

PLETTENBERG BAY TOWN PLANNING SCHEME

P R E F A C E

"The general purpose of the Plettenberg Bay Town Planning Scheme is to induce a co-ordinated and harmonious development of the Municipal area in such manner as to promote health, safety, order, amenity, convenience and environmental preservation and general welfare as effectively as possible, and in particular to preserve as far as possible the sea/and/or mountain view from the various properties."

CONTENTS

CLAUSE1.0 DEFINITIONS2.0 GENERAL

- 2.1 AREA OF SCHEME
- 2.2 PURPOSE OF SCHEME
- 2.3 RESERVATION OF LAND (TABLE "A" - INDICATION ON MAP OF USES FOR WHICH LAND IS RESERVED)
- 2.4 USE OF RESERVED LAND
- 2.5 USE OF LAND AND ERECTION AND USE OF BUILDINGS IN SPECIFIED USED ZONES (TABLE B.1 AND B.2 - USE ZONES, PERMITTED USES AND SPECIAL CONSENTS)
- 2.6 ADVERTISEMENT OF INTENDED APPLICATION FOR SPECIAL CONSENT
- 2.7 SAVING FOR SPECIAL PURPOSES
- 2.8 PURPOSE OF ZONING
- 3.0 PLANNING CONTROL
(sizes of sites, widths of abutting streets, building lines, on-site parking, coverage, bulk, height, etc.)
- 3.1 AGRICULTURAL ZONE
- 3.2 SINGLE RESIDENTIAL ZONE
- 3.3 GENERAL RESIDENTIAL ZONE
- 3.4 GROUP HOUSING ZONE
- 3.5 SPECIAL RESIDENTIAL ZONE
- 3.6 BUSINESS ZONE
- 3.7 MINOR BUSINESS ZONE
- 3.8 LIGHT INDUSTRIAL ZONE
- 3.9 INDUSTRIAL ZONE
- 3.10 PUBLIC GARAGE ZONE
- 3.11 WORSHIP ZONE

3.12/.....

- 3.12 CONSERVATION ZONE
- 3.13 UNDETERMINED ZONE
- 3.14 SPECIAL ZONE
- 4.0 MISCELLANEOUS
- 4.1 EXTERNAL APPEARANCE OF BUILDINGS
- 4.2 LOADING AND OFF-LOADING FACILITIES
- 4.3 GARDEN, TERRACE, RETAINING, PRIVACY OR RETURN WALLS AND FENCES
- 4.4 USE OF OUTBUILDINGS PRIOR TO COMPLETION OF MAIN BUILDING
- 4.5 NUMBER OF BUILDINGS PER ERP
- 4.6 COUNCIL'S DUTIES UNDER SCHEME
- 4.7 SERVICE OF DOCUMENTS
- 4.8 APPROVED TOWNSHIPS
- 4.9 SPECIAL RECREATION FACILITIES
- 4.10 BULK
- 4.11 DRYING YARDS
- 4.12 SERVANTS TOILETS
- 4.13 SWIMMING POOL FENCES

THE MUNICIPALITY OF PLETTEBERG BAY
TOWN PLANNING SCHEME

1.0 DEFINITIONS

In this scheme -

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

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

"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 2(xiv) of Ordinance No. 18 of 1976, any structure or erection whatsoever irrespective of its nature or size;

"BULK" means the factor (expressed as a ratio of 1) which is prescribed for the calculation of the maximum floor area of a building or buildings permissible on an erf; that is the maximum floor area as a ratio of the net erf size or that portion of the net erf size where the bulk applies;

"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 institutional building, public garage, light industrial building, industrial building or noxious building;

"COMMON AREA" means the land which is intended for the common ownership and for common use of group even in a group site (or sites) and may include private roads which provide access to all or certain of the group erven;

"COUNCIL"/.....

"COUNCIL" means the Municipality of Plettenberg Bay.

"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;

"DEMARKED CENTRAL BUSINESS ZONE" means that area in the central business area of the town which is shown on the town planning zoning map bordered in red;

"DWELLING HOUSE" means a building containing only one dwelling unit;

"DWELLING UNIT" means a self-contained inter-leading 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;

"FLOOR AREA" means the total area of all floors of all buildings which 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 floor area" 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 which are covered by any roof, slab or other covering, shall be included;

(c) /.....

(c) all open patio's terraces, verandahs and balconies above the floor level of the ground floor, used for business purposes, be included.

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

"GROUP ERP" means a portion of land in a group site approved for the erection of a single dwelling as part of a group housing scheme;

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

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

"HABITABLE ROOM" means any room or space in which people may live or work and does not include bathrooms, toilets, stairways, passages, corridors, storage spaces and garages;

"HOME OWNERS' ASSOCIATION" means an association with jurisdiction registered in terms of the Companies Act No. 61 of 1973, membership of which shall be compulsory for all owners of group housing erven in the group site (or sites) for which it was established;

"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) a hospital, sanatorium, dispensary or clinic for the treatment of infectious or contagious diseases;
- (b) premises licenced under Act No. 18 of 1973 for the detention of mentally handicapped persons, or
- (c) a psychiatric 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 Plettenberg Bay.

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

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

"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 5 kw with a total maximum of 25 kw for all motors per site;

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

"MAXIMUM FLOOR AREA" means the greatest total floor area which is allowed for a building or buildings with all its floors on a site; such floor area is calculated by multiplying the bulk prescribed in these regulations for a specified zone 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 floor area for the whole site shall be the total of the maximum floor area for each portion of such site as falls within the zone concerned;

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

"NETT/....."

"NETT ERF SIZE" means the total area of an erf excluding all land zoned for public purposes;

"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. 63 of 1977, and any amendments thereto;

"NUSSERY" means a place where plants are cultivated and sold to the public;

"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 storied structure used or intended to be used for the housing of servants, the garaging of motor vehicles and for storage purposes, ordinary and reasonably required in conjunction with the main structure;

"PARKING BAY" means an area with minimum dimensions of 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.

"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/....."

