheld by the Council at its sole discretion;

6.2.3 applications shall be accompanied by the written comment of -

* the registered owner of the property (in the event of the applicant not being the owner), and

* surrounding property owners whose amenity may be adversely affected by the activity being applied for;

6.2.4 the floor area and/or number of rooms to be utilised for conducting the proposed activity within the dwelling house, flat or residential building shall be shown on a floor plan of the building which shall be submitted for approval to the Council together with the application;

6.2.5 the Council reserves the right to restrict the percentage of physical space utilised for the proposed activity to that which is deemed appropriate in maintaining the predominantly residential function of the dwelling unit, and

6.2.6 any occupational practice or professional usage, if approved by Council, shall in any event be subject to the following conditions, namely that -

* such dwelling house, flat or residential building or any portion thereof shall not be used as a shop, industrial building, or offensive industrial building;

* no goods shall be publicly displayed;

* no advertising sign or notice shall be displayed other than an un-illuminated sign or notice, not projecting over a street and not exceeding 2 000cm² in area, indicating only the name and profession or occupation of the resident;

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

* the number of additional people over and above the owner resident of the property permitted to be employed for the particular activity shall be limited to two;

* the hours of conducting the activity shall be restricted to those normally associated with business activities within established trading" areas;

* the applicants shall be made responsible for the provision of additional parking facilities in accordance with the Council's specifications over and above the normal on-site parking if in the opinion of the Council the particular application necessitates such provision;

* all required licensing, health and fire-prevention regulations shall be complied with, and

* the Council reserves the right to refuse renewal of the required licence and/or to call on the owner or occupier to cease the activity should continued complaints be received as a result thereof.

CLAUSE 7 Permission granted before approval of this scheme.

With due regard to any Scheme in operation the Council may in its discretion permit, in accordance with the terms of a permission granted pending the preparation or approval of this Scheme, the erection of a building or the carrying out of works for which permission was granted but which had not been commenced before the date of the approval of this scheme.

CLAUSE 8 Lines of no access, new streets and street widenings

8.1 Prohibition of Access to certain Roads/Streets:

Where access to any road or street or portion thereof in the area of this Scheme is prohibited, it shall be indicated by means of the following symbol.



No access or egress shall be allowed over this line unless the Council has upon application granted a written relaxation; provided that the Council shall be entitled to impose such conditions as it deems fit and provided further that the relaxation so granted shall not be construed as overruling a restriction applicable by virtue of any other legislation or stipulated in the title deed of the property

8.2 New Streets and Street Widenings:

Except with the written consent of the Council, no building shall be erected, no work executed and no excavations or diggings made on land required for new streets or street widening purposes;

provided that an existing use of land may be continued and provided further that when granting its consent the Council may stipulate that building(s) be demolished, work(s) and excavations be terminated on or before a specified date without compensation and/or any other condition the Council may deem fit.

CLAUSE 9 Binding force of Conditions Imposed.

Where permission to erect any building or execute any works or to use any building or land for any particular purpose or to do anything or any other act 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.

CLAUSE 10 Special Powers of Council

Nothing in this scheme will operate to prevent the Council from:

- (a) erecting, maintaining, or using any building or work, or land, in any part of the area of this scheme for the purpose of any undertaking which it may be empowered to carry out under any legislation; provided that the approval of the Administrator shall be obtained prior to the erection of dwelling units whether it be for housing schemes or not;
- (b) allowing the occasional letting of a site in the area of the scheme for the purposes of amusement parks, circuses, church gatherings, etc., subject to such conditions as the Council may think fit.

CLAUSE 11 Additional Requirements.

The erven within the area of this scheme shall be subject to the following conditions:-

11.1 GENERAL (All zones);

- 11.1.1 Except with the written consent of the Council and subject to such conditions as the Council may impose, neither the owner nor any occupier of the erf shall sink any wells or boreholes thereon or abstract any subterranean water therefrom. Provided that the procedure laid down in Clause 14 of the scheme shall not apply to this sub-clause;
- 11.1.2 if an erf is fenced, or otherwise enclosed, the fencing or other enclosing material shall be approved by the Council and shall be erected and maintained to the satisfaction of the Council;
- 11.1.3 the siting of buildings, ingress to and egress from the erf to the public street system, construction and maintenance of internal roads and landscaping of the erf shall be done to the satisfaction of the Council; provided that the landscaping requirement shall not be applicable to single residential development;
- 11.1.4 the owner shall be responsible for the maintenance of the entire development of the erf; Provided that if the Council is of the opinion that the premises or any part of the development is not kept in a satisfactory state of maintenance then the Council shall be entitled to undertake such maintenance at the registered owner's cost.

