

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 KWANONQUBELA, 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. Nolutkhanyo, Bathurst: All Residential I zoned erven to be rezoned to Informal Residential.

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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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MINUTES OF THE MANAGEMENT COMMITTEE MEETING HELD ON TUESDAY, 15 JULY 2003 AT 14:00

M. 03/07/16

**L-1.13 TOWN PLANNING CLARIFICATION OF MATTERS RELATING TO THE NUMBER OF DWELLING UNITS ON FARMS (Ref. 15 P)**

**COMMITTEE RESOLVED**

1. that Council ADOPT the policy that a managers residence may also be erected on a farm unit.
2. that the matter relating to the number of dwelling units on farms receive further attention

once clarification is obtained regarding the nature of farm activities that would take place and which would also assist in determining the number of workers required on the farm in question.  
P.N. 1048/1988 5 December 1988

**LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985)  
AMENDMENT TO SCHEME REGULATIONS IN TERMS OF SECTION 8**

The Administrator has in terms of section 9(2) of Ordinance 15 of 1985 substituted the following Schedule for the Schedule to the Scheme Regulations made in terms of section 8 of the Ordinance and promulgated under Provincial Notice 353 dated 20 June 1986:—

SCHEDULE

SCHEME REGULATIONS IN TERMS OF SECTION 8 OF THE LAND USE PLANNING ORDINANCE,  
1985 (ORDINANCE 15 OF 1985)

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## 1.0 DEFINITIONS

Unless the context otherwise indicates, the undermentioned words shall have the following meanings:

*A. Additional dwellings units* means dwelling units that may be erected with the consent of the Council on a land unit in agricultural zone I or residential zone I; provided that the units shall remain on the same cadastral unit as the primary unit; provided further that in residential zone I the unit shall be smaller than the primary unit and that in agricultural zone I one additional unit in all cases and further units with a density of one unit per 10 ha up to a maximum of five additional units per land unit may be allowed, and that no such unit shall be erected within 1 km of the high-water mark of the sea.

*Advertise* has the meaning assigned thereto in the Ordinance.

*Agricultural industry* means an enterprise or concern for the processing of agricultural products on a farming unit owing to the nature, perishableness and fragility of such agricultural products and includes, *inter alia*, wineries and farm pack stores, but does include service trades.

*Agriculture* means the cultivation of land for crops and plants or the breeding of animals, or the operation of a game farm on an extensive basis on the natural veld or land, and includes only such activities and buildings as are reasonably connected with the main farming activities of the farm, but does not include the consent uses applicable to agricultural zone I.

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

- (a) the State, such as military training centres and installations, telecommunication facilities, police stations and jails;
- (b) the Province, such as road stations and road camps, and
- (c) a local authority, such as lire services, sewage farms, dumping grounds, reservoirs, composting installations and water purification works.

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

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

*Building* means, in addition to the meaning assigned thereto in paragraphs (a) and (b) of section j(viii) of the Divisional Councils Ordinance, 1976 (Ordinance IS of 1476), any structure or erection whatsoever, irrespective of its nature or size.

*Building line* means the line delimiting the area measured from the boundary of a land unit, or from a setback, if any, within which no building or other structure except a boundary fence may be erected.

*Business premises* means a site or building or structure on or in which business is done and include\* shops, offices, financial institutions or restaurants or sites, buildings or structures for similar uses, but does not include places of assembly or entertainment, institutions, service stations, public garages, industries, noxious trades, bottle-stores or supermarkets.

C. *Camping site* means a property or part of a property which is utilised for the erection of tents or the parking of caravans and includes ablution, cooking, barbecue and other facilities which, together with the amenity of the site, serve as features of attraction.

*Caravan* means any vehicle permanently fitted out for use by people for living or sleeping purposes, whether or not such vehicle is a trailer.

*Conservation usage* means any use of a building or site or part thereof which, in the opinion of the council or, on appeal or objection, the Administrator, whose decision shall be final, is worthy of preservation.

*Council* means the council of the local authority to whose area of jurisdiction these regulations apply.

*Coverage* means the total percentage area of a site that may be covered by buildings that are covered by a roof or projection, as measured over the exterior walls thereof: provided that the area covered by the first metre (as measured from the outside of the exterior wall concerned) of an eave or other projection shall not be included in the calculation of the permissible coverage.

D. *Departure* has the meaning assigned thereto in the Ordinance.

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

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

E. *Existing use* means the use or uses which, in the opinion of the council, is or are practised actually and lawfully on or in a property, structure or building or part thereof.

F. *Farmstall* means a building or structure which does not exceed 100 m<sup>2</sup> in floor space, including storage facilities, where a farmer sells products produced and processed on his farm (in other words not products which are purchased), whether to his own employees or to the general public.

*Farmstore* means a building or structure which does not exceed 100 m<sup>2</sup> in floor space, including storage facilities, where a farmer sells goods, whether to his own employees or to the general public.

*Flats* means a building containing three or more dwelling units for human habitation, together with such outbuildings as are ordinarily used therewith; provided that in those zones where flats are permissible, fewer than three dwelling units shall also be permissible, whether or not with the special consent of the council, in a building approved for other purposes than for flats.

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

*Floor space* in relation to any building or structure means the area covered by a roof, slab or projection, excluding a projection not exceeding 1 m over an exterior wall or a similar support; provided that the

area which is covered by a canopy or projection on the street side of business premises in business zones I to V shall not be regarded as floor space. Floor space shall be measured from the outer face of the exterior walls or similar supports of such building or structure, and where a building or structure consists of more than one storey, the total floor space for the purposes of the definition of "maximum floor space" shall be the sum of the floor space of all the storeys, including that of basements.

G. *Cross parking space* means an area or areas which incorporates or incorporate one parking bay plus circulation and landscaping space for one parking bay.

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

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

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

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

H. *Holiday accommodation* means a harmoniously designed and built holiday development in a unique natural environment with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, whether in private or public ownership, which comprises a single enterprise and which shall only be marketed by means of short-term renting or time sharing, but does not include a hotel or motel.

*Holiday housing* means a harmoniously designed and built holiday development with an informal clustered layout which may include the provision of a camping site, mobile homes or dwelling units, and where the housing may be rented out or may be separately alienated by means of time sharing, sectional title division, the selling of block shares or the subdivision of the property on condition that a home owners' association be established, but does not include a hotel or motel.

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

I. *Industrial cafe* means a building or structure which does not exceed 100 m<sup>2</sup> in floor space, including storage facilities, and where delicacies and fast foods are sold to employees only.

*Industry* means an enterprise as defined in the regulations made in terms of section 35 of the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983), which is not included under the definition of "service trade" or "noxious trade", and includes a caretaker's dwelling, an office, an industrial cafe and any other use incidental to an industry.

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

*Intensive-feed farming* means the keeping, feeding and breeding of animals or poultry on an intensive basis.

L. *Land* has the meaning assigned thereto in the Ordinance. *Land unit* has the meaning assigned thereto in the Ordinance.

*Land use restriction* has the meaning assigned thereto in the Ordinance.

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

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

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

(a) any area, including a basement, which is reserved solely for the parking of vehicles, shall be excluded;

(b) any area required for external fire escapes shall be excluded;

(c) subject to (d) below, any balconies, terraces, stairs, stairwells, verandahs, common entrances and common passages covered by a roof shall be included, except in the case of a residential building on a residential site, where it shall be excluded;

(d) any stairwells, liftwells or other wells, in the case of multistorey buildings, shall only be calculated once, and

(e) any arcade, with a minimum width of 2 m, which at all times provides access through the building concerned from public parking or a pavement or a public road, street or open space to other public parking or some other pavement or some other public road, street or open space and which at all times is open to the public by means of a servitude, as well as any other covered walkway, the roof of which allows light to pass through, shall be excluded.

*Mining* means an enterprise which practises the extraction of raw materials, whether by means of surface or underground methods, and includes the removal of stone, sand, clay, kaolin, ores, minerals or precious stones.

*Mobile home* means a factory-constructed structure, approved by the Council and with the necessary service connections, which is designed so that it can be used as a permanent dwelling.

*Motel* means a licensed hotel which is specially adapted for the convenience of the motoring public by means of the provision of parking facilities at every unit and includes other facilities of a hotel.