"PLACE OF INSTRUCTION" means a school, college, technical institute, academy, lecture hall, or other educational centre, and includes a hostel appertaining thereto, a monastery, cloister, public library, art gallery, museum, gymnasium, creche, 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 handicapped children;

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

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

"PROFESSIONAL BUILDING" means a building utilized or intended to be used for the professional use of members of the professions which will normally and reasonably be included under the definition of "professional use" where it appears in these definitions;

"PROFESSIONAL USE" means those type of uses which are normally and reasonably associated with the concept "professional", eg. doctors, dentists, architects, engineers, etc., rendering of services, as against practising a business, is one of the distinguishing factors;

"PUBLIC GARAGE" means a trade or business in respect of which a licence is required in terms of Item 45 of the First Schedule to the Registration and Licensing of Business Ordinance (No. 17 of 1981, as amended), and shall include the trade or business of fuelling motor vehicles for payment or reward;

"PUBLIC HOUSING" means dwelling units which are erected with funds made available by the relevant state department;

"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;

"REAR/....."

"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;

"REGULATIONS" means the written addendum to the map in terms of which town planning control must be exercised;

"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 use 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 for the purpose of carrying on a retail trade and includes a laundrette, dry cleanette and a retail trade where goods which are sold in such a trade, are manufactures and/or repaired, provided that the floor area related to such manufactures and/or repairs, occupying not more than 50% of the retail trade floor area related to the sale of the goods which are manufactures and/or repaired but does not include any other business constituting a factory within the meaning of the Factories Act No. 22 of 1941, and also does not include a public garage;

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

"SPECIAL RECREATION FACILITY" means an outdoor recreational facility intended mainly for casual and non-organised recreational use by the general public, and which has as its major characteristics that it requires specialised structures and equipment, that its land requirements are not extensive, that its building requirements are minimal and that the public partaking in the facility do so outside of any buildings that may be on the site. Special recreation facilities include, inter alia,/.....

Inter alia, drive-in restaurants, putting courses, golf driving ranges and outdoor skating rinks, but exclude drive-in cinemas.

"STREET" shall have the meaning assigned thereto by Section 2 of Ordinance No. 20 of 1974.

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

"TRANSPORTATION FIRM" means a business of which the intent is the provision of a transportation service for reward to other instances;

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

"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.

2.0 GENERAL

2.1 AREA OF SCHEME

The area to which the scheme applies shall be the Municipality of Pieterberg Bay.

2.2 PURPOSE OF SCHEME

The general purpose of the scheme is to induce a co-ordinated and harmonious development and/or redevelopment of the area of the Municipality in such a way as to promote health, safety, order, amenity, convenience and environmental preservation (such as sea and mountain views) and general welfare as effectively as possible.

2.3 RESERVATION OF LAND FOR GOVERNMENT, LOCAL AUTHORITY AND PUBLIC PURPOSES

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 (4) of Table "A" and except as hereinafter provided, shall not be used for any other purpose whatsoever.

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Notation on Map	Base colour (Ink)	Base colour	Uses for which land is reserved
Red	Red 2	426	Street widening and proposed streets
White with red hatching	Red 2	426	Street closure (use of land to be indicated after closure)
Green	Green 1	464	Public open space
Light green	Yellow-green 1	469	Private open space
Light green with black hatching	Yellow-green 1	469	Cemetery
Pink	Red-brown 1.3	629	Local Authority
Orange-red	Red 1	421	Government
Tourquoise with dark blue outline	Blue-green 1.2	457	Education
White with blue-purple outline	Blue-purple 1.2	437	Railway
Brown	Brown 1.2	480	Public Parking
Light brown	Brown 1.3	487	Street

The ink base colours are in accordance with the Windsor-Newton series and the pencil base colours are in accordance with the Faber-Castell series. Any other series may be used provided the colours are the same. All hatching must be done at an angle of 45° ON THE EDGES OF THE MAP, except in the case of street closures, where the hatching must be done at an angle of 45° on the affected street.

All outlines must be 2 mm in width.

2.4 USE OF RESERVED LAND

- 2.4.1** 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 23 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.
- 2.4.2** Save as provided in sub-clause 2.4.1 no person shall spoil or waste land reserved under clause 2.3 hereof so as to destroy or impair its use for the purpose for which it is reserved, provided that the Council may consent to the deposit on such land of waste materials or refuse.
- 2.4.3** In giving its consent under this clause the Council may impose such conditions as it thinks fit.
- 2.4.4** Subject to the provisions of any other law, nothing in this clause shall be construed as prohibiting the reasonable fencing of the land.
- 2.4.5** Any buildings erected on land reserved under Table "A" shall comply in all respects with the provisions of the scheme relating to that type of building.

2.5 USE OF LAND IN SPECIFIED USE ZONES

2.5.1 The land specified by colour on the zoning map in column (1) of Table B1 is zoned for the respective purposes indicated in column (4) of the Table B1 and shall not be used for any other purpose whatsoever.

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Notation on Map	Base colour (ink)	Base colour (Pencil)	Use Zones
White with olive green outline	Green-brown 2.2	467	Agricultural zone
Yellow	Yellow 1.1	407	Single Residential zone
Orange	Orange 1	415	General Residential zone
Orange with black hatching	Orange 1	415	Group housing zone
Yellow with black hatching	Yellow 1.1	407	Special residential zone
Blue	Blue 2.2	443	Business zone
Blue with black hatching	Blue 2.2	443	Minor business zone
Red-purple	Red-purple 1.2	434	Light industrial zone
Red-purple with black hatching	Red-purple 1.2	434	Industrial zone
Blue-purple	Blue-purple 1.2	436	Public Garage zone
Amberline	Green 2.1	463	Workshop zone
White with black hatching	-	-	Conservation zone
White with dark brown outline	Brown 1.1	476	Undetermined zone
Grey	Grey 1.2	496	Special zone

The/.....

The ink base colours are in accordance with the Windsor-Newton series and the pencil base colours are in accordance with the Faber-Castell series. Any other series may be used provided the colours are the same. All hatching must be done at an angle of 45° ON THE EDGE OF THE MAP, except in the case of street closures, where the hatching must be done at an angle of 45° on the affected street.