11.2 ALL RESIDENTIAL ZONES

In addition to the conditions set out in 11.1 above, the erven shall be subject to the following conditions, as and when appropriate:

- 11.2.1 when a group housing scheme is developed it shall be subject to the provisions of Annexure B.
- 11.2.2 Notwithstanding the building lines as per Table "E" but subject to the consent of the affected adjoining owners first being obtained in writing, the Council may permit a relaxation of the lateral and/or rear building lines in the case of a dwelling-house, provided that the Council shall ensure that:-

a means of access at least 1m wide other than through a building shall be provided from a street to every unbuilt upon portion of the site of a dwelling other than a courtyard within a building; no windows are inserted in any wall of a dwelling which is less than 1,5m away from any lateral and/or rear boundaries;

11.2.3 parking bays shall be provided in accordance with the following requirements:-

30m* (one gross parking space) for every flat or in the case of hotels, boarding houses, and other dwellings, for every two bedrooms. In addition to the above, a further 30m² (one gross parking space) for every four flats or every five bedrooms in the case of hotels, boarding houses and other dwellings, and 600m² (20 gross parking spaces) for a licensed hotel shall be provided uncovered on the site clearly demarcated, for use by visitors by means of a notice board, to the satisfaction of the Council.

11.3 ALL BUSINESS ZONES : LOADING

In addition to the conditions set out in 11.1 above, the erven shall be subject to the following condition:

Provision shall be made on the erf for the loading of vehicles to the satisfaction of the Council.

11.4 ALL INDUSTRIAL ZONES

In addition to the conditions set out in 11.1 above, the erven shall be subject to the following conditions:

11.4.1 The owner of any premises may sell goods which have been wholly or partly manufactured or processed or assembled on the erf and, with the written approval of the Council, other goods which have not been manufactured on the erf, provided that such other goods shall form part of, or be connected with the selling of and/or for use with or together with goods which are wholly or partly manufactured or processed or assembled on the erf, and provided further that a public garage shall not be included under the foregoing description. Uses permitted under this use zone may include;

The erection of buildings to be used as offices or store-rooms incidental to or required in connection with the industrial use exercised on the erf;

11.4.2 the owner or any occupier may not erect a restaurant, eating house or tea-room business on the erf, except for the use of his own employees;

11.4.3 the loading and off-loading of vehicles shall take place within the boundaries of the erf only; provided that no material or goods of whatever nature may be placed, dumped or kept on the portion of the erf between the boundary and the street building line and the portion thus described may only be used for the parking of vehicles and the layout and maintenance of lawns and gardens .

11.5 ALL BUSINESS AND INDUSTRIAL ZONES

In addition to the conditions set out in 11.1, 11.3 and 11.4 above, the erven shall be subject to the following condition:

In cases where a service station or public garage is erected on an erf in these zones; it shall be subject to the provisions of the standard regulations relating to public garages promulgated under P.N. 871 dated 19 October 1973 as amended from time to time.

11.6 DRIVE-IN CINEMAS

(i) Applications for the establishment of drive-in cinemas shall be considered by the Council.

(ii) When considering an application for the establishment of a drive-in cinema, the Council may grant or refuse such application and, in granting consent, may impose conditions in regard to matters arising out of or incidental to or connected with such application.

(iii) The provisions of Annexure C, in addition to any other provisions applicable to such site in terms of this town planning scheme, may be imposed on the site.

CLAUSE 12

Additional Conditions Applicable to Certain Uses

12.1 DRY CLEANETTES AND LAUNDRETTES

Dry cleanettes and laundrettes may be established in the central business zone, provided that they comply with the following provisions :

- 12.1.1 The floor area of the shop for receiving and returning clothes, the workshop and the space used for the clothes-racks together shall not exceed 275 m .
- 12.1.2 The minimum distance between the boundaries of any two dry cleanettes or laundrettes, unless situated on opposite sides of a street shall be 60 m.
- 12.1.3 Only gas, electricity or illuminating paraffin shall be used for the production of steam or hot water.
- 12.1.1 The solution used in the cleaning process shall be non-inflammable.
- 12.1.4 The combined capacity of the dry cleaning machines that may be installed shall not exceed 20 kg dry weight of clothing or other articles per cleaning operation per half hour cycle.
- 12.1.5 The combined capacity of the washing machines that may be installed shall not exceed 27 kg dry weight of clothing or other articles per washing operation.
- 12.1.7 In any establishment comprising either a dry cleanette or a launderette or a combination of both, the maximum personnel shall be 12
- 12.1.8 Each individual application for the establishment of a launderette or a dry cleanette in this 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.
- 12.1.9 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 therefore to the Administrator whose decision shall be final.