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

K. *Nature reserve* means a national park, or some other nature park which is in the ownership of a public authority or has been declared as such in terms of legislation and remains in private ownership; it consists of an area which is utilised as a game park or reserve for fauna or flora in their natural habitat and includes accommodation facilities for tourists or holidaymakers.

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

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

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

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

*Occupation practice* means the practising of an occupation, or a trade, or the conducting of an enterprise from a dwelling unit by one or more occupants of the dwelling unit concerned and his or their assistants, without disturbances such as noise, traffic congestion, air pollution, the congregation of people, excessive traffic generation or a lowering of aesthetics being caused; provided that a general medical practitioner shall be exempt from the condition with regard to occupancy.

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

*Outbuilding* means a structure, whether attached to or separate from the main unit, which is designed to be normally utilised for the housing of servants, for the garaging of motor vehicles for storage purposes in so far as these uses are usually and reasonable required in connection with the main structure, but does not include additional dwelling units.

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

*Parsonage* means a dwelling-house for the accommodation of a spiritual leader, who is a full-time employee of an organisation which practises religion in a house of worship, including the accommodation of the spiritual leader's family, and includes a monastery or convent.

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

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

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

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

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

*Professional usage* means such type of use as is normally and reasonably associated with professional people such- as doctors, dentists, architects, engineers and town planners, where the rendering of a service, as against the carrying on of a business, is one of the distinguishing factors.

*Public authority* means a State department, local authority or semi-state agency or the Provincial Administration, the South African Transport Services or the Department of Posts and Telecommunications.

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

*Public housing* means dwelling units which are erected with funds voted by a State department or the Provincial Administration or a council.

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

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

*Public place* has the meaning assigned thereto in the Ordinance.

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

*Public street* has the meaning assigned thereto in the Ordinance.

*Publish in the press* has the meaning assigned thereto in the Ordinance.

R. *Register* has the meaning assigned thereto in the Ordinance

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

*Resort shop* means a shop which does not exceed 100 ra<sup>2</sup> in floor space, including storage space.

*Retirement village* means group housing (if permitted in residential zone II) or town housing (if permitted in residential zone III) that conforms to the following additional conditions:

- (a) Each dwelling unit shall only be occupied by an elderly person or by a family of which at least one member is an elderly person;
- (b) a full spectrum of care and other recreational facilities should be provided to the satisfaction of the Council, and
- (c) land use restrictions other than those applicable in residential zone II or residential zone III, as the case may be, may in respect of a retirement village be determined by the Council.

*Riding school* means a place or enterprise for hiring out horses for payment and includes the care and stabling of such horses.

S. *Scheme regulations* has the meaning assigned thereto in the Ordinance.

*Scrapyard* means a building or land which is utilised for one or more of the following purposes:

- (a) The storing, depositing or collecting of junk or scrap material or articles the value of which depends mainly or entirely on the material used in the manufacture thereof;
- (b) the dismantling of second-hand vehicles or machines to recover components or material, and
- (c) the storing or sale of second-hand pipes, poles, steel sections wire, lumber, tyres, bricks, containers or other articles which are suitable to be left in the open without any serious damage being incurred.

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

*Service trade* means the utilisation of a building or of premises for an enterprise which is primarily involved in the rendering of a service for the local environs and employs at most ten people and which is exempted from section 2 of the Physical Planning Act, 1967 (Act 88 of 1967), but does not include an abattoir, a brick-making site, sewage works, a service station or a public garage.

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

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

*Side boundary* means any boundary of a land unit which does not constitute a common boundary of



such land unit and a public street or public road.

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

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

*Street boundary* means the common boundary of a site or land unit and a street; provided that where a portion of a site or land unit is reserved for purposes of a new street or street widening in terms of the zoning scheme or any other law, the street boundary of the site or land unit shall be the boundary of such proposed new street or proposed street widening.

*Subdivide and subdivision* have the meanings assigned thereto in the Ordinance.

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

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

*Supermarket* means a retail concern with a net retail floor space of not less than 350 m<sup>2</sup>, which is utilised for sales on a basis of self-service and where the goods for sale fall in one or more of the following categories:

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

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

*Tourist facilities* means amenities for tourists such as lecture rooms, restaurants, gift shops and restrooms permitted by the Council as a consent use, but does not include overnight accommodation.

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

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

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

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

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

Z. *Zone* used both as a noun and a verb has the meaning assigned thereto in the Ordinance.

*Zoning* has the meaning assigned thereto in the Ordinance. *Zoning map* has the meaning assigned thereto in the Ordinance. *Zoning scheme* has the meaning assigned thereto in the Ordinance.

## 2.0 LAND USE

### 2.1 Area of zoning scheme

The extent of the zoning scheme is indicated on the zoning map(s) in so far as the zoning scheme is mapped.

### 2.2 Zoning according to utilisation

Notations on the zoning map are intended to indicate land use and not land ownership. Land falling under the ownership of a public authority shall only be included in the authority zone if the utilisation thereof is such that no other zone in Table B is appropriate. If any other zone in Table B is appropriate, the land shall be indicated *for* that purpose, whether or not it is owned by a public authority.

### 2.3 Components of the zoning scheme.

This zoning scheme consists of three components: the scheme regulations, the zoning map(s) in so far as the scheme is mapped, and the register in so far as any departures exist.

### 2.4 Zoning of land as specified use zones

The land shown on the zoning map, as indicated in column 2 or 3 of Table A, is zoned for the respective purposes set out in column 1 of Table A and shall, subject to any provisions to the contrary in the Ordinance and these regulations, not be utilised for any other purpose.

**TABLE A**

<b>Letratone</b>	<b>1 Zoning</b>	<b>2 Colour notation</b>
S 52105	Agricultural zone I	Yellow-green ou
S 52101	Agricultural zone II	Yellow-green
LT145	Residential zone I	Yellow
S 52100	Residential zone II	Yellow with black hatching
LT905	Residential zone III	Yellow with black cross-line hatching
LT916	Residential zone IV	Orange
S 52102	Residential zone V	Orange with black hatching
LT84	Business zone I	Blue
LT923	Business zone II	Blue with black hatching
LT 928	Business zone III	Blue with black cross-line hatching
S 52107	Business zone IV	Blue-purple
LT 130	Business zone V	Blue-purple with black hatching
S 52104	Industrial zone I	Red-purple
LT 167	Industrial zone II	Red-purple with black hatching
LT 168	Industrial zone III	Red-purple with black cross-line hatching
LT949	Institutional zone I	Grey
LT953	Institutional zone	Grey with black hatching
LT 175	Institutional zone	Grey with black cross- line hatching
LT956	Resort zone I	Pink
LT240	Resort zone II	Pink with black hatching
LT98	Open space zone I	Dark green
LT 995	Open space zone II	Dark green with black hatching
LT926	Open space zone	Dark-green outline III
LT124	Transport zone I	Dark-brown
	Transport zone II	Light-brown
LT 166	Transport zone III	Light-brown with black hatching
LT158	Authority zone	Red
LT164 LT1	Special zone	Blue-green
LT 1	Undetermined zone	Blue-green with blue-purple outline
	Subdivision area	
	Local Authority boundary	

### 2.5 *Erection of buildings and utilisation of land in specified use zones*

The purposes, called primary uses, for which land may be utilised in the various zones indicated in column 1 of Table B are shown in column 2 of Table B. The purposes, called consent uses, for which land may be utilised or buildings may be erected with the consent of the council in the various zones indicated in column 1 of Table B are set out in column 3 of Table B. Any use not reflected in column 2 or 3 shall, subject to any provisions to the contrary in the Ordinance and these regulations, not be permitted in the zone concerned.

In the case of land that was vacant on 1 July 1986, the utilisation thereof shall, for purposes of zoning as contemplated by section 14(1) of the Ordinance, be deemed to be the use which is permitted in terms of title conditions imposed by the Administrator, or, where more than one use is so permitted, one of such uses as determined by the council concerned.

It must be noted that the buildings, and uses which are permitted in terms of Table B or may be approved with the consent of the council may be subject to departures, which may in effect make the right attached to a land unit more or less restricted than is apparent from, the notation on the map. In such cases the relevant information relating to the land unit shall be recorded in the register kept for this purpose (see regulation 2.3).