All outlines must be 2 mm in width.

2.5.2 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 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.

2.5.3 TABLE "B.2"

1 USE ZONE	2 BUILDINGS & USES PERMITTED	3 BUILDINGS & USES PERMITTED WITH THE SPECIAL CONSENT OF THE COUNCIL
Agricultural zone	Agricultural buildings subject to only one dwelling per erf	A second dwelling house per erf Nurseries Special recreation facilities
Single Residential zone	Dwelling houses, places of instruction	
General Residential zone	Blocks of Flats Dwelling houses Isolated hotels which do not conduct off-sales establishments Residential buildings which do not conduct off-sales establishments Places of instruction	Institutional buildings Professional buildings Group Housing
Group housing zone	Group housing developed in accordance with Clause 3.4	Blocks of Flats
Special Residential zone	Special dwellings developed in accordance with Clause 3.5 Public housing	
Business zone	Business premises Isolated hotels Blocks of Flats Residential buildings	Places of instruction Institutional buildings Places of assembly Special recreational facilities
Minor business zone	Shops Plats (above the ground floor only) Dwelling houses	Special recreational facilities
Light industrial zone	Light industrial buildings Warehouses Retail business	Transportation firms Special recreational facilities
Industrial zone	Industrial buildings Light industrial buildings Warehouses Transportation firms	
Public Garage zone	Public garages	
Worship zone	Place of public worship	Places of instruction Places of assembly
Conservation zone	As described in clause 3.12	
Undetermined zone	Existing buildings and uses only	
Special zone	As described in clause 3.14	

It must be noted that the buildings and uses permitted in terms of Table B 2 or which may be approved with the special consent of the Council, may be subject to exemptions, departures, restrictions or conditions which may make the right attached to an erf higher or lower than may appear from the notation on the map. In such cases, the relevant information relating to an erf must be recorded in the register which will be kept for this purpose.

2.5.4 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.

2.5.5 APPLICATION FOR SPECIAL CONSENT

Subject to the provisions of clause 2.6 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 application regard shall be given to the question whether the use for which the building is intended or designed is likely to cause injury to the amenity of the neighbourhood including in the case of an industrial building, injury due to the emission of smoke or fumes, or dust, noise or smell.

2.5.6 COMPLIANCE WITH REGULATIONS

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

2.6 ADVERTISEMENT OF INTENDED APPLICATION FOR SPECIAL CONSENT

2.6.1 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, whether wholly or partially for any purpose requiring the Council's special consent, shall before making such application, publish at his own/.....

own expense once a week for two consecutive weeks, in English and Afrikaans newspaper 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 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.

2.6.2 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.

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

2.7 SAVING FOR SPECIAL PURPOSES

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

2.7.1 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.

2.7.2/.....

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

2.7.3 The use of 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.

2.7.4 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 -

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

2.7.4.2 no goods shall be publicly displayed;

2.7.4.3 no advertising sign or notice shall be displayed other than an unilluminated sign or notice not projecting over a street and not exceeding 2000 cm² in area, indicating only the name and profession or occupation of the resident;

2.7.4.4 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.

2.8 PURPOSE OF ZONING

It must be noted that the colour notations on the map intends planned uses only and not ownership of land. Publicly owned land must be shown as "Government" or "Local Authority" only/.....

only if the present or planned use is such that no other zone in Tables A or B applies. If any zone in Tables A or B does apply, the land must be zoned for that purpose notwithstanding the fact that the land is owned by the government or local authority.

-22-

3.0 PLANNING CONTROL

The following restrictions shall apply in the relative zones:-

3.1 AGRICULTURAL ZONE

3.1.1 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.

3.1.2 Special recreational facilities in this zone shall comply with the provisions of clause 4.9.

3.2 SINGLE RESIDENTIAL ZONE

3.2.1 DWELLING HOUSES

3.2.1.1 BUILDING LINES

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

3.2.1.1.1 4,50 m to any street boundary;

3.2.1.1.2 1,5 m to any lateral boundary provided that the aggregate side space shall be not less than 4,5 m.

3.2.1.2 RELAXATIONS OF BUILDING LINES

Notwithstanding these requirements the Council may permit a relaxation of the lateral or rear building line requirements in the case of a dwelling house provided that where the building line is less than 1,5 m the consent of the affected adjoining owners is obtained in writing and provided that the Council shall ensure that:-

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

3.2.1.2.2 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;

3.2.1.3 OUTBUILDINGS

3.2.1.3.1 Notwithstanding these building lines but subject to the Council's consent, an outbuilding may be erected within the rear space and side space for a distance of 11 m measured from the rear boundary of the site or in the case of corner sites, from the point furthest from the street abutting the site, provided that the 11 m restriction can /.....

can be relaxed by the Council after the adjoining or affected owner's consent has been obtained in writing and subject further to the street building line being complied with, and no outbuilding erected in terms of this clause may exceed a height of one storey, except where the topography makes this impossible;

3.2.1.3.2 an outbuilding in terms of sub-clause 3.2.1.3.1 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, and such wall shall be carried up above the roof to a height of 380 mm above the roof;

3.2.1.3.3 the roof covering material of any building shall match the roof covering material of the main building.

3.2.1.4 SERVANT'S QUARTERS

Servant's quarters shall be provided with wash hand basins together with hot and cold water.

3.2.2 PLACES OF INSTRUCTIONS

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.

3.2.3 NON-CONFORMING BUILDINGS

Where additions or alterations are made to any building in this zone, the Council shall determine in how far the buildings shall be made to conform to these requirements.

3.2.4 GENERAL SPECIFICATIONS FOR ALL BUILDINGS

3.2.4.1 HEIGHT RESTRICTION

No/.....

No building in this zone shall exceed two floors within a maximum height of 6 m measured from a datum - line being determined by the contiguous average natural ground level of that portion of the building nearest to or furthest from the principal or main road frontage and taken around the perimeter of the building to the underside of the wall. plate and no point or any portion of the building shall be higher than 8,5 m above the natural ground level directly below such point or any portion of the building.