12.2 FUNERAL PARLOURS WITH CHAPELS

The following additional provisions shall apply :

- 12.2.1 For the purpose of these provisions "intersection" and "traffic island" shall have the meanings assigned thereto in P.N. 871 of 19 October 1973 relating to public garages.
- 12.2.2 No funeral parlour with a chapel shall be permitted on a site abutting a street of less than 13m in width.
- 12.2.3 No funeral parlour with a chapel shall be permitted nearer than 100m from:
- * the intersection of a declared road, proclaimed road, prospective main road, or any other street to which the provisions of Section 17 of the Roads Ordinance, 1976 (Ordinance no. 19 of 1976) apply, with any other street of like status;
 - * any robot whether existing or provided for in the town planning scheme and,
 - * any intersection where traffic is controlled, or is proposed to be controlled in terms of the town planning scheme, by a rotary traffic island.

12.3 SPECIAL RECREATIONAL FACILITIES

- 12.3.1 No special recreational facility shall be established or operated except in accordance with the provisions of this clause.
- 12.3.2 No special recreational facility nor the necessary parking area shall be permitted on a site abutting a road of less than 13m in width. No vehicular entrance/exit for these undertakings shall be nearer than 100m from an intersection as defined in P.N. 871 1973, referred to in clause 11.5; where two proclaimed roads meet or where traffic is control led by robots or traffic islands.
- 12.3.3 Provision shall be made on the site of every putting course for a parking area on the basis of 3 parking bays to every 2 holes in a putting course, provided that where a putting course is adjacent to a drive-in restaurant and the parking areas for the two undertakings are not clearly separated, 50 parking bays must be provided for the drive-in restaurant in addition to the parking facilities prescribed for the putting course. The provision of clause 4.8 shall be applicable mutatis mutandis, to any parking area required in terms of this clause.
- 12.3.4 The boundary of a special recreational facility which may reasonably be expected to arouse public interest (even of passers-by), shall be set back at least 3m from the statutory boundary if any street abutting the course to provide suitable standing room for spectators off the street and pavement.
- 12.3.5 Sanitary facilities shall be provided on the site of every putting course and drive-in

restaurant to an extent prescribed by the Council and shall be located in positions approved by the Council.

12.3.6 Where the Council deems it necessary in the interests of amenity the site of every special recreational facility shall be screened and landscaped in a manner prescribed by the Council.

12.3.7 A special recreational facility shall not be operated later than such closing hours as the Council may prescribe.

12.3.8 Any building or structures erected on the site of a special recreational facility shall fully comply with the provisions stipulated in the town planning scheme for the zone in which the site is located.

12.3.9 Any public address or sound system at a special recreational facility 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.

12.3.10 In addition to the advertising of the proposed establishment of a special recreational facility for the purpose of the Council's special consent, the notice of surrounding owners shall be drawn in writing to the aforesaid advertisement.

12.3.11 For the purposes of determining whether a specific facility shall be viewed as a special recreational facility for the purposes of these Regulations, the Council is authorised to interpret and implement the objectives of the definition and its decision shall be final.

12.4 AMENITIES

The Amenity Zone is intended to provide for the recreational and amenity needs of the national, regional and local populations and to promote tourism. Projects within this zone primarily require special planning treatment and staged development by either the Local Authority or private enterprise. As a general guide, they may include such amenities as are listed under Section 188 (8) of the Municipal Ordinance no. 20 of 1974

The following special provisions apply:-

(a) All uses in this zone will be conditional and subject to approval by both the Council and the Administrator.

(b) All proposed uses or development projects in this zone will be considered on merit by the Council who will then submit its recommendation to the Administrator. Special consideration will be given to the compatibility of the proposed use, to harmonise and blend with the character of this zone and to its potential to improve the amenities in the zone. Consideration shall also be given to the natural surroundings of a particular amenity area as well as any other schemes envisaged for it.

