

**KENTON - ON - SEA
TOWN PLANNING SCHEME BY-LAWS - AUGUST 1982**

With amendments as indicated in letter AF 350/6/0/2 dated 19/3/1986. (File AFO/1/61 - November)



Underlined paragraphs amended or inserted in 2004

CONTENTS

1. Definitions.
2. Area of Scheme.
3. Reservation of land (Table "A" - Indication on map of uses for which land is reserved).
4. Use of reserved land.
5. Use of land and erection and use of buildings in specified use zones (Tables B.1 and 3.2 - Use Zones, permitted uses and special consents).
6. Advertisement of intended application for special consent.
7. Saving for special purposes.
8. Density Control (sizes of sites, widths of abutting streets, building lines, on-site parking, coverage, bulk, height, etc.).
 - 8.1 Agricultural zone.
 - 8.2 Single residential zone.
 - 8.3 General residential zone.
 - 8.4 Business zone.
 - 8.5 Minor business zone
 - 8.5.3 Specific business zone
 - 8.6 Light industrial and industrial zones.
 - 8.7 Religious zone
 - 8.8 Undetermined zone
9. Miscellaneous.
 - 9.1 Number of buildings per erf.
 - 9.2 External appearance of buildings.
 - 9.3 Loading and off-loading facilities.
 - 9.4 Use of, outbuildings prior to completion of main building.
 - 9.5 Council's duties under scheme.
 - 9.6 Service of Documents
 - 9.7 Approved townships.
 - 9.8 Putting courses and drive-in restaurants - special provision
10. Provisions for Specific Business

1. Definitions

In this scheme -

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

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

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

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

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

(a) any floor area, including basement area 'which is to be used solely by the occupiers of residential accommodation on the site for garaging or parking purposes, and the area covered by the projection of eaves shall be excluded, but

(b) all balconies, terraces, verandahs or stairs above the floor level of the ground floor whether or not they are covered by any roof, slab or other covering, shall be included.

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

"Council" means the Municipality of Kenton-on-Sea.

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

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

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

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

"erection" in relation to a building includes -

(a) the alteration, subdivision or conversion of, or addition to a building, and

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

"flat roof" means a roof rising from one eave to a parapet or cornice irrespective of the gradient(incline) of the roof. The height of a building designed with a flat roof shall be measured from the mean undisturbed ground level of the plot to the top of the parapet or cornice and shall not exceed 7.5 metres in height.

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

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

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

(a) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;

(b) premises licensed under Act No. 38 of 1916 for the detention of mentally disordered persons, or

(c) a mental hospital;

"land" includes land covered with water and any right in or over land. Any reference to land is limited to land in the area of the Municipality of Kenton-on-Sea;

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

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

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

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

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

"mean ground level" means a level halfway between the lowest and the highest point of the undisturbed erf or plot and where the slope of the natural undisturbed ground exceeds 3 metres over the length or breadth of an erf an accurate longitudinal section of the property must be submitted to Council.

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

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

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

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

"pitched roof" means a roof rising from two eaves to an apex or ridge between and above the eaves. The height of a building with a pitched roof shall be measured from the mean level of the undisturbed ground to halfway between the eaves and the apex(ridge) and shall not be in excess of 7.5 metres.

"place of assembly" means -

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

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

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

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

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

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

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

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

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

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

"shop" means a building -

- (a) for the purpose of carrying on a retail trade, or
- (b) for the purpose of carrying on a retail trade and repairing or manufacturing goods sold in such trade, provided such repair or manufacture does-not constitute a factory within the meaning of the Factories Act No. 22 of 1941, and includes a laundrette and a dry cleanette but does not include any other industrial building or a public garage;

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

"storey" means, in relation to the height of a building as prescribed in these scheme regulations, refers to the number of floors including the ground floor. The following shall be regarded as a storey when determining the height of a building:

any basement;

any ground floor used for parking vehicles, which floor may also contain an entrance hall, foyer, servants room(s) , facilities for the service and maintenance of the building(excluding caretakers flat) provided that the combined area of these uses do not exceed 20% of the area of the erf that may be covered by the building in terms of these scheme regulations;

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

accommodation within the roof of a dwelling serving as an attic room is permissible provided that, in the opinion of the Council, the roof does not have an unacceptable visual impact, and does not affect the amenity of the area.