The area below the (horizontal) datum-line formed the natural ground level of the site may be utilized for additional floors despite same not being in compliance with the basement definition providing such floors otherwise comply with all the other relative provisions of the Town Planning Scheme and the Building By-Laws.

For the purpose of this clause, the Council shall decide which is the principal or main road controlling the height, restriction laid down.

3.2.4.2 COVERAGE

The maximum coverage for all buildings in this zone is 50%.

3.3
GENERAL RESIDENTIAL ZONE

3.3.1 The restriction applying to flats, licenced hotels, residential buildings, institutional buildings and professional buildings in the zone shall be -

	Blocks of Flats	Licensed Hotels	Other residential and institutional buildings	Professional Building
3.3.1.1	Min. size of site	1000 m ²	4000 m ²	2000 m ²
3.3.1.2	Maximum coverage	50%	50%	None
3.3.1.2.1	Maximum coverage even 2157-2163	30%	30%	50%
3.3.1.3	Maximum bulk	.75	1.00	.75
3.3.1.3.1	Maximum bulk even 2157-2163	0.5	0.5	0.5

3.3.1.4 SPACES ABOUT BUILDINGS

No building or structure except boundary walls and fences, shall be erected nearer than 4,5 m from any street boundary of the site or the new street boundary provided for in clause 3.3.1.8.2 whichever is the more restrictive on the site or erf.

Lateral spaces) 4,5 m or half the height of the building, whichever is the greater.
Rear spaces)

3.3.1.5 HEIGHT RESTRICTION

No building in this zone shall exceed 3 floors within a maximum height of 10,3 m measured from the contiguous average natural ground level of that portion of the building nearest to the principal or main road frontage and taken round the perimeter of the building any portion of the building shall be higher than 10,6 m above the natural ground level directly below such point of any portion of the building.

For the purpose of this clause, the Council shall decide which is the principal or main road controlling the height restriction laid down.

3.3.1.6 OUTBUILDINGS

3.3.1.6.1 Outbuildings with the consent of the Council and subject to any conditions Council may impose may be erected in the lateral and rear space for distance of 11 m measured from the rear boundary and being subject to a maximum width of 7,0 m or in the case of corner sites, from the point furthest from the streets abutting the site, provided that the 11 m restriction can be relaxed by the Council after the adjoining or affected owner's consent has been obtained in writing and subject further to the street building line being complied with.

3.3.1.6.2 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, with the special consent of the Council.

3.3.1.6.3 The roof covering material of any outbuilding shall match the roof covering material of the main building.

3.3.1.7 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. (See clause 3.6.1.8.1.2.)

3.3.1.8 STREET WIDTHS

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

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

3.3.1.8.2 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/.....

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. [See clause 4.10].

3.3.1.9 STAFF & SERVANT'S FACILITIES

The provision of servant's and or staff abutment or toilet facilities or accommodation for a caretaker is permissible on erven zoned for general residential purposes but the provision of servant's quarters on such erven is not permissible.

3.3.1.10 PROFESSIONAL BUILDINGS

3.3.1.10.1 No one shall be permitted to reside on the site with the exception of a caretaker (who may not be one of the professionals practising on the site). The above does not apply to persons who are permitted to practise in their homes in terms of clause 2.7.3 and 2.7.4.

3.3.1.10.2 The provisions of clause 2.7.4 shall be applicable to all professional uses in this zone.

3.3.2 The restrictions applying to all other buildings in this zone shall be as follows:-

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

3.3.2.2 Non-conforming Buildings: Where additions or alterations are made to any building in this zone, the Council shall determine in how far the buildings shall be made to conform to these requirements.

3.3.2.3 Group housing in this zone shall comply with the provisions of clause 3.4.

3.4 GROUP HOUSING ZONE

3.4.1 MAXIMUM DENSITY

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

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

NOTE:

The number of gross hectare is equal to the total area of the group site in hectare.

3.4.2 OPEN SPACE

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

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

3.4.3/.....

3.4.3 PRIVATE YARD AND GARDEN

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

3.4.4 SIDE AND REAR BUILDING LINES

The Council requires no side and rear building lines other than those required for fire fighting purposes or when a group erf abuts an erf with a different zoning. In the latter case a side and rear space of 3 m is the minimum.

3.4.5 STREET BUILDING LINE

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

3.4.6 HEIGHT RESTRICTION

No building in this zone shall exceed two floors within a maximum height of 6 m measured from a datum-line being determined by the contiguous average natural ground level of that portion of the building nearest to or furthest from the principal or main road frontage and taken around the perimeter of the building to the underside of the wall plate and no point or any portion of the building shall be higher than 8,5 m above the natural ground level directly below such point or any portion of the building.

The area below the (horizontal) datum-line formed by the natural ground level of the site may be utilized for additional floors despite same not being in compliance with the basement definition providing such floors otherwise comply with all the other relative provisions of the Town Planning Scheme and the Building By-Laws.

3.4.7/.....

3.4.7 ON-SITE PARKING

Accommodation for the parking of motor vehicles shall be provided on each group erf on the minimum basis of at least 2 parking bays per erf.

3.4.8 AERIALS

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

3.4.9 STOREEROOM

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

3.4.10 AESTHETIC AND ENVIRONMENTAL TREATMENT

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

3.4.11 ROOF COVERING

The roof covering material of any outbuilding shall match the roof covering material of the main building.

3.5 SPECIAL RESIDENTIAL ZONE

3.5.1 In this zone, dwelling houses may be erected which comply with the specifications as laid down for dwelling houses in the single residential zone, provided that:

3.5.1.1 The street building line may be nil except where there is one or more opening (with the exception of doors, ventilators and windows of which the lower edges are higher than the top edge of a door) and excepting as required for the safe movement of traffic or for other reasons such as development in the area, in which case the minimum building line shall be 2 m (these provisions do not affect existing statutory building lines of which note must be taken or in respect of which the necessary departures must be obtained.)