(c) All proposals shall conform to an overall development plan prepared by the Local Authority for that zone. In the absence of such a plan, any development shall be subject to such bulk, height, coverage, parking, locational and other requirements as may be recommended by the Council to the Administrator and approved by him.

(c) Existing water areas in the amenity zone shall not be altered or interfered with in any manner whatsoever except in terms of a development plan as approved by a Special Council resolution and the Administrator.

12.5 PUBLIC GARAGES AND SERVICE STATIONS (Provincial Notice 520/1971) 12.5/1

12.5.1 In these regulations unless inconsistent with the context:-

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

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

"public garage" means trade or business in respect of which a licence is required in terms of item 45 of the First Schedule to the Registration and Licensing of Business Ordinance (Ordinance 17 of 1981 as amended) and shall include the trade or business of fuelling motor

vehicles for payment or reward;

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

and any other word or expression to which a meaning is assigned in the Divisional Council's Ordinance, 1976 (Ordinance 18 of 1976), has the meaning so assigned to it.

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

12.5.3 No engineering work which causes objectionable noise or in the course of which obnoxious or harmful gases, fumes or odours are released, nor spray-painting and no panelbeating, shall be carried on at a public garage unless such garage is situated on land which may be used for industrial purposes.

12.5.4 No motor vehicle fuel pump shall be erected within 3,5m of the road boundary measured from the nearest edge of the base or island on which the pump is erected, and no pumps for the supply of motor vehicle fuel to the public shall be erected on any premises with a continuous frontage of less than 30m on the boundary of a public road or public roads.

12.5.5 The vehicular access and exit ways to and from the premises of a public garage shall, where they cross the road boundary be not more than 10m wide, and a wall at least 102mm thick and 215mm high shall be erected on the road boundary between the points of access and exit. The wall shall be continued along such boundary unless the premises are otherwise enclosed. The vehicular access and exit ways to and from motor vehicle fuel pumps at a public garage shall be restricted to one each for every continuous frontage of 30m which the premises whereon such pumps are erected have on the boundary of a public road or public roads.

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

(i) not be less than 30m from the nearest point of:-

(a) the intersection of a declared road, proclaimed road, prospective main road, or any other road to which the provisions of section 146 of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976) apply, with any road of like status;

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

(ii) not be less than 1,5m from the lateral boundary of the premises;

(iii) in the case of an intersection other than one referred to in paragraph (i) :-

(a) if the corner at the intersection is not splayed, not be less than 10m from such corner, or

(b) if the corner at the intersection is splayed, not be less than 10m from such corner or 5m from the point where the line of splay meets the road boundary, whichever is the greater distance from the corner.

(2) In subregulation (1) (iii) "corner" means the corner formed by the road boundaries or the prolongation of the road boundaries bordering the premises of a public garage.

12.5.7 In an area other than an urban area the vehicular access and exit ways to and from the premises of a public garage shall, where they cross the road boundary, be not less than 500m from the nearest point of:-

(a) the intersection of a declared road, proclaimed road or prospective main road with any other road of like status;

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

(c) any vehicular access and exit ways where they cross the road boundary to and from motor vehicle fuel pumps on the premises of another public garage on the same side of the road.

12.5.8 Any part of the premises of a public garage which is used for the storage of disused motor vehicles or parts of motor vehicles, any other scrap whatsoever, or empty containers such as oils drums and packing cases, or for the assembly, repair, painting or dismantling of motor vehicles shall, unless it is enclosed by buildings at least 2m high, be enclosed with a suitable brick or concrete screen wall at least 2m high.

12.5.9 At every public garage provision shall be made on the premises for an easily accessible and usable parking area, exclusive of showroom and workshop areas, to the extent of at least 120m² for every grease by or wash bay.

12.5.10 These regulations shall override any provisions of the town planning scheme or regulations in so far as they are in conflict with these regulations.

PART III GENERAL APPEARANCE AND CONVENIENCE

CLAUSE 13 Aesthetic Control

13.1 The Council may at its discretion appoint a committee to advise it in matters of aesthetical, functional and architectural design and appearance of buildings and other structures constructed or intended to be constructed within the area of the scheme; and to advise Council on any other matter referred to the committee by Council from time to time.

13.2 In the event of a person intending to erect a building in any use zone and, judging from plans submitted under the by-laws such building might in the opinion of the Council disfigure the environment, or for any reason do harm to its immediate vicinity, the Council may in its discretion require further information, plans or other sufficient indication of the external appearance or construction of the proposed building, (hereinafter in this Clause referred to as "the particulars") prior to approving the building plans in terms of the by-laws.