A permissible height of two storeys which is the maximum allowed would therefore mean the ground floor and one additional floor including any of the above.

"street" shall have the meaning assigned thereto by section 2 of Ordinance No. 19 of 1951;

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

"specific business" means a single business activity which is specified on the scheme map;

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

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

Area of Scheme

The area which this scheme applies shall be the Municipality of Kenton-on-5ea and is bordered by a 5mm thick blue line.

3. Reservation of Land for Government, Local Authority and Public Purposes

3.1 The land specified by colour on the zoning map in column (1) of Table "A" is reserved for use for the respective purposes indicated in column (2) of Table "A" and except as hereinafter provided, shall not be used for any other purpose whatsoever.

3.2 Table "A"

	(1)	(2)
	Indication on map of land reserved	Uses for which land is reserved
3.2.1	Dark red.	New streets and proposed street widening.
3.2.2	Hatched dark red.	Street closures - use of land to be determined after closure.
3.2.3	Dark green	Public place or public open space
3.2.4	Light- green.	Private open space
3.2.5	Light yellow green with broken black horizontal hatching	Cemetery purposes.
3.2.6	Red brown with "MUN" superimposed	Local authority purposes
3.2.7	Red.	Government purposes.
3.2.8	Light blue	Educational purposes.
3.2.9	Blue purple.	Railway purposes.
3.2.10	Light brown with "P" superimposed.	Public parking purposes
3.2.11	Light brown.	Existing streets.

4. Use of Reserved Land

4.1 Save with the consent of the Council and the Administrator no person shall erect a building, or execute works, or make excavations on land reserved under clause 3 hereof other than buildings, works, or excavations required for or incidental to the purpose for which the land is reserved, provided that nothing herein contained shall be deemed to absolve any person from due compliance with the provisions of the Council's Regulations in so far as they are not in conflict herewith.

4.2 Save as provided in sub-clause 4.1 no person shall spoil or waste land reserved under clause 3 hereof so as to destroy or impair its use for purpose for which it is reserved, provided that the Council may consent to the deposit on such land of waste materials or refuse.

4.3 In giving its consent under this clause the Council may impose such conditions as it thinks fit.

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

Any buildings erected on land reserved under Table "A" shall comply in all respects with the provisions of the scheme relating to that type of building.

5. Use of Land in specified use zones

5.1 The land specified by colour on the zoning map in column (1) of Table B.I is use-zoned for the respective purposes indicated in column (2) of Table B.I and shall not be used for any other purpose: whatsoever.

5.2 Table B.I

	(1)	(2)
	Indication on zoning map of land use-zoned	Use Zones
5.2.1	Bordered light green	Agricultural.
5.2.2	Yellow	Single residential
5.2.3	Orange.	General residential.
5.2.4	Blue.	Business.
5.2.5	Blue -with black hatching.	Minor Business
5.2.6	90° crossed blue hatching.	Specific Business
5.2.7	Purple with black hatching.	Light industrial
5.2.8	Purple.	Industrial.
5.2.9	Blank with brown border	Undetermined
5.2.10	Grey	Religious zone

Erection and Use of Buildings in specified use zones

The purpose for which buildings may be erected or used or may be erected and/or used only with the special consent of the Council, in each of the Use Zones specified in Table "B.2" are shown in columns (2) and (3) of that Table, respectively. Any use not reflected in columns (2) and (3) may not be permitted in the relative zone. No land shall be used for a purpose for which a building may not be erected or used on such land, provided that where a building may be erected and used for a particular purpose on land with the special consent of the Council, such land may be used for such purpose with such special consent.