3.5.1.2 The lateral building lines and rear building lines are nil except where the special residential zone borders another zone, in which case the lateral building lines and rear building lines shall be 1,5 m should the adjacent zone be public open space, single residential zone or group housing zone and 3 m if the adjacent zone is any other zone than public open space, single residential zone or group housing zone.

3.5.1.3 There shall be no doors or windows in the walls which are nearer than 1 m to the erf boundary.

3.5.2 AREA OF ERF

The minimum area of an erf shall be 300 m² in the case of a special dwelling which has common walls with two other special dwellings, 350 m² in the case of a special dwelling which has a common wall with one other special dwelling, and 400 m² in the case of a special dwelling which has no common wall with any other special dwelling.

3.5.3 PARKING

Off street parking for at least one motor vehicle per erf shall be provided.

3.5.4/.....

3.5.4 STREET WIDTH

The minimum street width shall be 13 m.

3.5.5 BLOCKS OF FLATS

Dwelling units in blocks of flats which have been permitted in the special residential zone with the special consent of the Council, shall all be on the ground level provided that an unit may comprise more than one storey.

3.5.6 PUBLIC HOUSING

The specifications of this zone may be departed from in the case of public housing, as may be agreed upon from case to case by the Administrator, the Council and the relevant State Department.

3.6 BUSINESS ZONE

3.6.1 The restrictions applying to flats, residential buildings, licensed hotels, business premises, places of assembly and places of instruction in this zone are as follows:

3.6.1.1 COVERAGE

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 percentage:-

<u>Purpose</u>	<u>Coverage</u>
Blocks of flats and residential buildings	50%
Licensed Hotels	80%
Business Premises	80%
Places of Assembly	80%
Places of Instruction	80%

3.6.1.2 MAXIMUM BULK

No building in this zone shall exceed a bulk of 1,5.

3.6.1.3 BUILDING LINES

3.6.1.3.1 STREET BOUNDARIES

Subject to the provisions of Section 17 of Ordinance No. 19 of 1976, as amended, business premises and flats above the ground floor may be erected on the street boundary.

3.6.1.3.2 LATERAL BOUNDARIES

3.6.1.3.2.1 Buildings on the ground floor may be erected on the lateral boundary of an erf (but see Clause 3.6.1.4.2).

3.6.1.3.2.2 Buildings above the ground floor may be erected on the lateral boundary of an erf for/.....

for a maximum distance of 12,5 m measured from the street boundary or the street building line, whichever applies in terms of sub-clause 3.6.1.4.2 and thereafter shall be set back 4,5 m from the lateral boundary.

3.6.1.3.3 REAR BOUNDARIES

Buildings shall not be erected nearer than 4,5 m from the rear boundary of an erf.

3.6.1.4 FURTHER RESTRICTIONS

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

3.6.1.4.2 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 insofar as it is more restrictive.

3.6.1.4.3 Flats may only be erected on the ground floor if the building provides for business premises as well as flats on the ground floor. In such cases, only business premises may be provided in that portion of the building nearest to a street boundary and such business premises must be provided for a depth of at least 6 m from that portion of the building nearest to the street boundary.

3.6.1.4.4 Flats erected on or above the ground floor having windows or openings facing a lateral boundary, shall be set back a minimum of 4,5 m from such lateral boundary.

3.6.1.5 BASEMENTS

Subject to the provisions of Section 17 of Ordinance No. 19 of 1976, as amended, the set-back provisions need not to be complied with insofar as basements are concerned.

3.6.1.6/.....

3.6.1.6 HEIGHT RESTRICTIONS

No building in this zone shall exceed 3 floors within a maximum height of 10,3 m measured from the contiguous average natural ground level of that portion of the building nearest to the principal or main road frontage and taken round the perimeter of the building to the wall-plate and no point of any portion of the building shall be higher than 10,6 m above the natural ground level directly below such point of any portion of the building.

3.6.1.7 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.

3.6.1.8 PROVISION FOR ON-SITE PARKING

(For loading and off-loading facilities, see Clause 4.2)

3.6.1.8.1

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:-

3.6.1.8.1.1 Business Premises

30 m² (one gross parking space) for every 60 m² of the gross floor area of that portion of the building devoted to these uses.

3.6.1.8.1.2 Blocks of Flats and Residential Buildings

One and a half (1½) gross parking spaces (where one gross parking space equals 30 m²) subject to a minimum of one (1) gross parking space for each dwelling unit (Flat) in special circumstances being subject to a motivated application being made in/.....

in writing for Council's consideration and approval. Additional parking spaces being provided at the discretion of the Council. In addition to the parking area and parking spaces described above, 30 m² (one gross parking space) for every four dwelling units (flats) or every two (2) bedrooms in the case of hotels, boarding houses and other residential buildings and 600 m² (20 gross parking spaces) for a licenced hotel, shall be provided uncovered on the site and clearly demarcated and suitably signposted to the Council's satisfaction for use by visitors.

3.6.1.8.1.3 Places of Assembly

A minimum area shall be provided on the basis of 30 m² (one gross parking space) for every 8 seats provided in the building subject to a minimum of 450 m² (15 gross parking spaces) for each funeral parlour which has a chapel. Funeral parlours without a chapel shall provide parking space on the same basis as a business building (Clause 3.6.1.8.1.1) (30 m² per one gross parking space).

3.6.1.8.2 FURTHER PARKING AND SITE ACCESS REQUIREMENTS

3.6.1.8.2.1 No parking area in the case of general residential zones to which these provisions apply shall be laid out within 4,5 m of a street boundary unless it is screened from the street by a wall, mound or other opaque feature to a minimum height of 1,0 m above the general level of the parking area.

3.6.1.8.2.2 The vehicular access/exit ways to the site shall be restricted to not more than one each per site per street abutting the site-

3.6.1.8.2.3 The vehicular access/exit ways to the site shall be restricted to a maximum width of 6 m where they cross the street boundary.