13.3 The Council shall, within sixty (60) days from submission of the required particulars approve or disapprove of them, giving notice of the decision to the applicant in writing and, if it disapproves, of the reasons for its decision.

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

13.4.1 any works of any nature undertaken or proceeded with;

13.4.2 any use of any nature made of any building, structure, curtilage or land, or

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

13.5 The Council may require any land used as, or in connection with a builder's yard, contractors yard, timber yard, a coal yard, a scrap yard, motor graveyard, or a cartage contractors business, or for any similar purpose, to be effectively screened by a wall or other suitable screening from the view of any street or public place. The extent, height, type of construction and the maintenance of such screening shall be to the entire satisfaction of the Council who may direct that detailed drawings of the same be submitted for its prior approval.

PART IV MISCELLANEOUS PROVISIONS

CLAUSE 14

Procedure for Obtaining the Special Consent of the Council

14.1 Any person when making application to the Council for its consent to the erection and use of a building or to the use of land, whether wholly or partially for any purpose requiring the Council's special consent may, at the discretion of the Council, be required to 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 to post and maintain conspicuously for fourteen (14) days such notice on some part of the building or land, and to lodge with the Council proof of such publication and posting. The notice shall also be served, by registered mail, on the owners of surrounding property as identified by Council. The notice shall state that any person having any objections to the erection and use of the proposed building or to the proposed use of the land may lodge such objection with the Council and also with the applicant in writing within fourteen (14) days after the date of the last advertisement, and shall further state where the

plans, if any, may be inspected.

14.2 The Council shall take into consideration any objections received within the said period of fourteen (14) days and shall notify the applicant and the persons, if any, from whom objections were received of its decision.

14.3 Any decision of the Council given in terms of this section shall be by special resolution of the Council as defined in Ordinance No. 20 of 1974, as amended.

CLAUSE 15 Appeal Against a Decision of the Council

15.1 An applicant or person on whom a notice was served, or any objector referred to in Clause 14 of this scheme, or any other person may lodge an appeal with the Administrator if such person is aggrieved by :

15.1.1 any decision of the Council, or condition imposed by the Council on the basis of this scheme, or

15.1.2 a refusal of the Council to give a decision on any application in terms of this scheme; or

15.1.3 the Council's interpretation of the provisions of this scheme; or

15.1.4 an unreasonable delay on the part of the Council to give a decision on any application in terms of this scheme.

CLAUSE 16

Serving of Notices

Any order, notice of other document, required or authorised to be served under this scheme may be signed by the Town Clerk or other official duly authorised thereto, and shall be served in the manner prescribed by Section 211 of Ordinance no. 20 of 1974 as amended.

CLAUSE 17

Record of Permission and Conditions

The Council shall keep, so as to be available for inspection at all reasonable times by any person interested, a record of approvals, consents, authorities or permissions granted by it under any provision of the scheme, and of any conditions imposed or agreed between the Council and the applicant in connection therewith.

CLAUSE 18

Inspection of Scheme

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

CLAUSE 19 Short Title

This scheme shall be known as the Port Alfred Town Planning Scheme, 1983.

ANNEXURE

SECTION 1 CONSERVATION ZONE

A.1.1 General

The provisions of this section are special provisions applicable to all sites within the area referenced "A/1" on the Map, and are in addition to any other provision of the Scheme. In the event of conflict between these special provisions and any other general provision of the Scheme the more restrictive provision shall prevail unless specifically otherwise provided for in the section concerned.

A.1.2 Special provisions

The external architectural design, style, colours, facing material, elevation treatment and general appearance of all buildings erected in this conservation zone, shall conform to the requirements of the Council.

The Council may require in addition to such plans as are prescribed in terms of the Building By-laws or Regulations, additional detailed drawings, perspectives and photographic montages, in order that the relationship of proposed buildings with adjoining existing or proposed buildings or structures can be properly assessed and in addition may require a copy of the Deed of Transfer of the property concerned.

A.1.3 Additional provisions

In this zone no buildings may be erected, or uses permitted, which do not comply with regulations as accepted by the Council and approved by the Administrator after reference thereof to the National Monuments Council for its comments. Once approved, these regulations shall be added to this section and become part of the scheme.