**TABLE B**

<b>1</b>	<b>2</b>	<b>3</b>
<b>Zoning</b>	<b>Primary Use</b>	<b>Consent uses</b>
Agricultural zone I	Agriculture	Additional dwelling units, farmstore, farmstall, intensive-feed farming, riding school, nursery, service trade, tourist facilities
Agricultural zone II	Agricultural industry	Tourist facilities, farmstore
Residential zone I	Dwelling-house	Additional dwelling unit
Residential zone II	Group house	Dwelling-house, retirement village
Residential zone III	Townhouse	Dwelling-house, group house, retirement village
Residential zone IV	Flats	Dwelling-house, group house, town house, public housing, professional usage
Residential zone V	Residential building	Group house, town house, flats, public housing, professional usage, place of assembly
Business zone I	Business premises	Town house, flats, residential building, place of assembly, place of entertainment, place of instruction, institution, bottle-store, supermarket, service trade
Business zone II	Shop	Town house, flats, residential building, place of assembly, offices, supermarket
Business zone III	Offices	Town house, flats, residential building, place of assembly, place of entertainment, supermarket
Business zone IV	Warehouse	Place of assembly, place of entertainment, place of instruction, transport usage, supermarket
Business zone V	Service station	Public garage
Industrial zone I	Industry	Warehouse, public garage, transport usage, scrapyard
Industrial zone II	Noxious trade	Industry, warehouse, public garage, scrapyard
Industrial zone III	Mining	None
Institutional zone I	Place of instruction	Place of assembly
Institutional zone II	House of worship	Parsonage, place of assembly
Institutional zone III	Institution	Place of assembly
Resort zone I	Holiday accommodation	Resort shop, tourist facilities

Resort zone II	Holiday housing	Motel, licensed hotel, tourist facilities, resort shop
Open space zone I	Public open space	None
Open space zone II	Private open space	None
Open space zone III	Nature reserve	None
Transport zone I	Transport usage	None
Transport zone II	Public road	None
Transport zone III	Public parking	None
Authority zone	Authority usage	None
Special zone	Special usage	None
Underdetermined zone	None	None

### 3.0 PLANNING CONTROL

The following provisions shall apply in the relevant zones:

#### 3.1 AGRICULTURAL ZONE I

3.1.1 Colour notation: yellow-green outline.

*Primary use:* agriculture.

*Consent uses:* additional dwelling units, farmstore, farmstall, intensive-feed fanning, riding school, nursery, service trade, tourist facilities.

##### 3.1.2 Land use restrictions

*Street building line:* at least 30 m.

*Side building line:* at least 30 m.

3.1.3 The provisions contained in a relevant guide plan that is in force in terms of section 6A of the Physical Planning Act, 1967 (Act 88 of 1967), shall mutatis mutandis apply as additional land use restrictions in this zone.

3.1.4 No farmstore, farmstall, nursery, service trade or tourist facilities shall be approved in this zone within 5 km of the border of Bophuthatswana, Transkei or Ciskei without the consent of the government of such state.

#### 3.2 AGRICULTURAL ZONE II

3.2.1 Colour notation: yellow-green.

*Primary use:* agricultural industry.

*Consent uses:* tourist facilities, farmstore.

##### 3.2.2 Land use restrictions

*Street building line:* at least 30 m.

*Side building line:* at least 30 m.

*Parking:* at least one parking bay per 200 m<sup>2</sup> of the total floor space.

##### 3.2.3 Loading and unloading

For the purpose of loading and unloading vehicles, at least two bays shall be provided for every 500 m<sup>2</sup> or part thereof of the area used for the industry.

#### 3.2.4 *Additional conditions*

With the rezoning of land to agricultural zone II, the Council may prescribe any special conditions in respect of permissible uses, parking and loading requirements, access, fencing and aesthetic treatment so that the concern will have the minimum impact on the environment.

3.2.5 The provisions contained in a relevant guide plan that is in force in terms of section 6A of the Physical Planning Act, 1967 (Act 88 of 1967), shall *mutatis mutandis* apply as additional land use restrictions in this zone.

3.2.6 No farmstore or tourist facilities shall be approved in this zone within 5 km of the border of Bophuthatswana, Transkei or Ciskei without the consent of the government of such state.

### 3.3 RESIDENTIAL ZONE I

3.3.1 *Colour notation*: yellow.

*Primary use*: dwelling-house.

*Consent use*: additional dwelling unit.

3.3.2 *Land use restrictions*

*Coverage*: at most 50 %.

*Height*: at most two storeys.

*Street building line*: at least 4 m, subject to regulation 3.3.3.

*Side building line*: at least 2 m, subject to regulation 3.3.3.

*Parking*: at least one parking bay per land unit, on the land unit.

3.3.3 Notwithstanding regulation 3.3.2—

(a) the street building line shall be at least 3 m where the average depth of a land unit (measured at right angles to any street boundary of such land unit) does not exceed 20 m;

(b) an eaves projection may exceed the prescribed street or side building line by at most 1 m, and

(c) the council may approve the erection of an outbuilding or additional dwelling unit which exceeds a side building line, subject to ---

(i) compliance with the street building line;

(ii) such building not exceeding a height of one storey;

(iii) no doors or windows being permitted in any wall of such building which fronts onto the side boundary concerned, and

(iv) the provision of an access way, other than through a building and at least 1 m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard.

### 3.3.4 *Additional dwelling unit*

Notwithstanding regulation 3.3.2, the following land use restrictions shall be applicable with regard to an additional dwelling unit over and above the other land use restrictions which apply, and shall prevail if the last-mentioned land use restrictions are in conflict therewith:

*Coverage:* together with all other buildings, at most 66 %.

*Total floor space:* at most 120 m<sup>2</sup>.

*Parking:* one additional parking bay on the land unit.

*Height:* at most one storey.

## 3.4 RESIDENTIAL ZONE II

3.4.1 *Colour notation:* yellow with black hatching.

*Primary use:* group house.

*Consent uses:* dwelling-house, retirement village.

### 3.4.2 *Land use restrictions*

*Density:* as laid down by the council up to a maximum of twenty units per gross hectare or a 3:1 ratio with regard to the gross density of surrounding dwelling units, whichever permits the smaller number of units.

*Communal open space:* at least 80 m<sup>2</sup> per dwelling unit.

*Private outdoor space:* at least 40 % of the gross floor space of the unit concerned, in a form which shall not exceed a ratio of 2:1 (length to width).

*Combined open space:* where there is no distinction between communal open space and private outdoor space, the above communal open space and private outdoor space requirements shall be replaced by a combined open space requirement of at least 130 m<sup>2</sup> per dwelling unit.

*Height:* at most two storeys.

*Street building line:* zero, subject to regulation 3.4.4(b).

*Side building line:* zero, subject to regulation 3.4.4(c).

*Parking:* at least two parking bays per group house; both may be provided at such group house, or part of the required number of parking bays at some of the group houses and the remainder in the form of communal parking for the group housing scheme concerned, or the entire requirement in the form of communal parking.

*Street width:* normally at least 10 m, or 8 m in a cul-de-sac or loop road of limited length which serves only a few group houses.

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

### 3.4.4 *Additional provisions*

(a) 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 from the view of anyone else than the occupant(s) of the dwelling unit concerned, shall be provided to the satisfaction of the council.

(b) Despite the zero street building line, a street building line of 2 m may be required to ensure safe traffic circulation or for other reasons such as development in the area, and a driveway shall have an adequate area to allow comfortably for the parking of a large motor car thereon.

(c) Despite the zero side building line, adequate side building lines may be required for fire-fighting purposes, and a 3 m side building line shall apply where a residential zone II abuts on another zone.

(d) Garages and carports shall be excluded in the calculation of floor space for the purpose of determining the area of the private outdoor space.

(e) No group housing site may have an area greater than 2 ha, and no group housing site shall abut on another group housing site.

### 3.5 RESIDENTIAL ZONE III

3.5.1 *Colour notation:* yellow with black cross-line hatching.

*Primary use:* town house.

*Consent uses:* dwelling-house, group house, retirement village.

3.5.2 *Land use restrictions*

*Density:* as laid down by the Council up to a maximum of 50 units per gross hectare.

*Coverage:* at most 50 %.

*Height:* at most two storeys.

*Street building line:* zero, subject to regulation 3.5.3(a).

*Side building line:* zero, subject to regulation 3.5.3(b).

*Parking:* at least two parking bays per town house; both may be provided at such town house, or part of the required number of parking bays at some of the town houses and the remainder in the form of communal parking for the town housing scheme concerned, or the entire requirement in the form of communal parking.