Table "B.2"

	(1)	(2)	(3)
	Use Zone	Purposes for which buildings may be erected and used	Purpose for which buildings may be erected and used with the special consent of the council
5.4.1	Agricultural.	Agricultural buildings subject to only one dwelling per erf.	Putting courses. A second building for a farm manager
5.4.2	Single residential	Dwelling houses	Places of Instruction. Medical Practitioners

5.4.3	General residential.	Blocks of flats, Places of instruction, Hotels and Residential buildings neither of which conduct off-sales establishments.	Place of public worship, Institutional buildings, Single dwellings, Group housing; and Professional building
5.4.4	Business	Flats and residential buildings only above ground floor, Business premises, Licenced hotels, Places of assembly	Public garages, Places of instruction, Putting courses, Drive-in restaurants; and Institutional buildings.
5.4.5	Minor business	Flats above the ground floor, Shops, Dwelling-houses .	Putting courses; and Drive-in restaurants.
5.4.6	Specific business	For business as specified on the erf.	Any other specific business building or use.
5.4.7	Light industrial	Warehouses	Light industrial buildings, Public garages Putting courses; and Drive-in restaurants
5.4.8	Industrial	Industrial buildings; Warehouses, Public garages.	Putting courses; and Drive-in restaurants.
5.4.9	Religious	Church and associated buildings including residential.	None
5.4.10	Undetermined.	Existing uses only.	

Imposed Conditions

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

Application for special consent

Subject to the provisions of clause 6 hereof where any application is made to the Council for its consent to the erection and use of a building in a zone in which a building of the type proposed may be erected and used only with the Council's special consent, the Council may give or withhold its consent and shall in giving its consent be entitled to impose such conditions as it may deem fit governing the erection or use of such building. In considering such applications regard shall be given to the question whether the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood including in the case of an industrial building, injury due to the emission of smoke or fumes, or dust, noise or smell.

5.7 Compliance with resolutions

Nothing herein contained shall be deemed to exempt or excuse compliance with any of the Council's Regulations.

6.0 Advertisement of intended application for special consent

6.1 Any person intending to make application to the Council for its consent to the erection and use of a building or to the use of land in clauses 5.4.2, 5.4.3 and 5.4.4 whether wholly or partially for any purpose requiring the Council's special consent, shall before making such application, publish at his own expense once a week for two consecutive weeks, in English and Afrikaans newspapers circulating in each case in the area, a notice of his intention to make such application, and shall post and maintain conspicuously for fourteen (14) days such notice on some part of the building or land, and shall with such application, lodge

with the Council proof of such publication and posting. The notice shall state that any person having any objections to the erection and use of the proposed building or to the proposed use of the land may lodge such objection with the Council and also with the applicant in writing within fourteen (14) days after the date of the last advertisement, and shall further state where the plans, if any, may be inspected.

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

6.3 Any decision of the Council given in terms of this section shall be by special resolution of the Council as defined in Ordinance No. 19 of 1951, as amended.

Saving for Special Purposes

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

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

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

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

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

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

7.4.2 no goods shall be publicly displayed;

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

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

8. Density Control

The following restrictions shall apply in the relative zones:

Agricultural zone

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

8.2 Single Residential zone

8.2.1 Dwelling-houses.

8.2.1.1 Building Lines

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

8.2.1.1.1 5.0 metres to any street boundary;

8.2.1.1.2 3.0 metres to the rear boundary.

8.2.1.1.3 1.57 metres to any lateral boundary

8.2.1.2 Relaxations of Building Lines

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

8.2.1.2.1 a means of access at least 1 m wide other than through a building shall be provided

from a street to every unbuilt upon portion of the site o a dwelling other than a courtyard within a building;

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

8.2.1.3 Outbuildings

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

8.2.1.4 an outbuilding in terms of subparagraph 8.2.1.3 may only be erected nearer to a lateral or rear boundary of a site than the distance laid down for dwelling-houses, if no windows or doors are inserted in any wall facing such boundary.