SECTION 2 ADDITIONAL CONDITION APPLYING TO ERF 3043

A.2.1 This erf shall be used for residential purposes for the erection of a group or groups of dwellings provided that no buildings may be erected thereon until the Administrator has approved a plan showing the number of dwellings to be erected and their siting on the erf in relation to one another and in relation to the erf boundaries.

SECTION 3 ADDITIONAL CONDITION APPLYING TO ERF 3 04 5

A.3.1 This erf shall be used solely for the purpose of erecting thereon a cafe or such other buildings as the Administrator may, from time to time after reference to the Townships Board and the Council, approve.

SECTION 4 ADDITIONAL CONDITIONS APPLYING TO ERVEN 1983, 2450 AND 3377

A.4.1 These erven shall be used solely for the purpose of erecting thereon a service station to compliance with the standard regulations relating to public garages (P.N. 871, 19/10/73 as amended; refer clause 12.5) or such other buildings as the Administrator may, from time to time after reference to the Townships Board and the Council, approve.

SECTION 5 ADDITIONAL CONDITIONS APPLYING TO ERF 2339

A.5.1 No building shall be erected on this erf within a distance of 10m from the common boundary of the railway reserve and public space 2372 situated to the south-east of this erf.

SECTION 6 SPECIAL PROVISIONS

A. 6.1 Single residential erven in this zone shall have a minimum area of 850m².

B. SECTION 7 ADDITIONAL CONDITIONS APPLYING TO ERF 276

A.7.1 Erf 276 has been rezoned from single residential to private open space purposes subject to the following provisions.

- i) erf 276 shall be consolidated with erf 1879.
- ii) lii) and iv) deleted by PN 1/1992

SECTION 8 ADDITIONAL CONDITIONS APPLYING TO ERVEN 1653, 1654, 2313, 2314, 2315, 2637 AND 3449

A.8.1 Parking required in terms of clause 4.8.1 may partly or in full be provided within the specially widened part of the street reserves directly adjacent to each respective erf. Such parking shall be laid out, designed and constructed to the entire satisfaction of the Council and generally in accordance with the relevant provisos of Clause 4.8.

SECTION 9 (Awaiting Approval)

SECTION 10 THE ROYAL ALFRED MARINA

A.10.1 General

The provisions of this section are special provisions applicable in terms of the scheme statement to the land within the Royal Alfred Marina marked "A/10" on the map.

A.10.2 Definitions

The following list of definitions apply to selected permitted uses within the respective use zones in the Royal Alfred Marina, and also includes other relevant terminology.

A.10.2.1 "Archcom" means The Architectural and Environmental Committee as instituted in terms of the constitution of the Royal Alfred Marina Home Owners' Association.

A.10.2.2 "Boat shop" means a commercial business allied to marine services and includes the sale, repair and maintenance of boats and associated equipment, the sale of spare parts and accessories, providing fuel for boats, and may also include a fish shop.

A.10.2.3 "Garaging facilities" means single storey structures to be used for the garaging of motor vehicles and boats and which are reasonably required in conjunction with the Royal Alfred Marina and small-craft harbour.

A.10.2.4 "Marina hotel" means a building designed to comply with the requirements of a hotel as laid down in the Liquor Act, 1977 (Act 87 of 1977), as amended. It does not include premises for liquor off-sales but may include a limited number of small shops which in the opinion of the Council is appropriate to a hotel complex within the marina.

A.10.2.5 "Public house" means a retail outlet providing food and beverages, including alcoholic liquors, for consumption on the premises.

A.10.2.6 "Royal Alfred Marina" for the purposes of this section means the area marked "A/10" on the zoning scheme map.

A.10.3 Special provisions

The external architectural design, style, colours, facing material, elevation treatment and general aesthetic appearance of all buildings erected within the Royal Alfred Marina shall conform to the requirements of the Architectural and Environmental Committee (Archcom) as instituted in terms of the constitution of the Royal Alfred Marina Home Owners' Association. All building and development plans, including plans for proposed alterations to buildings within the marina, must be submitted to Archcom prior to being submitted to Council for approval.

A.10.4 Departures

Applications for the relaxation of the building line in respect of any boundary of an erf within the single residential zone shall be considered on merit by the Council, after reference thereof to Archcom as stipulated in A.10.3 above.

A.10.5 Floor levels

The finished ground floor levels of all buildings within the Royal Alfred Marina shall be at least 2,5m above mean sea level.