3.5.3 *Additional building line requirements*

(a) Despite the zero street building line, a street building line of 2 m may be required to ensure safe traffic circulation or for other reasons such as development in the area, and a driveway shall have an adequate area to allow comfortably for the parking of a large motor car thereon.

(b) Despite the zero building line, adequate side building lines may be required for fire-fighting purposes, and a 3 m side building line shall apply where a residential zone III abuts on another zone.

### 3.6 RESIDENTIAL ZONE IV

3.6.1 *Colour notation:* orange. *Primary use:* flats.

*Consent uses:* dwelling-house, group house, town house, public housing, professional usage.

### 3.6.2 Land use restrictions

*Floor factor:* at most 1,0.

*Coverage:* at most 40 %.

*Setback:* at least 6,5 m.

*Height:* at most four storeys.

*Street building line:* at least 8 m.

*Side building line:* at least 4 m or half the height of the building, whichever is the greater, subject to regulation 3.6.3(a).

*Parking:* at least 1,25 parking bays per flat; 25 %, or more, if so required by the Council, of the required number of parking bays shall be provided uncovered on the site and shall be clearly demarcated and properly indicated by means of a notice board to the satisfaction of the Council for the exclusive use of visitors.

### 3.6.3 Notwithstanding regulation 3.6.2—

(a) the council may approve the erection of an outbuilding which exceeds a side building line, subject to—

(i) compliance with the street building line;

(ii) such outbuilding not exceeding a height of one storey;

(iii) no doors or windows being permitted in any wall of such outbuilding which fronts onto the side boundary concerned, and

(iv) the provision of an access way, other than through a building and at least 1 m wide, from a street to every vacant portion of the land unit concerned, other than a courtyard, and

(b) the following additional parking requirement shall be applicable with regard to professional usage in this zone: three parking bays per professional person, of which at least two parking bays per professional person shall be reserved for patients or clients. These parking bays shall be clearly indicated and tarred or paved to the satisfaction of the council.

## 3.7 RESIDENTIAL ZONE V

3.7.1 *Colour notation:* orange with black hatching.

*Primary use:* residential building.

*Consent uses:* group house, town house, flats, public housing, professional usage, place of assembly.

### 3.7.2 Land use restrictions

*Floor factor:* at most 1,0.

*Coverage:* at most 40%.

*Height:* at most four storeys.



*Setback:* at least 6,5 m.

*Street building line:* at least 8 m.

*Side building line:* at least 4 m or half the height of the building, whichever is the greater, subject to regulation 3.7.3(a).

*Parking:* at least 0,7 parking bay per bedroom, subject to regulation 3.7.3(b).

### 3.7.3 Notwithstanding regulation 3.7.2—

(a) the council may approve the erection of an outbuilding which exceeds a side building line, subject to—

(i) compliance with the street building line;

(ii) such outbuilding not exceeding a height of one storey;

(iii) no doors or windows being permitted in any wall of such outbuilding which fronts onto the side boundary concerned, and

(iv) the provision of an access way, other than through a building and at least 1 m wide, from a street to every vacant portion of the land unit concerned, other than a court-yard;

(b) the following floor factor, coverage and parking requirements shall be applicable to licensed hotels:

*Floor factor:* at most 2,0. *Coverage:* at most 80%.

*Parking:* at least 0,7 parking bays per bedroom plus an additional twenty parking bays which shall be provided uncovered on the site and shall be clearly demarcated and properly indicated by means of a notice board to the satisfaction of the council for use by visitors who are non-paying guests, and

(c) the following additional parking requirement shall be applicable with regard to professional usage in this zone; three parking bays per professional person, of which at least two parking bays per professional person shall be reserved for patients or clients. These parking bays shall be clearly indicated and tarred or paved to the satisfaction of the council.

## 3.8 BUSINESS ZONE I .

### 3.8.1 *Colour notation:* blue.

*Primary use:* business premises.

*Consent uses:* town house, flats, residential building, place of assembly, place of entertainment, place of instruction, institution, bottle-store, supermarket, service trade.

### 3.8.2 *Land use restrictions*

*Floor factor:* at most 3,0.

*Coverage:* 100%.

*Setback:* at least 6,5 m.

*Street building line:* zero.

*Side building line:* zero; provided that the council may lay down side building lines in the interest of public health or in order to enforce any law or right.

*Parking:* at least one parking bay per 25 m<sup>2</sup> of the total floor space.

### 3.8.3 Additional provisions

#### (a) Alternative parking requirements

(i) As an alternative to the parking requirement referred to in regulation 3.8.2, the owner may, with the consent of the council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking space on the site, acquire the prescribed area of land for the parking facilities concerned elsewhere in a posit approved by the council; provided that he shall register a notarial deed against such land to the effect that the council and public shall have free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the council; the cost of registration of the servitude shall be borne by the owner.

(ii) As an alternative to regulation 3.8.3(a)(i), the owner may, with the consent of the council, pay a cash sum to the council, equal to the estimated market value per m<sup>2</sup> of the land on which the building is erected, multiplied by the area in m<sup>2</sup> of the land which is required to be provided in terms of regulation 3.8.2, in which event the council itself shall be responsible for acquiring the necessary land for such parking purposes when and where the council desires.

#### (b) Further parking and site access requirements

(i) The vehicular access and exit ways shall be restricted to not more than one each per site per street abutting on the site.

(ii) The vehicular access and exit ways shall be restricted to a maximum total width of 6 m where they cross the -et boundary.

(iii) If the corner at a street intersection is not splayed, vehicular access or exit ways shall not be closer than 10 m to such corner.

(iv) If the corner at a street intersection is splayed, vehicular access or exit ways shall not be closer than 10 m to such corner or 5 m measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.

(v) Such parking areas shall be duly constructed to the satisfaction of the council.

(vi) Such parking areas shall be used exclusively for the parking of vehicles which are lawfully allowed on them and shall not be used for trading or any other purposes.

(vii) The way in which it is intended that vehicles should park in and gain access to or exit from such parking areas shall be indicated on a plan which shall be submitted to the council, which may approve or reject it of lay down any conditions deemed necessary by it.

(viii) The council may lay down more restrictive requirements than those in regulation 3.8.3(b)(i) to (vii) if deemed necessary from any traffic point of view.

#### (c) Basements

Subject to the provisions of section 190(17) of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), the building line restrictions need not be complied with in so far as basements are concerned.

#### (d) Projections

In this zone, projections, excluding advertising signs approved by the council in accordance with the

provisions of any other law, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,5 m of the pavement edge; provided that no portion of a projection shall be less than 3 m above the pavement and there shall be no . access from the building to the canopy.

#### 3.8.4 *Places of assembly*

Notwithstanding regulation 4.8, the following land use restrictions shall be applicable with regard to places of assembly over and above the other land use restrictions which apply, and shall prevail if the last-mentioned land use restrictions are in conflict therewith:

*Street building line:* at least 4,5 m.

*Parking:* at least one parking bay per eight seats that are provided in the building.

#### 3.8.5 *Flats and residential buildings*

Notwithstanding regulation 4.8, the following land use restrictions shall be applicable with regard to flats and residential buildings over and above the other land use restrictions which apply, and shall prevail if the last-mentioned land use restrictions are in conflict therewith:

*Floor factor:* at most 1,0.

*Coverage:* at most 75 %.

*Height:* at most two storeys.

*Parking:* at least 1,25 parking bays per flat or, in the case of residential buildings, at least 0,7 parking bay per bedroom. In the case of flats, 25 % of the required number of parking bays, or a greater number than the required number, if so required by the council, and, in the case of residential buildings which are licensed hotels, at least twenty additional parking bays, shall be provided uncovered on the site and shall be clearly demarcated and properly indicated by means of a notice board to the satisfaction of the Council for the exclusive use of visitors.

### 3.9 BUSINESS ZONEII

3.9.1 *Colour notation:* blue with black hatching.

*Primary use:* shop.

*Consent uses:* town house, flats, residential building, place of assembly, offices, supermarket, restaurant.

#### 3.9.2 *Land use restrictions*

*Floor factor:* at most 1,5.

*Coverage:* 100%.

*Height:* at most two storeys.

*Setback:* at least 6,5 m.

*Street building line:* zero

*Side building line:* zero; provided that the council may down side building lines in the interest of public health or in order to enforce any law or right.