8.2.2. Places of Instruction

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

8.2.3 Medical Practitioners

Medical practitioners shall be allowed in the single residential zone in accordance with the prescriptions contained in circular LG/PB 96, dated 21 July 1972.

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

8.2.5 Height

No building in this zone shall exceed a height of two storeys.

8.2.6 Rain water storage

In this zone rain water storage facilities with a capacity of at least 9000 litres shall be provided for each dwelling house.

8.3 General Residential Zone

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

		Blocks of flats	Licensed hotels	Other residential and Institutional buildings
8.3.1	Minimum size of site	1 000 m ²	4 000 m ²	2 000 m ²
8.3.2	Maximum coverage.	25%	25%	25%
8.3.3	Maximum bulk.	0.75	0.75	0.75

8.3.4. Spaces about buildings:-

8.3.4.1 No building or structure, except boundary walls and fences, shall be erected nearer than 8 m from any street boundary (vide definition of "street boundary") of the site or the new street boundary provided for in clause 8.3.7.2, whichever is the more restrictive on the site or erf.

8.3.4.2. Lateral Space: 4,5 m or half the height of the building, whichever is the greater.

8.3.4.3. Rear Space: 4,5 m or half the height of the building, whichever is the greater.

8.3.4.4 Outbuildings

Outbuildings with the consent of the Council may be erected in the lateral and rear spaces for a distance of 11m reckoned from the rear boundary, or in the case of corner sites, from the point furthest from the streets abutting the site, provided that the 11m restriction can be relaxed by the Council after the adjoining or affected owners' consent has been obtained in writing and subject further to the street building line being complied with.

8.3.4.5. An outbuilding may only be erected nearer to any lateral or rear boundary of a site than the distance laid down for the main building if no windows or doors are inserted in any wall facing such boundary.

8.3.4.6. Height

No building in this zone shall exceed a height of 3 storeys.

8.3.4.7. Parking

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

8.3.7. Street widths

No building may be erected in this zone on any site unless -

8.3.7.1. the site abuts a street of at least 12,5 m in width which street shall be connected by a street or streets of not less than 12,5 m in width to a street of greater width, and

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

8.3.8 Other Buildings

8.3.8.1. Places of instruction

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

8.3.8.2. Places of Public Worship

The provisions prescribed for places of public worship, including that for parking, in the religious zone shall also apply to such buildings in this zone.

8.3.8.3. Group Housing

Group housing development shall comply with the group housing code of the Provincial Administration.

8.3.8.4. Single dwellings

Single dwellings in this zone shall comply with the provisions for such buildings in the single residential zone.

8.3.8.5. Professional buildings

The erection of Professional buildings shall comply with the provisions as set out in the Provincial Circular LG/PB.15, dated 1 June 1976.

8.4. Business Zone

8.4.1. Coverage

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

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

8.4.2. Maximum Bulk

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

8.4.3. Building Lines

8.4.3.1. Street Boundaries

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

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

8.4.3.2. Lateral Boundaries

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

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

8.4.3.3. Rear Boundaries

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

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

8.4.3.4 Further Restrictions

8.4.3.4.1. A building or portion of a building may only be erected on the lateral or rear boundary of a property if no windows, doors or ventilation openings are inserted in any wall on such boundary.

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

8.4.4 Basements

Subject to the provisions of section 146 of Ordinance So. 15 of 1952, as amended, the building line provisions need not be complied with in so far as basements are concerned.

8.4.5. Projections

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

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

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

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

8.4.6.1.1 Business Premises (Including Shops)

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

8.4.6.1.2 Flats and Residential Buildings above ground floor

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

8.4.6.1.3 Places of Assembly

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

8.4.6.2 Further parking and site access requirements

8.4.6.2.1 No parking area in the case of the general residential zones to which these provisions also apply by virtue of clause 8.3.6 shall be laid out within 4,5 m of a street boundary (vide definition of street boundary).