3.6.1.8.2.4 No vehicular crossing over the pavement shall be located nearer than 5 m to any street corner (ie. the point of intersection of two street boundaries or lower point of splay).

3.6.1.8.2.5 Such parking areas shall be properly constructed, demarcated and sign-posted as public parking to the satisfaction of the Council.

3.6.1.8.2.6/.....

3.6.1.8.2.6 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.

3.6.1.8.2.7 The manner in which it is intended that vehicles shall park or stand on such parking areas and the means of gaining access and exist shall be shown on a plan to be submitted to the Council, which shall have the right to require amendments to be made to suit specific traffic requirements in the area.

3.6.1.8.3 PARKING ALTERNATIVES

This alternative does not apply to new build-
digs.

3.6.1.8.3.1 As an alternative to the provisions of Clause 3.6.1.8.1.1, 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.

3.6.1.8.3.2 As an alternative to Clause 3.6.1.8.3.1 the owner may, with the consent of the Council, pay a cash sum to the Council equal to the estimated market value per m² of the land on which the building is erected, plus the cost to surface one m² of the parking area multiplied by the area of the land which is required to be provided in terms of Clause 3.6.1.8.1.1, in which event the Council shall itself acquire the necessary land for such parking purposes.

3.6.1.9 POYERS FOR PLACES OF ASSEMBLY

Where a building or portion of a building is to be used as a place of assembly, there shall/.....

shall be provided for such place of assembly, a foyer with a minimum area of 1 m² in respect of every 16 seats and a minimum frontage of 1 m in respect of every 100 seats in the building licenced by the Council.

3.6.2 The restrictions applying to other buildings in this zone are as follows:

3.6.2.1 INSTITUTIONAL BUILDINGS

The provisions applicable in the general residential zone shall be applicable to institutional buildings in this zone.

3.6.2.2 SPECIAL RECREATIONAL FACILITIES

Special recreational facilities in this zone shall comply with the provisions of Clause 4.9.

3.6.2.3 STAFF & SERVANT'S FACILITIES

The provision of servant's and or staff ablution or toilet facilities or accommodation for a caretaker is permissible on erven zoned for Business purposes. The provision of servant's quarters on such erven is not permissible.

3.6.2.4 OUTBUILDINGS

The roof covering material of any outbuilding shall match the roof covering material of the main building.

3.6.2.5 NON-COMFORMING 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 buildings in this zone, the Council shall determine in how far the buildings shall be made to conform to these requirements.

3.6.2.6/.....

3.6.2.6 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.

3.6.2.7 DRY CLEANETTES AND LAUNDRETTES

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

- 3.6.2.7.1** The floor area of the shop for receiving and returning clothes, the workshop and the space used for the clothes-racks together shall not exceed 275 m².
- 3.6.2.7.2** 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.
- 3.6.2.7.3** Only gas, electricity or illuminating paraffin shall be used for the production of steam or hot water.
- 3.6.2.7.4** The solution used in the cleaning process shall be non-inflammable.
- 3.6.2.7.5** The combined capacity of the dry cleaning machines that may be installed shall not exceed 27 kg dry weight of clothing or other articles per cleaning operation per half hour cycle.
- 3.6.2.7.6** 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.
- 3.6.2.7.7** In any establishment comprising either a dry cleanette or a laundrette or a combination of both, the maximum personnel shall be 12.
- 3.6.2.7.8** 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/.....

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.

3.6.2.7.9 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 views and recommendations and the reasons therefore to the Administrator whose decision shall be final.

3.6.2.8 FUNERAL PARLOURS WITH CHAPELS

The following additional provisions shall apply:-

3.6.2.8.1 For the purpose of these provisions, "inter-section" and "traffic island" shall have the meanings assigned thereto in P.M. 871 of 19 October 1973 referred to in Clause 3.10 relating to public garages.

3.6.2.8.2 No funeral parlour with a chapel be permitted on a site abutting a street or less than 13 m in width.

3.6.2.8.3 No funeral parlour with a chapel shall be permitted nearer than 100 m from -

3.6.2.8.3.1 the intersection of a declared road, proclaimed road, prospective main road, or any other street to which the provisions of Section 2(xiv) of the Divisional Council's Ordinance, 1976 (Ordinance No. 18 of 1976) apply with any other street of like status;

3.6.2.8.3.2 any robot whether existing or provided for in the town planning scheme; and

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

3.6.3 DEMARCATED CENTRAL BUSINESS AREA

Buildings erected within the demarcated central business area shall comply with the following additional restrictions -

3.6.3.1/.....

3.6.3.1 MAXIMUM HEIGHT

No building in the demarcated central business zone shall exceed a height of three floors measured from the average natural ground level of that portion of the building nearest to the principal or main road frontage and taken round the perimeter of the building to the underside of the wall-plate with a total overall height of 10,67 m to the highest point of the roof.

In the case of a building block being stepped to suit the topography of the site, the height of 10,67 m should be determined from the mean natural ground level of each individual stepped portion of the building.

For the purpose of this clause, the Council shall decide which is the principal or main road controlling the height restriction laid down.

3.6.3.2 BULK

The total maximum bulk in the demarcated central business zone shall be 1,5. Garage accommodation shall be excluded from the bulk and basements included in the bulk except where they form garage accommodation.

3.7 MINOR BUSINESS ZONE

The restrictions applying to business premises in the business zone, dwelling houses in the single residential zone, flats in the general residential zone, group housing in the group housing zone and special recreational facilities as set out in Clause 4.9, shall apply in this zone, provided that -

- 3.7.1 no erf shall form a site of both a residential and business use except in the case of flats above the ground floor;
- 3.7.2 not more than one floor of business premises and one floor of flats shall be erected on a site in this zone;
- 3.7.3 no building in this zone shall be permitted to exceed a height of two floors;
- 3.7.4 no building in this zone shall exceed a maximum bulk of 1,50;
- 3.7.5 where a local business zone abuts a residential zone, the building line in the local business zone shall be the same as if it were a single residential zone.

3.8 LIGHT INDUSTRIAL ZONE

3.8.1 COVERAGE

The maximum coverage in this zone shall be 75%.