*Parking:* at least one parking bay per 25 m<sup>2</sup> of the total floor space.

### 3.9.3 *Additional provisions*

#### (a) *Alternative parking requirements*

(i) As an alternative to the parking requirement referred to in regulation 3.9.2, the owner may, with the consent of the council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking space on the site, acquire the prescribed area of land for the parking facilities concerned, elsewhere in a position approved by the council; provided that he shall register a notarial deed against such land to the effect that the council and public shall have free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the council; the cost of registration of the servitude shall be borne by the owner.

(ii) As an alternative to regulation 3.9.3(a)(i), the owner may, with the consent of the council, pay a cash sum to the council, equal to the estimated market value per m<sup>2</sup> of the land on which the building is erected, multiplied by the area in m<sup>2</sup> of the land which is required to be provided in terms of regulation 3.9.2, in which event the council itself shall be responsible for acquiring the necessary land for such parking purposes when and where the council desires.

#### (b) *Further parking and site access requirements.*

(i) The vehicular access and exit ways shall be restricted to not more than one each per site per street abutting on the site.

(ii) The vehicular access and exit ways shall be restricted to a maximum total width of 6 m where they cross the street boundary.

(iii) If the corner at a street intersection is not splayed, vehicular access or exit ways shall be not closer than 10 m to such corner.

(iv) If the corner at a street intersection is splayed, vehicular access or exit ways shall be not closer than 10 m to such corner or 5 m measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.

(v) Such parking areas shall be duly constructed to the satisfaction of the council.

(vi) Such parking areas shall be used exclusively for the parking of vehicles which are lawfully allowed on them and shall not be used for trading or any other purposes.

(vii) The way in which it is intended that vehicles should park in and gain access to or exit from such parking areas shall be indicated on a plan which shall be submitted to the council, which may approve or reject it or lay down any conditions deemed necessary by it.

(viii) The council may lay down more restrictive requirements than those in regulation 3.9.3(b)(i) to (vii) if deemed necessary from any traffic point of view.

#### (c) *Basements*

Subject to the provisions of section 190(17) of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), the building line restrictions need not be complied with in so far as basements are concerned.

#### (d) *Projections*

In this zone projections, excluding advertising signs approved by the council in accordance with the provisions of any other law, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,5 m of the pavement edge; provided that no portion of a projection shall be less than 3 m above the pavement and there shall be no access from the building to

the canopy.

#### 3.9.4 *Places of assembly*

Notwithstanding regulation 4.8, the following land use restrictions shall be applicable with regard to places of assembly over and above the other land use restrictions which apply, and shall prevail if the last-mentioned land use restrictions are in conflict therewith:

*Street building line:* at least 4,5 m.

*Parking:* at least one parking bay per eight seats that are provided in the building.

#### 3.9.5 *Flats and residential buildings*

Notwithstanding regulation 4.8, the following land use restrictions shall be applicable with regard to flats and residential buildings over and above the other land use restrictions which apply, and shall prevail if the last-mentioned land use restrictions are in conflict therewith:

*Floor factor:* at most 1,0.

*Coverage:* at most 75 %.

*Height:* at most two storeys.

*Parking:* at least 1,25 parking bays per flat or, in the case of residential buildings, at least 0,7 parking bay per bedroom. In the case of flats, 25% of the required number of parking bays, or a greater number than the required number, if so required by the council, and, in the case of residential buildings which are licensed hotels, at least twenty additional parking bays shall be provided uncovered on the site and shall be clearly demarcated and properly indicated by means of a notice board to the satisfaction of the council for the exclusive use of visitors.

### 3.10 BUSINESS ZONE III

*Colour notation:* blue with black cross-line hatching.

*Primary use:* offices.

*Consent uses:* town house, flats, residential building, place of assembly, place of entertainment, supermarket.

#### 3.10.2 *Land use restrictions*

*Floor factor:* at most 1,5.

*Coverage:* at most 50 %.

*Height:* at most four storeys.

*Setback:* at least 8 m.

*Street building line:* at least 5 m.

*Side building line:* at least 3 m.

*Parking:* at least one parking bay per 25 m<sup>2</sup> of the total floor space.

#### 3.10.3 *Additional provisions*

(a) *Alternative parking requirements*

(i) As an alternative to the parking requirement referred to in regulation 3.10.2, the owner may with the consent of the council, where it is of the opinion that it is undesirable or impractical from a planning point of view to provide the required parking space on the site, acquire the prescribed area of land for the parking facilities concerned elsewhere in a position approved by the council; provided that he shall register a notarial deed against such land to the effect that the council and public shall have free access thereto for the purpose of parking, and the owner shall be bound to level this land and surface and maintain it to the satisfaction of the council; the cost of registration of the servitude shall be borne by the owner.

(ii) As an alternative to regulation 3.10.3(a)(i), the owner may, with the consent of the council, pay a cash sum to the council equal to the estimated market value per m<sup>2</sup> of the land on which the building is erected, multiplied by the area in m<sup>2</sup> of the land which is required to be provided in terms of regulation 3.10.2, in which event the council itself shall be responsible for acquiring the necessary land for such parking purposes when and where the council desires.

(b) *Further parking and site access requirements*

(i).The vehicular access and exit ways shall be restricted to not more than one each per site per street abutting on the site.

(ii) The vehicular access and exit ways shall be restricted to a maximum total width of 6 m where they cross the street boundary.

(iii) If the corner at a street intersection is not splayed, vehicular access or exit, ways shall not be closer than 10 m to such corner.

(iv) If the corner at a street intersection is splayed, vehicular access or exit ways shall not be closer than 10 m to such corner or 5 m. measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.

(v) Such parking areas shall be duly constructed to the satisfaction of the council.

(vi) Such parking areas shall be used exclusively for the parking of vehicles which are lawfully allowed on them and shall not be used for trading or any other purposes.

(vii) The way in which it is intended that vehicles should park in and gain access to or exit from such parking areas shall be indicated on a plan which shall be submitted to the council, which may approve or reject it or lay down any conditions deemed necessary by it.

(viii) The council may lay down more restrictive requirements than those in regulation 3.10.3(b)(i) to (vii) if deemed necessary from any traffic point of view.

(c) *Basements*

Subject to the provisions of section 190(17) of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), the building line restrictions need not be complied with in so far as basements are concerned.

(d) *Projections*

In this zone, projections, excluding advertising signs approved by the council in accordance with the provisions of any other law, over streets and building lines shall be limited to minor architectural features and one cantilevered open canopy to within 0,5 m of the pavement edge; provided that no portion of a projection shall be less than 3 m above the pavement and there shall be no access from the building to the canopy.

3.10.4 *Places of assembly*

Notwithstanding regulation 4.8, the following land use restrictions shall be applicable with regard to places of assembly over and above the other land use restrictions which apply, and shall prevail if the last-mentioned, land use restrictions are in conflict therewith:

*Street building line:* at least 4,5 m.

*Parking:* at least one parking bay per eight seats that are provided in the building.

### 3.10.5 Flats and residential buildings

Notwithstanding regulation 4.8, the following land use restrictions shall be applicable with regard to Flats and residential buildings over and above the other land use restrictions which apply, and shall prevail if the last-mentioned land use restrictions are in conflict therewith:

*Floor factor:* at most 1,0.

*Coverage:* at most 75 %.

*Height:* at most two storeys.

*Parking:* at least 1,25 parking bays per flat or, in the case of residential buildings, at least 0,7 parking bay per bedroom. In the case of flats, 25% of the required number of parking bays, or a greater number than the required number, if so required by the council, and, in the case of residential buildings which are licensed hotels, at least twenty additional parking bays shall be provided uncovered on the site and shall be clearly demarcated and properly indicated by means of a notice board to the satisfaction of the Council for the exclusive use of visitors.

## 3.11 BUSINESS ZONE IV

### 3.11.1 Colour notation: blue-purple.

*Primary use:* warehouse.

*Consent uses:* place of assembly, place of entertainment, place of instruction, transport usage, supermarket.

3.11.2 *Land use restrictions Floor factor:* at most T.5. *Coverage:* at most 75 %. *Setback:* at least 8 m. *Street building line:* zero.

*Side building line:* zero; provided that the Council may lay down side building lines in the interest of public health or in order to enforce any law or right.