A. 10.6 Zoning provisions table

The zoning provisions table below shall apply to the land within the Royal Alfred Marina, in respect of which only the uses set out in the table shall be permitted, subject to the restrictions and requirements as set out herein. The provisions of the table shall be interpreted in accordance with clause 4 of the scheme statement.

ANNEXURE "B"

GROUP HOUSING

B.1 Density

B.1.1 The gross density shall be determined by the Council up to a maximum of twenty units per hectare or a 3 :1 ratio with regard to the gross density of surrounding dwelling units, whichever permits the smaller number of units.

B.1.2 Except in special cases (where open spaces and/or roads have already been suitably provided to the satisfaction of the Council and need not be provided on the group site) a gross density up to a maximum of thirty units per hectare shall be permitted.

B.2 Open space

B.2.1 A minimum 80m² per dwelling unit shall be provided and in this context the term 'open space' means public and common open spaces except roads, service yards and private outdoor spaces.

B.2.2 In cases where the public open space has been suitably provided (partially or in full) in the vicinity, the minimum requirement for communal open spaces per dwelling unit may be reduced to the satisfaction of the Council.

B.2.3 At least 40% of gross floor space of the unit concerned shall consist of private open space in a form which shall not exceed a ratio of 2:1 (length to width).

B.2.4 Garages and carports shall be excluded in the calculation of floor space for the purpose of determining the area of the private outdoor space.

B.2.5 Where there is no distinction between communal open space and private outdoor space clauses B.2.1 and B.2.3 shall be replaced by a combined open space requirement of at least 130 m² per dwelling unit.

B.3 Service yard

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

B.4 Height

The maximum permissible height of buildings shall be two storeys.

B.5 Building lines

B.5.1 Street building lines: 2 metres

B.5.2 Side and rear building lines: 3 metres (where the group housing site abuts on another zone), subject to the provisions of clause B.5.3

B.5.3 Building lines on side and rear boundaries: 1,5 metres (where the abutting zone is an open space, single or special residential zone).

B.6 Storeroom

A storeroom with a minimum internal floor area of 2 m² shall be provided on each group erf if a lock-up garage is not provided on the erf.

B.7 Parking

B.7.1 At least two parking bays per group house shall be provided on the group housing site.

B.7.2 Parking may be provided at the group house concerned, or part of the number of required parking bays at some of the group houses and the remainder in the form of communal parking

B.8 Street width

The minimum street width within a group housing site shall be at least 10 metres, or 8 metres in a cul-de-sac or loop road of limited length which serves only a few group houses.

B.9 Additional Provisions.

B.9.1. No group housing site shall have an area greater than 2ha and no group housing site shall abut on another group housing site.

B.9.2 The objectives reflected in the definition of 'group housing' shall be closely followed and implemented.

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ANNEXURE "C"

PRINCIPLES ADOPTED BY THE ADMINISTRATOR FOR THE CONSIDERATION OF DRIVE-IN CINEMAS

C.1.

- (a) The site selected must be satisfactory mainly in relation to the planning of the neighbourhood, the roads leading to it and the control of traffic.
- (b) The use of the property shall be limited to -
- (i) a drive-in cinema;
 - (ii) a business connected with a drive-in cinema and carried on under a general and aerated or mineral water dealer's licence and a restaurant refreshment or tea-room keeper's licence, and
 - (iii) a house for one family with the usual outbuildings, or a residential building comprising not more than three flats and the usual outbuildings for occupation by the owner of the cinema or people employed at the cinema.

C.2. The proposal must be advertised by the Council in the Provincial Gazette and in English and Afrikaans newspapers once a week for at least three weeks, and a fortnight from the date of last publication given for submission of objections. The promoters shall pay the cost of the advertisement.

C.3. Before the cinema is opened, the junctions of the roads to and from the cinema with proclaimed roads shall be constructed by, or at the cost of the promoters in accordance with designs and standards approved in consultation with the Provincial Roads Engineer.

C.4. Before the final layout plans are approved -

- (a) the Council and the Provincial Roads Engineer shall determine what arrangements, if any, are required to provide suitable access to the cinema and for the control of traffic, the cost thereof to be borne by the promoter, and
- (b) satisfactory arrangements must have been concluded between the council and the promoter in regard to the provision of any other services which may be required.