3.8.2 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.

3.8.2.1 TABLE "C"

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

3.8.2.2

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

3.8.3 PARKING

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

3.8.3.1

Number of Parking Bays to be provided on the site, based on the gross floor area of the building.

30 m² (1 gross parking space) for every 100 m² of floor area up to 1 500 m².
30 m²/.....

30 m² (1 gross parking space) for every 200 m² of floor area in excess of 1 500 m².

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

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

Up to 25 employees

- 30 m²

(1 gross parking bay) for every 4 persons or part thereof.

Thereafter, for the next 25 persons.

- 30 m²

(1 gross parking bay) for every 5 persons or part thereof.

Thereafter, for the next 50 persons.

- 30 m²

(1 gross parking bay) for every 10 persons or part thereof.

Thereafter, for any further number of persons employed.

- 30 m²

(1 gross parking bay) for every 25 persons or part thereof.

3.8.4 STREET WIDTHS AND BUILDING LINES**3.8.4.1**

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

3.8.4.2

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 (wide definition of "street boundary") or the new street boundary in the preceding sub-clause 3.8.4.1 whichever is the more restrictive on the site.

3.8.4.3

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.

3.8.4.4

No building or any portion thereof shall be erected nearer than 1,5 m from the lateral boundaries of the site and 4,5 m from the rear boundary of the erf.

3.8.5**OVERALL HEIGHT**

No point of any portion of the building shall be higher than 10,6 m above the natural ground level directly below such point of any portion of the building and no building in this zone shall exceed a height of two storeys. Basement storeys are not taken into account for purposes of this clause.

3.8.6/.....

3.8.6 SPECIAL RECREATIONAL FACILITIES

Special recreational facilities in this zone shall comply with the provisions of Clause 4.9.

3.9 INDUSTRIAL ZONE

The provisions applicable in the light industrial zone shall be applicable in this zone, with exception of the height restriction.

3.10 PUBLIC GARAGE ZONE

In this zone only public garages conforming to the definition of "public garage" in Clause 1, and approved in accordance with the regulations relating to public garages (P.M. 871 of 19/10/73) as amended from time to time, may be permitted.

3.11 WORSHIP ZONE

The restrictions applicable to places of public worship, places of instruction and places of assembly in this zone are as follows:

- 3.11.1 Maximum coverage of 50%.
- 3.11.2 Building lines on all boundaries are 10 m except in the case of a manse when the building lines in the single residential zone shall be applicable.
- 3.11.3 On-site parking shall be provided with a minimum requirement of one gross parking bay for every 8 seats which are provided in all buildings on the site.

3.12 CONSERVATION ZONE

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

3.13 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 was not used on the day on which the zoning was effected, without the consent of the Council and the Administrator.

3.14 SPECIAL ZONE

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 regulations such site shall be zoned a special zone on the zoning map. Every such portion of land which has been zoned as a special zone and of which the parameters differ from other land which has been zoned as special zones, shall be given a separate number on the zoning map. A sub-zone of the special zone may consist of more than one portion of land provided the parameters are the same. Each special zone of which the parameters differ from other special zones is given a separate number (from 1 and further) and each number with accompanying parameters is dealt with as a separate sub-clause of Clause 3.14 of these regulations.

3.14.1 SUB-ZONE 1: TOWNSHIP EXTENSION NO. 17

the following restrictions shall apply to the single residential erven in Plettenberg Bay Extension No. 17

3.14.1.1 STREET BUILDING LINES AND HEIGHT CONTROL

No building or any portion thereof, except boundary walls and fences, shall be erected within 6 m of any street boundary over a total accumulative distance equivalent to 50% of the length of such boundary, whereas the remaining 50% shall have no building line, provided that:-

(a) Any building or portion thereof erected on the street boundary or within 6 m of the street boundary in terms of this regulation shall have no doors, windows or any other external opening facing the street except garage doors which shall be set back at least 1,5 m from the street boundary and;

(b) The maximum height of any building or portion thereof, erected in terms of this regulation nearer than 6 m from any street boundary, shall be 4,5 m measured from developed ground level to the top of the parapet wall or a point midway between the eaves and the top of the ridge in the case of a pitched roof.

3.14.1.2/.....

3.14.1.2 BUILDING LINES ON LATERAL AND REAR BOUNDARIES

No set-back required provided that:-

- (a) No door, window or other external opening of any description including airbricks and ventilators shall be permitted in any wall or building erected on such boundary.
- (b) Any door, window or other external opening of any description to any room other than a habitable room, bathroom or toilet shall be set back at least 1 m from the said boundary.
- (c) Any door, window or other external opening of any description to any habitable room, bathroom or toilet shall be set back at least 3 m from the said boundary.
- (d) A means of unobstructed access way at least 1 m wide other than through any building, shall be provided from the street to every unbuilt upon portion of the site of any dwelling other than a court-yard wholly within a building and such unobstructed access shall include a garden gate with free passage of not less than 1 m wide and a stair-way, ramp, fence, hedge, garden wall or retaining wall, not exceeding 1 m in height.
- (e) Any part of any building erected within 3 m of any lateral or rear boundary shall have a maximum height of 4,5 m measured from developed ground level to the top of the parapet or a point midway between the eaves and the top of the ridge in the case of a pitched roof.

3.14.1.3 HEIGHT RESTRICTION**3.14.1.3.1**

No building in this zone shall exceed two floors within a maximum height of 6 m measured from a datum-line being determined by the contiguous average natural ground level of that portion of the building nearest to or furthest from the principal or main road frontage and taken around the perimeter of the building to the underside of the wall-plate/.....

plate and no point or any portion of the building shall be higher than 8,5 m above the natural ground level directly below such point or any portion.

3.14.1.3.2

The area below the (horizontal) datum-line formed by the natural ground level of the site may be utilized for additional floors despite same not being in compliance with the basement definition providing such floors otherwise comply with all the other relative provisions of the Town Planning Scheme and the Building By-Laws.