*Parking:* at least one parking bay per 200 m of floor space.

### 3.11.3 Loading and unloading

For the purpose of loading and unloading vehicles, the following space or spaces shall be provided on site to the satisfaction of the Council:

<i>Total floor space of building (to the nearest m<sup>2</sup>)</i>	<i>Required loading and unloading area</i>
0- 2 500 m <sup>2</sup>	1 bay
2 501 - 5 000 m <sup>2</sup>	2 bays

5 001 -10 000 m <sup>2</sup>	3 bays
Every additional 10 000 m <sup>2</sup> or portion thereof	1 additional bay

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

#### 3.11.4 *Fencing*

The Council may require any land used in connection with a builder's yard or transport business to be completely or partly fenced to its satisfaction.

### 3.12 BUSINESS ZONE V

3.12.1 *Colour notation*: blue-purple with black hatching.

*Primary use*: service station.

*Consent uses*: public garage.

#### 3.12.2 *Land use restrictions*

*Floor factor*: at most 1,5.

*Coverage*: at most 75 %.

*Height*: at most two storeys.

*Setback*: at least 6,5 m.

*Street building line*: zero; provided that a 3,5m building line shall apply if fuel pumps are to be erected.

*Side building line*: zero; provided that the Council may lay down side building lines in the interest of public health or in order to enforce any law or right.

*Parking*: at least one parking bay per 50 m<sup>2</sup> of the total floor space; provided that the parking bays be clearly indicated for visitors.

3.12.3 Notwithstanding regulation 3.12.2. the following floor factor and coverage requirements shall be applicable with regard to public garages:

*Floor factor*: at most. 0.5. *Coverage*: at most 30 %.

#### 3.12.4 *Additional provisions*

(a) The vehicular access and exit ways to and from the premises of a service station or public garage shall, where they cross the road boundary, be not more than 10 m wide, and a wall at least 100 mm thick and 200 mm high shall be erected on the road boundary between the points of access and exit. The wall shall be continued along such boundary unless the premises are otherwise enclosed. The vehicular access and exit ways to and from motor vehicle fuel pumps shall be restricted to one each for every continuous stretch of frontage of 30 m which the premises whereon such pumps are erected have on the boundary of a public street or public road.

(b) In an urban area the vehicular access and exit ways to and from the premises of a service station or public garage, where they cross the road boundary, shall—



- (i) be not less than 30 m from the point nearest to where a declared road, proclaimed road or prospective main road intersects any other road of a like status, or the nearest point of an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island;
- (ii) be not less than 1,5 m from the side boundary of the premises, or
- (iii) in the case of an intersection other than one referred to in paragraph (i), if the corner of the intersection is not splayed, be not less than 10 m from such corner, or if the corner at the intersection is splayed, be not less than 10 m from such corner or 5 m from the point where the line of splay meets the road boundary, whichever is the greater distance from the corner.
- (c) In an area other than an urban area the vehicular access and exit ways to and from the premises of a service station or public garage shall, where they cross the road boundary, be not less than 500 m from the point nearest to—
- (i) where a declared road, proclaimed road or prospective main road intersects any other road of a like status;
- (ii) an intersection where traffic is controlled, or is proposed to be controlled, by a traffic signal or traffic island, or
- (iii) where any vehicular access and exit ways cross the road boundary to and from motor vehicles fuel pumps on the premises of another service station or public garage on the same side of the road.
- (d) Any part of the premises of a service station or public garage which is used for the storage of disused motor vehicles or parts of motor vehicles, empty containers such as oil drums and packing cases, or any other scrap whatsoever, or for the assembly, repair, painting or dismantling of motor vehicles shall, unless it is enclosed by buildings at least 2 m high, be enclosed with a suitable brick or concrete screen wall at least 2 m high.

### 3.13 INDUSTRIAL ZONE I

#### 3.13.1 *Colour notation:* red-purple.

*Primary use:* industry.

*Consent uses:* warehouse, public garage, transport usage, scrapyards.

*Land use restrictions*

*Floor factor:* at most 1,5.

*Coverage:* at most 15%.

*Setback:* at least 8 m.

*Street building line:* zero.

*Side building line:* zero; provided that the council may lay down side building lines in the interest of public health or in order to enforce any law or right.

*Parking:* at least one parking bay per 200 m<sup>2</sup> of floor space.

#### 3.13.3 *Loading and unloading*

For the purpose of loading and unloading vehicles, the following space or spaces shall be provided on site to the satisfaction of the Council:

<i>Total floor space of building (to the nearest m<sup>2</sup>)</i>	<i>Required loading and unloading area</i>
0- 2 500 m <sup>2</sup>	1 bay
2 501- 5 000 m <sup>2</sup>	2 bays
5 000-10 000 m <sup>2</sup>	3 bays
Every additional 10 000 m <sup>2</sup> or portion thereof	1 additional bay

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

#### 3.13.4 *Fencing*

The council may require any land used in connection with a scrapyard, builder's yard or transport business to be completely or partly fenced to its satisfaction.

#### 3.13.5 *Public garages*

Notwithstanding regulation 4.8, the land use restrictions which are applicable to public garages in business zone V shall be applicable to public garages in this zone.

### 3.14 INDUSTRIAL ZONE II

#### 3.14.1 *Colour notation*: red-purple with black hatching.

*Primary use*: noxious trade.

*Consent uses*: industry, warehouses, public garage, scrapyard.

#### 3.14.2 *Land use restrictions*

*Floor factor*: at most 1,5.

*Coverage*: at most 75 %.

*Setback*: at least 8 m.

*Street building line*: zero

*Side building line*: zero; provided that the Council may lay down side building lines in the interest of public health or in order to enforce any law or right.

*Parking*: at least one parking bay per 200 m<sup>2</sup> of floor space.

#### 3.14.3 *Loading and unloading*

For the purpose of loading and unloading vehicles, the following space or spaces shall be provided on site to the satisfaction of the council:

<i>Total floor space of</i>	<i>Required loading,</i>
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<i>building (to the nearest m<sup>2</sup>)</i>	<i>and unloading area</i>
0- 2 500 m <sup>2</sup>	1 bay
2 501- 5 000 m <sup>2</sup>	2 bays
5 000-10 000 m <sup>2</sup>	3 bays
Every additional 10 000 m <sup>2</sup> or portion thereof	1 additional bay

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

#### 3.14.4 *Fencing*

Any land used in connection with a scrapyard, builder's yard or transport business shall be enclosed completely with a wall or fence approved by the council and to a height prescribed by the council.

#### 3.14.5 *Public garages*

Notwithstanding regulation 4.8, the land use restrictions which are applicable to public garages in business zone V shall be applicable to public garages in this zone.

### 3.15 INDUSTRIAL ZONE III

*Colour notation:* red-purple with black cross-line hatching.

*Primary use:* mining.

*Consent uses:* none.

3.15.2 This zone shall be subject to all relevant statutory restrictions which apply to the exploitation of raw materials.

### 3.16 INSTITUTIONAL ZONE I

*Colour notation:* grey.

*Primary use:* place of instruction.

*Consent uses:* place of assembly.

*Land use restrictions*

*Coverage:* at most 50 %.

*Street building line:* at least 10 m.

*Side building line:* at least 10 m.

*Parking:* as required by the council.

### 3.17 INSTITUTIONAL ZONE II

3.17.1 *Colour notation:* grey with black hatching.

*Primary use:* house of worship.

*Consent uses:* parsonage, place of assembly.

*Land use restrictions*

*Coverage:* at most 50 %.

*Street building line:* at least 10 m.

*Side building line:* at least 10 m.

*Parking:* at least one parking bay per eight seats.

3.17.3 Notwithstanding regulation 3.17.2, the following land use restrictions shall apply to a parsonage:

(a) *Coverage:* at most 50 %.

(b) *Height:* at most two storeys.

(c) *Street building line:* at least 4 m, subject to regulation 3.3.3.

(d) *Side building line:* at least 2 m, subject to regulation 3.3.3.

(e) *Parking:* at least one parking bay per land unit, on the land unit.

### 3.18 INSTITUTIONAL ZONE III

*Colour notation:* grey with black cross-line hatching.

*Primary use:* institution.

*Consent uses:* place of assembly.

3.18.2 *Land use restrictions Coverage:* at most 50 %.

*Street building line:* at least 10 m.

*Side building line:* at least 10 m.