8.4.6.2.2 The vehicular access/exit ways to the site shall be restricted to not more than one each per site per street abutting the site, provided that in the case of public garages the provisions of clause 8.4.9 shall apply.

8.4.6.2.3 The vehicular access/exit ways to the site shall be restricted to a maximum width of 6 m where they cross the street boundary, provided that in the case of public garages the provisions of clause 8.4.9 shall apply.

8.4.6.2.4 No vehicular crossing over the pavement shall be located nearer than 5 m to any street corner (i.e. the point of intersection of two street boundaries) provided that in the case of public garages, the provisions of clause 8.4.9 shall apply where more restrictive than the provisions of this sub-clause.

8.4.6.2.5 Such parking areas shall be properly constructed to the satisfaction of the Council.

8.4.6.2.6 Such parking areas shall be used exclusively for the parking or standing of vehicles lawfully coming thereon and shall not be used for trading purposes or any other purpose.

8.4.6.2.7 The manner in which it is intended that vehicles shall park or stand on such parking areas and the means of gaining access and exit shall be shown on a plan to be submitted to the Council which may approve, disapprove or impose such conditions as it may deem fit. The Council may impose more restrictive requirements than those of sub-clause 8.4.6.2 if considered necessary from any traffic point of view.

8.4.6.3. Parking Alternatives

8.4.6.3.1 As an alternative to the provisions of paragraph 8.4.6.1.1, the owner may, with the consent of the

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

8.4.6.3.2 As an alternative to 8.4.6.3.1, the owner may, with the consent of the Council, pay a cash sum to the Council, equal to the ratable valuation per square metre of the land on which the building is erected, multiplied by the area of the land which is required to be provided in terms of paragraph 3.4.6.1.1, in which event; the Council shall itself acquire the necessary land for such parking purposes.

8.4.7. Places of Assembly

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

8.4.8. Non-conforming Premises

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

8.4.9. Public Garages

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

8.4.10. Combined Buildings

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

8.4.11. Blocks of Flats and Residential Buildings

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

8.4.12. Dry cleanettes and Laundrettes

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

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

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

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

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

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

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

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

8.4.12.8 Each individual application for the establishment of a laundrette or a dry cleanette in this zone

shall be submitted to the Council for its special consent and the Council shall be furnished with full information as to the maximum and minimum capacities of the machines to be operated, the number of employees and floor space to be occupied.

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

8.4.13 Funeral Parlours with Chapels

The following additional provisions shall apply.-

8.4.13.1 For the purpose of these provisions, "intersection" and "traffic island" shall have the meanings assigned thereto in P.N.52O of 28 May 1971, referred to in clause 8.4.9 relating to public garages.

8.4.13.2 No funeral parlour with a chapel shall be permitted on a site abutting a street of less than 12,5 m in width.

8.4.13.3 No funeral parlour with a chapel shall be permitted nearer than 100 m from:

8.4.13.3.1 the intersection of a declared road, proclaimed road, prospective main road, or any other street to which the provisions of section 146 of the Divisional Council's Ordinance, 1952 (Ordinance No. 15 of 1952) apply with any other street of like status;

8.4.13.3.2 any road whether existing or provided for in the town planning scheme; and

8.4.13.3.3 any intersection where traffic is controlled, or is proposed to be controlled in terms of the town planning scheme, by a traffic island.

8.5. Minor Business zone

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

8.5.1 no erf shall form the site of both a dwelling-house and a flat; and

8.5.2 not more than one floor of business premises and one floor of flats shall be erected on a site in this zone.

8.5.3. Specific Business zone

The use and buildings on the erf shall comply with the specific business use as indicated by the inscription thereon. The specific development controls shall be specified at the end of this by-laws in paragraph 10. Every erf shall relate to its own set of controls by means of a corresponding number.