3.14.1.4 PARAPET WALLS

No railing, balustrade or parapet wall, shall exceed a height of 1,0 m above the flat concrete or other flat roof surface, above the second floor level, and above the highest portion of any monopitch roof.

4.0 MISCELLANEOUS

4.1 EXTERNAL APPEARANCE OF BUILDING

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 indications 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 drawing may be to a scale of 1:200. The elevation appearance of all buildings shall confirm to good architecture so as to be in keeping with the existing standard of buildings in the relative neighbourhood. The Council may require such alteration to the external appearance and building materials as it may deem necessary.

4.2 LOADING AND OFF-LOADING FACILITIES

Except in the light industrial and industrial zones for the purpose of preventing obstruction to traffic on any street or proposed 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.

4.2.2 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.

4.3/.....

4.3 GARDEN, TERRACE, REMAINING, PRIVACY OR RETURN WALLS AND FENCES

4.3.1 May be erected within the building lines provided same do not exceed a height of 1,8 m above the natural ground level. This height restriction may only be exceeded with the consent of the Council and of the abutting property owners in writing.

4.3.2 Boundary walls and fences may not exceed a height of 1,8 m above natural ground level. This height restriction may only be exceeded with the consent of the Council and of the abutting property owners in writing. Plans are first to be submitted for approval in respect of boundary walls and fences in excess of a height of 1,8 m above natural ground level.

4.4 USE OF OUTBUILDINGS PRIOR TO COMPLETION OF MAIN BUILDING

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

4.5 NUMBER OF BUILDINGS PER ERP

Save with the consent of the Council and except in places of instruction and harmoniously planned, simultaneously developed flat complexes comprising more than one building or block, no erf shall form the site of more than one building together with such outbuildings as are permitted under the scheme.

4.6 COUNCIL'S DUTIES UNDER THIS SCHEME

4.6.1 The Council shall keep, so as to be available for inspection at all reasonable times by any person interested, a record of approvals, consents, authorites or permission granted by it, or on appeal from its decision under/.....

under any provisions of this scheme, and of any conditions imposed or agreed between the Council or refusals by the Council or the Administrator and the applicant in connection therewith.

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

4.7 SERVICE OF DOCUMENTS

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

4.8 APPROVED TOWNSHIPS

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

4.8.2 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.

4.8.3 EVASION OF INTENT OF SCHEME

The Council shall refuse its consent to anything requiring such consent which in its opinion constitutes or facilitates an evasion of the intent of the scheme or of any of its provisions.

4.9 SPECIAL RECREATION FACILITIES: SPECIAL PROVISIONS

- 4.9.1** No special recreation facility shall be established or operated except in accordance with the provisions of this clause.
- 4.9.2** No special recreational facilities and the necessary parking area shall be permitted on a site abutting a road of less than 13 m in width. No vehicular entrance/exit for these undertakings shall be nearer than 100 m from an intersection as defined in P.M. 872/1973 referred to in Clause 3.10, where two proclaimed roads meet or where traffic is controlled by robots or traffic islands.
- 4.9.3** Provision shall be made on the site of every putting course for a parking area on the basis of 90 m² (3 gross parking bays) for every 2 holes in a putting course, and in the case of other special recreational facilities where competitors leave their motor vehicles to make use of the facility, 30 m² (1 gross parking bay) shall be provided for every 4 persons which may use the facility at maximum capacity. Where a drive-in restaurant is adjacent to another special recreational facility and the parking areas for the two undertakings are not clearly separated, 1 500 m² (50 gross parking bays) shall be provided for the drive-in restaurant in addition to the parking facilities prescribed for the special recreational facility. The provisions of Clause 3.6.1.8.2 shall be applicable, mutatis mutandis, to any parking area required in terms of this clause.
- 4.9.4** The boundary of a special recreational facility which may reasonably be expected to arouse public interest (even by of passers-by) shall be set back at least 3 m from the statutory boundary of any street abutting the facility to provide suitable standing room for spectators off the street and pavement.
- 4.9.5** Sanitary facilities shall be provided on the site of every special recreation facility to an extent prescribed by the Medical Officer of Health and shall be located in the position approved by the Council.
- 4.9.6/.....

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

4.9.7 A special recreation facility shall not be operated later than such closing hour as the Council may prescribe.

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

4.9.9 Any public address or sound system at a special recreational facility shall at all times be operated in such manner that the Council is satisfied that no nuisance whatsoever is caused to the occupants of nearby properties.

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

4.9.11 For the purpose of determining whether a particular facility will be regarded as a special recreation facility for the purpose of these Regulations, the Council will be empowered to interpret and implement the intention of the definition. If a Council decision in this regard is disputed, those who support or oppose the application (as the case may be) will have the right of appeal to the Administrator.

4.10 BULK

(1) The bulk on land required for set back or road widening purposes in terms of the Plettenberg Bay Town Planning Regulations can be used provided such land be given free of compensation to the Local Authority.

(2) /.....

(2) The bulk on land required for set back or road widening purposes in terms of the Plettenberg Bay Town Planning regulations for proclaimed road widening can be used provided that the bulk so claimed does not exceed 7/8 of the bulk on the gross area of remainder of the erf.

le. BULK ON AREA TO BE CUT OFF X 100 \leq 7/8
BULK ON AREA OF ERF REMAINING 1

4.11 DRYING YARD

Provision shall be made for an adequate drying yard for laundry on every property and such drying yard shall be so enclosed that the laundry is not visible from any adjoining property, public street or public place at the same level.

4.12 SERVANT'S TOILET

Adequate toilet facilities including a wash hand basin shall be provided with hot and cold water on every property for the use of servants to form part of the main building or of an outbuilding.

4.13 SWIMMING POOLS

All private swimming pools shall be completely enclosed as a safety measure with a wall or a fence of a minimum overall height of 1,05 m having a minimum clear opening between horizontal members of 900 mm and further to comply with the provisions of the S.B.R. relating to verticals.

Lockable access is to be provided to the enclosed area. The complete enclosure being subject to the approval of the Council.