*Parking:* as required by the council.

### 3.19 RESORT ZONE I

3.19.1 *Colour notation:* pink.

*Primary use:* holiday accommodation.

*Consent uses:* resort shop, tourist facilities.

3.19.2 *Land use restrictions*

(a) The parameters of the existing lawful development shall apply as land use restrictions with regard to land which is deemed to be zoned as a resort zone I with effect from the date of commencement of the Ordinance.

(b) With the rezoning of land to resort zone I, conditions shall be laid down with regard to density, layout, landscaping, building design, etcetera, and a layout plan shall be approved by and filed with the local authority, clearly indicating the position of all structures, stands and internal roads.

### 3.20 RESORT ZONE II

3.20.1 *Colour notation:* pink with black hatching.

*Primary use:* holiday housing.

*Consent uses:* motel, licensed hotel, tourist facilities, resort shop.

3.20.2 *Land use restrictions*

(a) The parameters of the existing lawful development shall apply as land use restrictions with regard to land which is deemed to be zoned as a resort zone II with effect from the date of commencement of the Ordinance.

(b) With the rezoning of land to resort zone II, conditions shall, be laid down, with regard to density, layout, landscaping' and building; design, and a layout plan shall be approved by and. filed with, the local authority, clearly indicating the position of all, structures, stands and internal roads.

### 3.21 OPEN SPACE ZONE I

3.21.1 *Colour notation:* dark green.

*Primary use:* public open space.

*Consent uses:* none. .

3.21.2 No structure shall be erected or use practised except such as is compatible with "public open space", as defined;

3.21.3 The provisions contained in a relevant guide plan that is in force in terms of section 6A of the Physical Planning Act, 1976 (Act 88 of 1967), shall *mutatis mutandis* apply as additional land use restrictions in this zone.

### 3.22 OPEN SPACE ZONE II

3.22.1 *Colour notation:* dark green with black hatching.

*Primary use:* private open space-

*Consent uses:* none.

3.22.2 No structure shall be erected or use practised except such as is compatible with "private open space", as defined.

3.22.3 The provisions contained in a relevant guide plan that is in force in terms of section 6A of the

Physical Planning Act, 1967 (Act 88 of 1967), shall *mutatis mutandis* apply as additional land use restrictions in this zone.

### 3.23 OPEN SPACE ZONE III

3.23.1 *Colour notation*: dark green outline.

*Primary use*: nature reserve.

*Consent uses*: none.

3.23.2 The relevant authorities shall in each case, depending on unique circumstances, stipulate land use restrictions and additional provisions.

3.23.3 The provisions contained in a relevant guide plan that is in force in terms of section 6A of the Physical Planning Act, 1967 (Act 88 of 1967), shall *mutatis mutandis* apply as additional land use restrictions in this zone.

### 3.24 TRANSPORT ZONE I

3.24.1 *Colour notation*: dark brown.

*Primary use*: transport usage.

*Consent uses*: none.

#### 3.24.2 *Land use restrictions*

*Floor factor*: at most 1,0.

*Coverage*: at most 80 %.

*Height*: at most two storeys.

*Street building line*: zero.

*Side building line*: zero, except where a transport zone I abuts on another zone, in which case, the side building line of the latter zone shall also apply to the transport zone I

*Parking*: as required by the council.

### 3.25 TRANSPORT ZONE II

3.25.1 *Colour notation*: light brown.

*Primary use*: public road.

*Consent uses*: none.

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

### 3.26 TRANSPORT ZONE III

3.26.1 *Colour notation:* light brown with black hatching.

*Primary use:* public parking.

*Consent uses:* none.

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

### 3.27 AUTHORITY ZONE

3.27.1 *Colour notation:* red.

*Primary use:* authority usage.

*Consent uses:* none.

3.27.2 The land use restrictions and additional provisions applicable to this zone shall apply as for every site or use or type of building approved by the Administrator or, if authorised thereto by the Administrator, the council.

### 3.28 SPECIAL ZONE

3.28.1 *Colour notation:* blue-green.

*Primary use:* special usage.

*Consent uses:* conservation usage.

3.28.2 If special factors justify the creation of a new zone on the zoning map for a site or sites without justifying the creation of a new zone in the scheme regulations, such site shall be zoned as a special zone on the zoning map. Every such portion of land which has been zoned as such and in respect of which the land use restrictions differ from those of other land which has been zoned as such shall be given a separate number on the zoning map. A special zone may consist of different portions of land, provided the land use restrictions are the same. Each special zone in respect of which the land use restrictions differ from those of other special zones shall be given a separate number (from 1 onwards), and each number with the accompanying land use restrictions shall be described as a separate special zone in an annexure to these scheme regulations.

### 3.29 UNDETERMINED ZONE

3.29.1 *Colour notation:* blue-green with blue-purple outline.

*Primary use:* none.

*Consent uses:* none.

3.29.2 Subject to the provisions of section 14(8) of the Ordinance, no building may erected in this zone and no use referred to in Table B in regulation 2.5 of these regulations may be practised in this zone.

## 4.0 GENERAL

### 4.1 *Utilisation of zoned land*

4.1 No person shall damage or destroy zoned land so as to destroy or impair its utilisation for the

purpose for which it is zoned, provided that the council may consent to the deposit on such land of waste materials or refuse.

4.1.2 In giving its consent under this regulation, the council may impose such conditions as it may deem fit.

4.1.3 Subject to the provisions of any other law, nothing in this regulation contained shall be construed as prohibiting the reasonable fencing of land.

#### 4.2 *Reservation of remainder*

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

4.2.1 in the opinion of the council, the remainder will be too small to develop as a separate entity, or

4.2.2 the development of the remainder will be undesirable.

#### 4.3 *Imposed conditions*

Where permission to erect a building or execute any works or to utilise a building or land for any particular purposes or to perform any other activity has been granted under this zoning scheme and conditions have been imposed, such conditions shall have the same force and effect as if they were part of this scheme.

#### 4.4 *Compliance with regulations*

Nothing in these regulations contained shall be deemed to grant exemption from compliance with any of the council's regulations.

#### 4.5 *Non-conforming sites*

Before written authority is granted in terms of section 96(1) of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), or section 96(1) of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), or a licence is issued by the council with regard to a site for which there is no valid licence on the date of coming into operation of these scheme regulations, or when a building is extended or changed, the council may require that all the buildings on the site and the site itself be brought into line with the land use restrictions contained in these regulations, with the by-laws of the council, and with any other laws which are applicable.

#### 4.6 *Applications for consent use*

4.6.1 Subject, to the provisions of regulation 4.7 of these regulations, the council may, where application is made to it for its consent to the erection or utilisation of a building in a zone in which a building of the type proposed may be erected and utilised only with the council's special consent, grant or refuse its consent, and shall in granting its consent be entitled to impose such restrictive conditions as it may deem fit governing the erection or utilisation of such building.

4.6.2 In considering such application, regard shall be had to the question whether the use for which the building is intended or designed or the proposed building, is likely to mar the amenity of the neighbourhood, including marred owing to the emission of smoke, fumes, dust, noise or smells.

#### 4.7 *Advertisement of intended application for consent use*

4.7.1 Any person intending to make application to the council for its consent to the erection or utilisation of a building or to the utilisation of land, whether wholly or partly, for any purposes requiring the council's special consent, shall, if the council is of the opinion that any landowner may have an interest in the matter, first advertise the application concerned.



4.7.2 The council shall take into consideration any objections received within the period referred to in the advertisement and shall notify the applicant and the persons, if any, from whom objections were received, of its decision.

4.7.3 Any decision of the council given in terms of this paragraph shall be by special resolution of the council as defined in the Municipal Ordinance, 1974 (Ordinance 20 of 1974), or the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976).

#### *4.8 Conditions applicable to consent uses*

Consent uses, as listed in column 3 of Table B. shall be subject to the following conditions:

4.8.1 Any consent use in a particular zone which is a primary use in any other zone shall be subject to the same conditions applicable to the primary use in the other zone, unless special land use restrictions apply in respect thereof.

4.8.2 Any consent use in a particular zone which is not a primary use in another zone shall be subject to the same conditions as the primary use in the zone in which it is a consent use, unless special land use restrictions apply in respect thereof.

4.8.3 The council may in both of the abovementioned cases lay down other conditions with regard to any specific property.