C.5. No work On the construction of the cinema shall be commenced until the final layout plans showing the access, exit, internal and emergency roads, the number and position of parking bays to be provided on the site inside and outside the viewing area (the number of parking bays outside the viewing area to be not less than those in the viewing area and not less than 50% of those parking bays outside the viewing area should be located before the ticket gates), the position of the screen and other structures, have been approved by the council and the Provincial Administration. The screen shall be so designed that the front of it shall not be visible from any proclaimed road in the vicinity, and it shall be so designed that it shall be wind-resisting.

C.6. All buildings, structures, boundary walls and fences on the site shall be erected in accordance with the plans approved by the Council. The whole area of the drive-in cinema, other than points of entrance and exits shall be enclosed with a screening wall, fence or other structure at least 1,8 m high to the satisfaction of the Council. All sanitary and health requirements imposed by the Council shall be fully met.

C.7. Arrangements shall be made to the satisfaction of the Council for the drainage of the site and the disposal of stormwater. No public address or sound system shall be capable of being heard by a person with normal hearing from outside the viewing area of the cinema.

C.8. No advertising visible from outside the site shall be permitted on fences, hoardings or other structures on the site except advertisements, of a size approved by the Council and not in conflict with any other law, indicating the existence of a drive-in cinema, the programme being shown and coming attractions.

C.9. Protective measures to the satisfaction of the Council shall be provided against fire hazards.

C.10. The promoters shall provide lighting on the site to the satisfaction of the Council for the safe movement and control of traffic, and shall enter into an agreement with the Council for the provision of such additional lighting as the Council may consider necessary to facilitate the movement and control of traffic at junctions of the roads to and from the cinema with proclaimed roads.

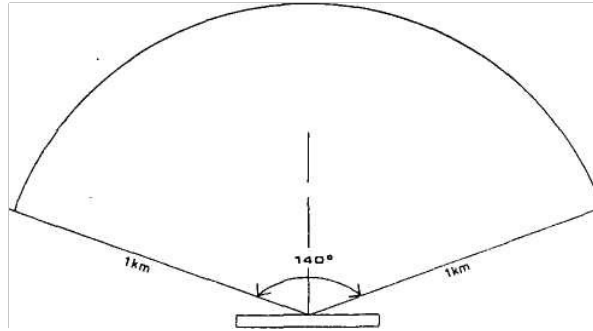
C.11. The approval of the site for a drive-in cinema shall lapse unless the final plans required in terms of paragraph. 5 above are submitted for the approval of the Administrator within 12 months from the date of the approval of the site for a drive-in cinema and unless bona fide construction of the cinema is commenced within 12 months from the date of the approval of the layout plan by the

Administration and the construction of the cinema completed within 12 months from the date on which construction was commenced.

C.12. The following requirements are laid down by the Provincial Roads Engineer:

C.12.1 Visibility of Screens

The screen shall not be visible from any proclaimed road; that is the viewing face shall not be visible from any point on such roads situated within one kilometer of the screen and within an included angle of 140 degrees located symmetrically about a line normal to the centre of the screen base.



SCREEN

C.12. 2 Access must be on an illuminated road where the speed limit of 60km/h is already or could reasonably be imposed. Drive-in cinemas will not be permitted access to proclaimed roads or on minor roads, particularly in close proximity to its junction with a major rural road and where the flow is entirely via the major route.

C.12. 3 In addition to the requirements stated above, the layout will be examined to ensure that its operation will cause minimal congestion and disruption of traffic on public roads.

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ANNEXURE "D"

P.N. 1047/1988

5 December 1988

LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985)
SCHEME REGULATIONS IN TERMS OF SECTION 7(2)

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

1. Definitions

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

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

- 1.1.1 a density requirement;
- 1.1.2 the conditions and stipulations contained in these regulations;
- 1.1.3 the planning stipulations of any applicable structure plan, and
- 1.1.4 any other conditions laid down at the time of the approval of the rezoning has been rezoned to a subdivisional area.

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

2. Departures

2.1 The Council may in terms of subsections (l)(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(l)(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.

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

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

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

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

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

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

2.2.6 Whenever the Council grants an application for a second dwelling unit in terms of these regulations, it shall not use its power in terms of section 15(1)(c) of the Ordinance to determine that such building shall for the purposes of the Sectional Titles Act, 1971 (Act 66 of 1971), be deemed to comply with the provisions of the zoning scheme concerned.

3. Subdivision

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

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

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

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

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

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

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

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

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

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

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

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

altering, removing or inspecting any works connected with the above, and

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

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

4. Removal of restrictions

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

5. General

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

SCHEDULE

Kenton-on-Sea, Port Alfred and other towns