8.6. Light Industrial and Industrial zones

8.6.1. The maximum coverage in this zone shall be 75%.

8.6.2. Loading and Unloading

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

8.6.2.1. Table "C"

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

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

8.6.3. Parking

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

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

8.6.3.1.1. 1 Bay for every 100 m of floor area up to 1 500 m .

8.6.3.1.2. 1 Bay for every 200 m of floor area in excess of 1 500 m .

8.6.3.1.3. 25% of the bays in 8.6.3.1.2 shall be set aside and sign-posted for use by visitors.

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

8.6.3.2.1. Up to 25 employees 1 Bay for every 4 persons or part thereof.

8.6.3.2.2. Thereafter, for the next 25 persons 1 Bay for every 5 persons or part thereof.

8.6.3.2.3 Thereafter, for the next 50 persons 1 Bay for every 10 persons or part thereof,

8.6.3.2.4 Thereafter, for any further number of persons employed 1 Bay for every 25 persons or part thereof.

8.6.4. Street widths and building lines

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

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

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

8.6.5. Height

No building in the light industrial zone shall exceed a height of two storeys.

8.7. Religious zone

Except for boundary walls and fences no building, other than the minister's house, erected or used for these purposes may be nearer than 10m from any boundary of the site. The minister's house shall comply with the provisions in the single residential zone With regard to parking 1 parking bay should be provided for every 10 seats provide for in the main church building.

8.8. Undetermined zone

In this zone no person shall erect a building or alter, add to or extend an existing building nor shall he use any existing building or land for a purpose for which, or in a manner in which, it has not used on the day the 23 of March 1984, without the consent of the Council and the Administrator.

9. Miscellaneous

9.1. Number of Buildings per Erf

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

9.2. External Appearance of Buildings

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

9.3 Loading and Off-Loading Facilities

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

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

9.4. Use of Outbuildings Prior to Completion of Main Building

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

9.5. Council's duties under this scheme.

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

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

9.6. Service of Documents

The provisions of section 260 of Ordinance No. 19 of 1951, as amended, shall mutatis mutandis apply to this scheme.

9.7. Approved Townships

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

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

9.8. Putting Courses and Drive-in Restaurants: Special Provisions

9.8.1. No putting course or drive-in restaurant shall be established or operated except in accordance with

the provisions of this clause.

9.8.2 No putting Course or drive-in restaurant and the necessary parking area shall be permitted on a site abutting a road of less than 12,5 m in width. No vehicular entrance/exit for these undertakings shall be nearer than 100 m from an intersection as defined in P.N.520/1971 referred to in clause 8.4.9, where two proclaimed roads meet or where traffic is controlled by robots or traffic islands.

9.8.3. Provision shall be made on the site of every putting course for a parking area on the basis of 3 parking bays to every 2 holes in a putting course, provided that where a putting course is adjacent to a drive-in restaurant and the parking areas for the two undertakings are not clearly separated, 50 parking bays must be provided for the drive-in restaurant in addition to the parking facilities prescribed for the putting course. The provisions of clause 8.4.6.2 shall be applicable, mutatis mutandis, to any parking area required in terms of this clause.

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

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

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

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

9.8.8. Any buildings or structures erected on the site of a putting course and/or a drive-in restaurant shall fully comply with the provisions stipulated in the town planning scheme for the zone in which the site is located.

9.8.9. Any public address or sound system at a putt-putt course and/or a drive-in restaurant shall at all times be operated in such a manner that the Council is satisfied that no nuisance whatsoever is caused to the occupants of nearby properties.

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

10. Provisions for Specific Business

Erf 1. That this erf be used as a site for a tearoom and for bathing house purposes only. As a result of the specific nature of the prescribed use of the site no development controls will be applied at this stage but the proposed development of the site should be submitted to the Administrator.

Erf 4. The same conditions applicable to Erf 1 shall apply to this erf.