#### *4.9 Occupational practice and other rights*

4.9.1 Without prejudice to any powers of the council under any other law, nothing in a zoning scheme contained shall be construed as prohibiting or restricting, or enabling the council to prohibit or restrict, the following:

(a) The letting, subject to the council's regulations relating to boarding houses and hostels, by any occupant of a dwelling-house of any part of such dwelling-house;

(b) the occasional utilisation of a place of public worship, place of instruction or institution as a hall for social functions, or

(c) the utilisation of a portion of a dwelling unit for purposes of occupational practice.

4.9.2 The following conditions shall apply where a portion of a dwelling unit is utilised for purposes of occupational practice:

(a) Such dwelling-house, flat or residential building or any portion thereof shall not be used for purposes of a shop, business premises, an industry or a noxious trade;

(b) no goods for sale shall be publicly displayed;

(c) no advertising sign shall be displayed other than an un-illuminated sign or notice not projecting over a street and not exceeding 2 000 cm<sup>2</sup> in area and indicating only the name and profession or occupation of the occupant, and

(d) no activities shall be carried on which are or are likely to be a source of disturbance or nuisance to occupants of other dwelling units or portions thereof.

4.9.3 If anybody is of the opinion that any condition referred to in regulation 4.9.2 or the definition of "occupational practise" is contravened, such person may lodge a written complaint with the council requesting action in terms of section 39(l)(b) of the Ordinance.

#### *4.10 Combined-use buildings*

Where more than one primary and/or consent use is approved in the same building in a particular zone,

the requirements with regard to floor factor, height and coverage, as prescribed for the primary use of the zone concerned, shall be applicable, and the following conditions shall apply with regard to all other land use restrictions:

4.10.1 Where a use which is permitted in a combined-use building in a particular zone is a primary use in another zone, the use concerned shall be subject to the same conditions, except those with regard to floor factor, height and coverage, applicable to the primary use in the other zone.

4.10.2 Where a use which is permitted, in a combined-use building in a particular zone is not a primary use in any other zone, the use concerned shall be totally subject to the conditions applicable to the primary use in the zone in which the use concerned is permitted.

#### 4.11 *External appearance of buildings*

Any person intending to erect any building shall furnish the council for its consideration, if it so requires (in addition to any plans and particulars required to be submitted under any of the councils regulations), with drawings or some other sufficient indication of the external appearance of the proposed building including a description of the building materials to be used for that purpose. The drawings shall be on suitable and durable material to a scale of 1:100, except where the building is so extensive as to render a smaller scale necessary, the drawings may be to a scale of 1:200. The council, may require such alteration to the external appearance and building material as it may deem necessary.

#### 4.12 *Loading and unloading facilities*

4.12.1 Except in business zone IV, industrial zone I and industrial zone II, the council may, for the purpose of preventing the obstruction of traffic on any street or proposed street or on which a proposed building will front or abut, require the owner to submit for its approval proposals for ensuring, to the council's satisfaction, suitable and sufficient space on the site for any loading, unloading or fuelling of vehicles which the utilisation of the building is likely to entail normally.

4.12.2 No owner or occupant of the building in respect of which proposals under this regulation have been required shall undertake or knowingly permit the continued loading or unloading or fuelling of vehicles otherwise than in accordance with approved proposals.

#### 4.13 *Utilisation of outbuildings*

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

#### 4.14 *Carports*

Subject to the council's approval, a carport which will exceed a street or side building line may be erected subject to the following conditions:

4.14.1. The width of the carport, measured parallel to the street boundary, shall be not more than 6 m.

4.14.2 The carport shall be supported by metal, wooden, brick or cement poles or pillars. These poles or pillars may have a maximum measurement of 350 mm horizontal gauge (or 350 mm diameter in the case of piping), and at most four poles or pillars may be provided on one side of the carport.

4.14.3 No walls, except boundary walls, shall be constructed so as to enclose the carport.

4.14.4 The height of the carport, measured from the floor to the top of the roof, shall not exceed 3 m.

4.14.5. The sides of the roof shall be neatly finished with a fascia not exceeding a depth of 250 mm.

4.14.6 The facade of the carport shall be not closer than 300 mm to the street boundary.

4.14.7 No gates which open onto the pavement shall be permitted.

4.14.8 Standard provision shall be made for the collection and runoff of rainwater from the carport.

4.14.9. Written confirmation from the adjoining owner(s), if a side building line will be exceeded, and the owner(s) of both adjoining land units, if a street building line will be exceeded, to the effect that, they Have no objection against the proposed carport shall be obtained.

#### *4.15 Council's duties*

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

#### *4.16 Service of documents*

The provisions of section 211 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), and section 213 of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), shall *mutatis mutandis* apply to this zoning scheme.

#### *4.17 Townships and minor subdivisions in terms of the Townships Ordinance, 1934*

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

#### *4.18 Aesthetics and landscaping*

Where paving, landscaping, other treatment or any aesthetic requirement is deemed necessary by the council, or the Administrator if the matter is considered by him, in order to prepare land for development, it may be required by the council or the Administrator, as the case may be, and such requirement shall be carried out to the satisfaction of the council or the Administrator, as the case may be, at the cost of the owner.

### 5.0 APPROVAL OF DEPARTURES AND SUBDIVISIONS BY COUNCIL

#### *5.1 Departures*

5.1.1 A council, may, in terms of section 15(l)(b) of the Ordinance grant or refuse an application for a departure, or in terms of section 15(5) 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 period of at most 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 life time of the mine concerned.

#### *5.2 Subdivisions*

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

5.2.2 Whenever a 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.

5.2.3 In the process of the creation of new streets in any subdivision in terms of these regulations, the

general principles in regard to layout, street intersections and gradients, as set out in parr. 3, 4.4, 4.5, 10.7.1 and 11 of Part B of the document "Guidelines for the Provision of Engineering Services in Residential Townships", published by the former Department of Community Development and as amended from time to time, shall be complied with. The following additional requirements shall also be met:

- (a) Any street intersection shall be so located, with due regard to topography, that there is sight distance in all directions of at least 40 m from such intersection.
- (b) The transverse gradient of any street shall not be steeper than 1 in 6 (that is the gradient of the land before construction).
- (c) The longitudinal gradient of any portion of a street shall not be steeper than 1 in 8 (that is the gradient of the land before construction).
- (d) The weaving distance (distance between intersections in different directions), that is between the nearest corners of the streets-concerned, shall be at least 40 m..
- (e) The angle of intersection of streets shall be at least 70°

5.2.4 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:

- (a) Where restoration or improvement is considered necessary by the council; the buildings shall be fully restored, or improved to its satisfaction, and
- (b) 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.

5.2.5 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—

- (a) 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;
- (b) maintain every part of such wall, roof, pipe, gutter, wiring or other structure or thing which is on or traverses such land unit;
- (c) 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
- (d) not make 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, or permit the exterior of the buildings to deteriorate and become untidy or dirty.

5.2.6 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—

- (a) to allow gas mains, electricity, telephone and television cables and/or wires, main and/or other waterpipes and foul sewers and stormwater pipes, ditches or 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 and 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

(b) 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.

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

### 5.3 *Removal of restrictions*

Notwithstanding regulations 5.1 and 5.2 of these regulations, 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.

## **6. Informal Residential zone.**

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

*Zoning:* Informal Residential zone.

*Colour notation:* Yellow with light-brown outline.

*Monochrome notation:*

*Letra tone:* LT 121

*Primary use:* Shelters

Dwelling-house

*Consent use:* None

6.2 In this zone any words have the meaning attached to it in the Scheme Regulations made in terms of section 8 of Ordinance 15 of 1985 as published in Provincial Notice 1048 of 5 December 1988 and the undermentioned word has the following meaning:

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

### 6.3 *Land use restrictions Shelters:*

Floor factor: no restriction Coverage: no restriction Height: at most 3 storeys Street building line: at least 1 m, if required by the Council

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

Setback: no restriction

Parking: no restriction

Dwelling house:

Floor factor: no restriction

Coverage: at most 80%

Height: at most 3 storeys

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

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

Setback: no restriction

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

#### 6.4 *Additional rights pertaining to Informal Residential zone*

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

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

- (i) the dominant use of the property shall remain residential;
- (ii) the use concerned shall not be disturbing to neighbours, and
- (iii) the use concerned shall not interfere with the amenity of the direct neighbourhood.

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

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

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